

COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF
2018

SEPTEMBER 7, 2018.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 6198]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 6198) to amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Countering Weapons of Mass Destruction Act of 2018”.

SEC. 2. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended—

(1) in the title heading, by striking “**DOMESTIC NUCLEAR DETECTION OFFICE**” and inserting “**COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE**”;

(2) by striking section 1901 and inserting the following:

“SEC. 1900. DEFINITIONS.

“In this title:

“(1) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

“(2) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(3) OFFICE.—The term ‘Office’ means the Countering Weapons of Mass Destruction Office established under section 1901(a).

“(4) WEAPON OF MASS DESTRUCTION.—The term ‘weapon of mass destruction’ has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“Subtitle A—Countering Weapons of Mass Destruction Office

“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

“(a) ESTABLISHMENT.—There is established in the Department a Countering Weapons of Mass Destruction Office.

“(b) ASSISTANT SECRETARY.—The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

“(c) RESPONSIBILITIES.—The Assistant Secretary shall serve as the Secretary’s principal advisor on—

“(1) weapons of mass destruction matters and strategies; and

“(2) coordinating efforts to counter weapons of mass destruction.

“(d) DETAILS.—The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the intelligence community, provide for the reimbursable detail of personnel with relevant expertise to the Office.”;

(3) by adding at the end the following:

“Subtitle B—Mission of the Office

“SEC. 1921. MISSION OF THE OFFICE.

“The Office shall be responsible for coordinating with other Federal efforts and developing departmental strategy and policy to plan for, detect, and protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical, biological, radiological, or nuclear materials, devices, or agents in the United States and to protect against an attack using such materials, devices, or agents against the people, territory, or interests of the United States.

“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

“(a) IN GENERAL.—The authority of the Assistant Secretary under this title shall neither affect nor diminish the authority or the responsibility of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds,

assets, and liabilities of any entity within the Department or any Federal department or agency.

“(b) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Nothing in this title or any other provision of law may be construed to affect or reduce the responsibilities of the Federal Emergency Management Agency or the Administrator of the Agency, including the diversion of any asset, function, or mission of the Agency or the Administrator of the Agency.”;

(4) by striking section 1905;

(5) by redesignating sections 1902, 1903, 1904, 1906, and 1907 as sections 1923, 1924, 1925, 1926, and 1927, respectively, and transferring such sections to appear after section 1922, as added by paragraph (3);

(6) in section 1923, as so redesignated—

(A) in the section heading by striking “MISSION OF OFFICE” and inserting “RESPONSIBILITIES”; and

(B) in subsection (a)(11), by striking “Domestic Nuclear Detection Office” and inserting “Office”;

(7) in section 1925, as so redesignated, in subsection (a), in the first sentence, by striking “section 1902” and inserting “section 1923”;

(8) in section 1926, as so redesignated—

(A) in the matter preceding paragraph (1)—

(i) by striking “Director for Domestic Nuclear Detection” and inserting “Assistant Secretary”; and

(ii) by striking “paragraphs (6) and (7) of section 1902(a)” and inserting “section 1923”; and

(B) in paragraph (2), by striking “paragraphs (6) and (7) of section 1902(a)” and inserting “section 1923”;

(9) in section 1927, as so redesignated—

(A) in subsection (a)(1)(C), in the matter preceding clause (i), by striking “Director of the Domestic Nuclear Detection Office” and inserting “Assistant Secretary”; and

(B) in subsection (c), by striking “section 1902” and inserting “section 1923”; and

(10) by inserting after section 1927, as so redesignated, the following new section:

“SEC. 1928. SECURING THE CITIES PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall establish the ‘Securing the Cities’ (‘STC’) program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas. Through the STC program the Secretary shall—

“(1) assist State, local, tribal, and territorial governments in designing and implementing, or enhancing existing, architectures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

“(2) support the development of a region-wide operating capability to detect and report on nuclear and other radioactive materials out of regulatory control;

“(3) provide resources to enhance detection, analysis, communication, and coordination to better integrate into Federal operations State, local, tribal, and territorial assets;

“(4) facilitate alarm adjudication and provide subject matter expertise and technical assistance on concepts of operations, training, exercises, and alarm response protocols;

“(5) communicate with, and promote sharing of information about the presence or detection of nuclear or other radiological materials among appropriate Federal, State, local, tribal, and territorial governments, in a manner that ensures transparency with the jurisdictions served by such program;

“(6) provide augmenting resources, as appropriate, to enable State, local, tribal, and territorial governments to sustain and refresh their capabilities developed under the STC program; and

“(7) provide any other assistance the Secretary determines appropriate.

“(b) DESIGNATION OF JURISDICTIONS.—In carrying out the STC program under subsection (a), the Secretary shall designate jurisdictions from among high-risk urban areas under section 2003, and other cities and regions, as appropriate.

“(c) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than three days before

the designation of a new jurisdiction in accordance with subsection (b) or any other change to participating jurisdictions.”.

(b) REFERENCES AND CONSTRUCTION.—

(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to—

(A) the Domestic Nuclear Detection Office shall be deemed to be a reference to the Countering Weapons of Mass Destruction Office; and

(B) the Director for Domestic Nuclear Detection shall be deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(2) CONSTRUCTION.—Sections 1923 through 1927 of the Homeland Security Act of 2002, as so redesignated by subsection (a), shall be construed to cover the chemical and biological responsibilities of the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(3) AUTHORITY.—The authority of the Director of the Domestic Nuclear Detection Office to make grants or enter into cooperative agreements is transferred to the Assistant Secretary for the Countering Weapons of Mass Destruction Office, and such authority shall be construed to include grants for all purposes of title XIX of the Homeland Security Act of 2002, as amended by this Act.

(c) CHIEF MEDICAL OFFICER.—

(1) REPEAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by striking section 516.

(2) AMENDMENT.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

“Subtitle C—Chief Medical Officer

“SEC. 1931. CHIEF MEDICAL OFFICER.

“(a) IN GENERAL.—There is in the Office a Chief Medical Officer, who shall be appointed by the President. The Chief Medical Officer shall report to the Assistant Secretary.

“(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health.

“(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

“(1) serving as the principal advisor on medical and public health issues to the Secretary, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials;

“(2) providing operational medical support to all components of the Department;

“(3) as appropriate, providing medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on operational medical issues;

“(4) coordinating with Federal, State, local, and tribal governments, the medical community, and others within and outside the Department, including the Centers for Disease Control and Prevention of the Department of Health and Human Services, with respect to medical and public health matters; and

“(5) performing such other duties relating to such responsibilities as the Secretary may require.”.

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 516.

(d) WORKFORCE HEALTH AND MEDICAL SUPPORT.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

“SEC. 710. WORKFORCE HEALTH AND MEDICAL SUPPORT.

“(a) IN GENERAL.—The Under Secretary for Management shall be responsible for workforce-focused health and medical activities of the Department. The Under Secretary for Management may further delegate these responsibilities, as appropriate.

“(b) RESPONSIBILITIES.—The Under Secretary for Management, in coordination with the Chief Medical Officer, shall—

“(1) provide oversight and coordinate the medical and health activities of the Department for the human and animal personnel of the Department;

“(2) establish medical, health, veterinary, and occupational health exposure policy, guidance, strategies, and initiatives for the human and animal personnel of the Department;

“(3) as deemed appropriate by the Under Secretary, provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on occupational medical and public health issues;

“(4) serve as the primary representative for the Department on agreements regarding the detail of Commissioned Corps officers of the Public Health Service of the Department of Health and Human Services to the Department, except that components and offices of the Department shall retain authority for funding, determination of specific duties, and supervision of such detailed Commissioned Corps officers; and

“(5) perform such other duties relating to such responsibilities as the Secretary may require.”

(e) TRANSFERS; ABOLISHMENT.—

(1) TRANSFERS.—The Secretary of Homeland Security shall transfer to—

(A) the Countering Weapons of Mass Destruction Office all functions, personnel, budget authority, and assets of—

(i) the Domestic Nuclear Detection Office, as in existence on the day before the date of the enactment of this Act; and

(ii) the Office of Health Affairs, as in existence on the day before the date of the enactment of this Act, except for the functions, personnel, budget authority, and assets of such office necessary to perform the functions specified in section 710 of the Homeland Security Act of 2002 (relating to workforce health and medical support), as added by this Act; and

(B) to the Directorate of Management of the Department of Homeland Security all functions, personnel, budget authority, and assets of the Office of Health Affairs, as in existence on the day before the date of the enactment of this Act, that are necessary to perform the functions of such section 710.

(2) ABOLISHMENT.—Upon completion of all transfers pursuant to paragraph

(1)—

(A) the Domestic Nuclear Detection Office of the Department of Homeland Security and the Office of Health Affairs of the Department of Homeland Security are abolished; and

(B) the positions of Assistant Secretary for Health Affairs and Director for Domestic Nuclear Detection are abolished.

(f) CONFORMING AMENDMENTS.—

(1) OTHER OFFICERS.—Paragraph (4) of section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by striking “A Director for Domestic Nuclear Detection” and inserting “An Assistant Secretary for the Countering Weapons of Mass Destruction Office”.

(2) NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.—Section 316(a) of the Homeland Security Act of 2002 (6 U.S.C. 195b(a)) is amended by striking “Secretary shall” and inserting “Secretary, acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall”.

(3) INTERNATIONAL COOPERATION.—Section 317(f) of the Homeland Security Act of 2002 (6 U.S.C. 195c(f)) is amended by striking “the Chief Medical Officer,” and inserting “the Assistant Secretary for the Countering Weapons of Mass Destruction Office,”.

(4) FUNCTIONS TRANSFERRED.—Section 505(b) of the Homeland Security Act of 2002 (6 U.S.C. 315(b)) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraph (5) as paragraph (4); and

(C) in paragraph (4), as so redesignated, by striking “through (4)” and inserting “through (3)”.

(5) COORDINATION OF DEPARTMENT OF HOMELAND SECURITY EFFORTS RELATED TO FOOD, AGRICULTURE, AND VETERINARY DEFENSE AGAINST TERRORISM.—Section 528(a) of the Homeland Security Act of 2002 (6 U.S.C. 321q(a)) is amended by striking “Health Affairs,” and inserting “the Countering Weapons of Mass Destruction Office,”.

(g) DEPARTMENT OF HOMELAND SECURITY CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ACTIVITIES.—Not later than one year after the date of enactment of this Act and once every year thereafter, the Secretary of Homeland Security shall provide a briefing and report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) on—

(1) the organization and management of the chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including re-

search and development activities, and the location of each activity under the organizational structure of the Countering Weapons of Mass Destruction Office;

(2) a comprehensive inventory of chemical, biological, radiological, and nuclear activities, including research and development activities, of the Department of Homeland Security, highlighting areas of collaboration between components, coordination with other agencies, and the effectiveness and accomplishments of consolidated chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities;

(3) information relating to how the organizational structure of the Countering Weapons of Mass Destruction Office will enhance the development of chemical, biological, radiological, and nuclear priorities and capabilities across the Department of Homeland Security;

(4) a discussion of any resulting cost savings and efficiencies gained through activities described in paragraphs (1) and (2);

(5) information on how the Assistant Secretary for the Countering Weapons of Mass Destruction Office is coordinating with the Under Secretary of Science and Technology of the Department of Homeland Security on research and development activities; and

(6) recommendations for any necessary statutory changes, or, if no statutory changes are necessary, an explanation of why no statutory or organizational changes are necessary.

(h) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(1) by inserting after the item relating to section 709 the following:

“Sec. 710. Workforce health and medical support.”;
and

(2) by striking the item relating to title XIX (including items relating to section 1901 through section 1907) and inserting the following:

“TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

“Sec. 1900. Definitions.

“Subtitle A—Countering Weapons of Mass Destruction Office

“Sec. 1901. Countering Weapons of Mass Destruction Office.

“Subtitle B—Mission of the Office

“Sec. 1921. Mission of the Office.

“Sec. 1922. Relationship to other department entities and Federal agencies.

“Sec. 1923. Responsibilities.

“Sec. 1924. Hiring authority.

“Sec. 1925. Testing authority.

“Sec. 1926. Contracting and grant making authorities.

“Sec. 1927. Joint annual interagency review of global nuclear detection architecture.

“Sec. 1928. Securing the Cities program.”

“Subtitle C—Chief Medical Officer

“Sec. 1931. Chief Medical Officer.”.

PURPOSE AND SUMMARY

H.R. 6198 seeks to ensure the Department of Homeland Security (DHS or Department) has the structure, authority, and tools it needs to counter the threat of weapons of mass destruction. It consolidates the Office of Health Affairs and Domestic Nuclear Detection Office, along with some other Department programs and personnel, into a Countering Weapons of Mass Destruction Office to ensure coordination and unity of effort at the Department on these threats. The bill also includes the text of the Securing the Cities Act, which passed the House in 2017.

BACKGROUND AND NEED FOR LEGISLATION

Departments and agencies across the U.S. government have centralized their weapons of mass destruction (WMD) defense programs to provide clear focal points for dealing with this threat. However, DHS responsibilities in this area have historically been spread across many offices in the Department with varying au-

thorities and functions, affecting strategic direction as well as interdepartmental and interagency coordination.

Specifically, the Office of Health Affairs (OHA) coordinates some of the chemical and biological defense activities for DHS and has a role in preparedness for the homeland security health impacts of all chemical, biological, radiological, and nuclear (CBRN) threats. The Domestic Nuclear Detection Office (DNDO) leads the Department's radiological and nuclear detection programs, risk assessments, and research and development (R&D). The Science and Technology Directorate (S&T) conducts terrorism risk assessments and the R&D for chemical and biological defense.

To address this fractured organization, last Congress, the Obama Administration proposed a reorganization that would consolidate OHA, DNDO, the Office for Bombing Prevention, the chemical, biological, radiological, nuclear, and explosives (CBRNE) activities of the Office of Policy and Office of Operations Coordination, and risk assessment activities of S&T, into a new CBRNE office reporting to an Assistant Secretary. Working with the Obama Administration, on November 2, 2015, Chairman McCaul introduced the Department of Homeland Security CBRNE Defense Act (H.R. 3875) to authorize the CBRNE Office. The House passed H.R. 3875 by voice vote on December 10, 2015, but was not passed by the Senate before the end of the 114th Congress.

Committee staff began engaging with the Trump Administration on this issue early last year as they worked to determine the path they wanted to take. On October 6, 2017, former Acting Secretary of Homeland Security Elaine Duke sent a letter to Chairman McCaul and Ranking Member Thompson notifying them of her intention to exercise her authority under section 872 of the Homeland Security Act of 2002 to reorganize certain chemical, biological, radiological, and nuclear functions into a new "Countering Weapons of Mass Destruction Office." In the letter, Secretary Duke stated there is an increased danger from terrorist use of CBRN agents and ". . . DHS believes terrorist groups are actively pursuing such capabilities, are using battlefield environments to test them, and may be working to incorporate these methods into external operations in ways we have not seen previously."¹ Former Acting Secretary Duke concluded that the Department was not optimally organized to meet this threat. Therefore, Acting Secretary Duke established a "unity of command structure," headed by an Assistant Secretary for CWMD. Taking effect on December 5, 2017, the CWMD Office contains all of DNDO, OHA (with the exception of its workforce health and medical support functions, which will be housed in the Management Directorate), non-research and development WMD functions of the Science and Technology Directorate (terrorism risk assessments), and chemical and biological related functions of the Office of Strategy, Policy, and Plans and the Office of Operations and Coordination.²

DHS officials realized that its 872 authority could only take them so far and that for the ultimate success of this endeavor, legislation authorizing the CWMD Office and its activities would be necessary. The structure outlined in the Secretary's letter adds an accountable

¹ Letter from Elaine C. Duke, Acting Secretary of Homeland Security, to Michael McCaul, Chairman of the Committee on Homeland Security (Oct. 6, 2017) (on file with author).

² *Id.* at 2–3.

official for CWMD. However, the structure, location, and day to day functioning of the various offices impacted by the reorganization remain the same. As a result, the Secretary submitted a legislative proposal to the Committee on December 14, 2017, to further integrate the functions of these offices.

H.R. 6198 authorizes the establishment of the CWMD Office, integrating the Department's chemical, biological, radiological, and nuclear policy and support functions. The bill is similar to a provision in the Senate's version of the Department of Homeland Security Authorization Act (H.R. 2825). Both proposals have benefitted from engagement with and feedback from the Department.

HEARINGS

The Committee did not hold a legislative hearing on H.R. 6198. However, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing with Department officials on December 7, 2017, to discuss the plan and vision for the Countering Weapons of Mass Destruction Office. The Subcommittee also held a classified CBRN threat briefing with officials from the CWMD Office earlier this year.

COMMITTEE CONSIDERATION

The Committee met on July 24, 2018, to consider H.R. 6198, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent. The Committee took the following actions:

The Committee adopted H.R. 6198, as amended, by unanimous consent.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. DONOVAN (#1); was AGREED TO, as amended, by unanimous consent.

An amendment to the Amendment in the Nature of a Substitute offered by MR. PAYNE (#1A); Page 3, line 17, insert "for" after "plan".

Page 17, line 3, strike "and" after the semicolon.

Page 17, beginning line 4, insert the following: (5) information on how the Assistant Secretary for the Countering Weapons of Mass Destruction Office is coordinating with the Under Secretary of Science and Technology of the Department of Homeland Security on research and development activities; and; was AGREED TO, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

The Committee on Homeland Security considered H.R. 6198 on July 24, 2018, and took the following votes:

No recorded votes were requested during consideration of H.R. 6198.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 6198, the Countering Weapons of Mass Destruction Act of 2018, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 6, 2018.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for Department of Homeland Security legislation ordered reported by the Committee on Homeland Security on July 24, 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL,
Director.

Enclosure.

Department of Homeland Security Legislation

On July 24, the House Committee on Homeland Security ordered two bills to be reported. The bills are:

- H.R. 6198, the Countering Weapons of Mass Destruction Act of 2018; and
- H.R. 6439, the Biometric Identification Transnational Migration Alert Program Authorization Act of 2018.

Both bills would mostly codify programs that currently exist at the Department of Homeland Security (DHS). CBO estimates that enacting the bills would not significantly affect spending by DHS.

Enacting the bills would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting the bills would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Neither bill contains intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 6198 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 6198 authorizes the consolidation of offices and functions related to weapons of mass destruction to ensure a more integrated, efficient operations within the Department and with its stakeholders. The bill requires the Secretary of Homeland Security to report to the appropriate congressional committees with information on cost savings and/or efficiencies gained as a result of the organization, areas of collaboration between the CWMD Office and other offices and components of the Department and other Federal agencies, and how the organization of the CWMD Office is enhancing the development of CBRN priorities and capabilities across the Department.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 6198 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 6198 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 6198 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section designates the short title of the bill as the “Countering Weapons of Mass Destruction Act of 2018.”

Sec. 2. Countering weapons of mass destruction

This section amends Title XIX of the Homeland Security Act of 2002 by including new definitions for the Assistant Secretary, Intelligence Community, Office, and Weapons of Mass Destruction and creating three new subtitles:

Subtitle A establishes the Countering Weapons of Mass Destruction office, led by an Assistant Secretary. It sets forth the responsibilities of the Assistant Secretary as the Secretary of Homeland Security’s principal advisor on weapons of mass destruction matters and strategies and coordinating efforts to counter weapons of mass destruction. The Subtitle further permits the Secretary to request the reimbursable detail of personnel from other Federal agencies, such as the Department of Defense, and Department of Energy.

Subtitle B sets forth the mission of the Countering Weapons of Mass Destruction Office, its relationship to other DHS entities and federal agencies, and authorizes the Securing the Cities Program. The language authorizing the Securing the Cities Program is identical to Congressman Donovan’s Securing the Cities Act of 2017, which passed the House by voice vote on January 31, 2017.

Subtitle C authorizes the position of the Chief Medical Officer (CMO). The CMO was previously authorized in section 516 of the Homeland Security Act. This Subtitle transfers the CMO authorization to Title XIX, reporting to the Assistant Secretary for the Countering Weapons of Mass Destruction Office. Subtitle C also makes the Under Secretary for Management responsible for the Department’s workforce health activities, a responsibility previously held by the CMO.

The bill transfers the functions personnel, budget, authority, and assets of the Domestic Nuclear Detection Office and Office of Health Affairs to the Countering Weapons of Mass Destruction Office, eliminates the offices, and eliminates the positions of Assistant Secretary for Health Affairs and the Director for Domestic Nuclear Detection.

Finally, the bill requires the Secretary to provide an annual briefing and report to the appropriate congressional committees on the organization and management of the Department’s chemical,

biological, radiological, and nuclear (CBRN activities), an inventory of such activities; information on how the Countering Weapons of Mass Destruction Office will enhance the Department's CBRN priorities and capabilities, a discussion of cost savings and efficiencies gained through the organization, information on how the Assistance Secretary for the CWMD Office is coordinating with the Under Secretary for Science and Technology on research and development activities, and recommendations for any necessary statutory changes.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE VII—MANAGEMENT

*	*	*	*	*	*	*
<i>Sec. 710. Workforce health and medical support.</i>						
*	*	*	*	*	*	*

TITLE V—NATIONAL EMERGENCY MANAGEMENT

*	*	*	*	*	*	*
[Sec. 516. Chief Medical Officer.]						
*	*	*	*	*	*	*

[TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

[Sec. 1901. Domestic Nuclear Detection Office.
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TITLE I—DEPARTMENT OF HOMELAND SECURITY

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SEC. 103. OTHER OFFICERS.

(a) **DEPUTY SECRETARY; UNDER SECRETARIES.—**

(1) **IN GENERAL.—**Except as provided under paragraph (2), there are the following officers, appointed by the President, by and with the advice and consent of the Senate:

(A) A Deputy Secretary of Homeland Security, who shall be the Secretary’s first assistant for purposes of subchapter III of chapter 33 of title 5, United States Code.

(B) An Under Secretary for Science and Technology.

(C) A Commissioner of U.S. Customs and Border Protection.

(D) An Administrator of the Federal Emergency Management Agency.

(E) A Director of the Bureau of Citizenship and Immigration Services.

(F) An Under Secretary for Management, who shall be first assistant to the Deputy Secretary of Homeland Security for purposes of subchapter III of chapter 33 of title 5, United States Code.

(G) A Director of U.S. Immigration and Customs Enforcement.

(H) An Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.

(I) Not more than 12 Assistant Secretaries.

(J) A General Counsel, who shall be the chief legal officer of the Department.

(K) An Under Secretary for Strategy, Policy, and Plans.

(2) **ASSISTANT SECRETARIES.—**If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.

(b) **INSPECTOR GENERAL.—**There shall be in the Department an Office of Inspector General and an Inspector General at the head of such office, as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

(c) **COMMANDANT OF THE COAST GUARD.—**To assist the Secretary in the performance of the Secretary’s functions, there is a Commandant of the Coast Guard, who shall be appointed as provided in section 44 of title 14, United States Code, and who shall report

directly to the Secretary. In addition to such duties as may be provided in this Act and as assigned to the Commandant by the Secretary, the duties of the Commandant shall include those required by section 2 of title 14, United States Code.

(d) OTHER OFFICERS.—To assist the Secretary in the performance of the Secretary’s functions, there are the following officers, appointed by the President:

- (1) A Director of the Secret Service.
- (2) A Chief Information Officer.
- (3) An Officer for Civil Rights and Civil Liberties.
- (4) **[A Director for Domestic Nuclear Detection]** *An Assistant Secretary for the Countering Weapons of Mass Destruction Office.*
- (5) Any Director of a Joint Task Force under section 708.

(e) CHIEF FINANCIAL OFFICER.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code.

(f) PERFORMANCE OF SPECIFIC FUNCTIONS.—Subject to the provisions of this Act, every officer of the Department shall perform the functions specified by law for the official’s office or prescribed by the Secretary.

(g) VACANCIES.—

(1) ABSENCE, DISABILITY, OR VACANCY OF SECRETARY OR DEPUTY SECRETARY.—Notwithstanding chapter 33 of title 5, United States Code, the Under Secretary for Management shall serve as the Acting Secretary if by reason of absence, disability, or vacancy in office, neither the Secretary nor Deputy Secretary is available to exercise the duties of the Office of the Secretary.

(2) FURTHER ORDER OF SUCCESSION.—Notwithstanding chapter 33 of title 5, United States Code, the Secretary may designate such other officers of the Department in further order of succession to serve as Acting Secretary.

(3) NOTIFICATION OF VACANCIES.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of any vacancies that require notification under sections 3345 through 3349d of title 5, United States Code (commonly known as the “Federal Vacancies Reform Act of 1998”).

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TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) ESTABLISHMENT.—The **[Secretary shall]** *Secretary, acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall* establish, operate, and maintain a National Biosurveillance Integration Center (referred to in this section as the “NBIC”), which shall be headed by a Directing Officer, under an office or directorate of the Department that is in existence as of the date of the enactment of this section.

(b) PRIMARY MISSION.—The primary mission of the NBIC is to—

(1) enhance the capability of the Federal Government to—

(A) rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems (both national and international); and

(B) disseminate alerts and other information to Member Agencies and, in coordination with (and where possible through) Member Agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national concern; and

(2) oversee development and operation of the National Bio-surveillance Integration System.

(c) REQUIREMENTS.—The NBIC shall detect, as early as possible, a biological event of national concern that presents a risk to the United States or the infrastructure or key assets of the United States, including by—

(1) consolidating data from all relevant surveillance systems maintained by Member Agencies to detect biological events of national concern across human, animal, and plant species;

(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national concern in as close to real-time as is practicable;

(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

(6) alerting Member Agencies and, in coordination with (and where possible through) Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national concern.

(d) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

(1) IN GENERAL.—The Directing Officer of the NBIC shall—

(A) on an ongoing basis, monitor the availability and appropriateness of surveillance systems used by the NBIC and those systems that could enhance biological situational awareness or the overall performance of the NBIC;

(B) on an ongoing basis, review and seek to improve the statistical and other analytical methods used by the NBIC;

(C) receive and consider other relevant homeland security information, as appropriate; and

(D) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government enti-

- ties and private sector entities that contribute data relevant to the operation of the NBIC.
- (2) ASSESSMENTS.—The Directing Officer of the NBIC shall—
- (A) on an ongoing basis, evaluate available data for evidence of a biological event of national concern; and
 - (B) integrate homeland security information with NBIC data to provide overall situational awareness and determine whether a biological event of national concern has occurred.
- (3) INFORMATION SHARING.—
- (A) IN GENERAL.—The Directing Officer of the NBIC shall—
 - (i) establish a method of real-time communication with the National Operations Center;
 - (ii) in the event that a biological event of national concern is detected, notify the Secretary and disseminate results of NBIC assessments relating to that biological event of national concern to appropriate Federal response entities and, in coordination with relevant Member Agencies, regional, State, local, and tribal governmental response entities in a timely manner;
 - (iii) provide any report on NBIC assessments to Member Agencies and, in coordination with relevant Member Agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national concern; and
 - (iv) share NBIC incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established under that section.
 - (B) CONSULTATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) consistent with the policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in consultation with the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.
- (e) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—
- (1) IN GENERAL.—Each Member Agency shall—
 - (A) use its best efforts to integrate biosurveillance information into the NBIC, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national concern;
 - (B) provide timely information to assist the NBIC in maintaining biological situational awareness for accurate detection and response purposes;

(C) enable the NBIC to receive and use biosurveillance information from member agencies to carry out its requirements under subsection (c);

(D) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually agreed protocols that are consistent with subsection (c)(5);

(E) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing;

(F) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC; and

(G) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable.

(f) ADMINISTRATIVE AUTHORITIES.—

(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIC.

(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

(g) NBIC INTERAGENCY WORKING GROUP.—The Directing Officer of the NBIC shall—

(1) establish an interagency working group to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

(2) invite Member Agencies to serve on that working group.

(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(j) DEFINITIONS.—In this section:

(1) The terms “biological agent” and “toxin” have the meanings given those terms in section 178 of title 18, United States Code.

(2) The term “biological event of national concern” means—
(A) an act of terrorism involving a biological agent or toxin; or

(B) a naturally occurring outbreak of an infectious disease that may result in a national epidemic.

(3) The term “homeland security information” has the meaning given that term in section 892.

(4) The term “Member Agency” means any Federal department or agency that, at the discretion of the head of that de-

partment or agency, has entered a memorandum of understanding regarding participation in the NBIC.

(5) The term "Privacy Officer" means the Privacy Officer appointed under section 222.

SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director selected under subsection (b)(2).

(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term "international cooperative activity" includes—

(A) coordinated research projects, joint research projects, or joint ventures;

(B) joint studies or technical demonstrations;

(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

(D) training of scientists and engineers;

(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

(F) exchanges or sharing of scientific and technological information; and

(G) joint use of laboratory facilities and equipment.

(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

(2) DIRECTOR.—The Office shall be headed by a Director, who—

(A) shall be selected, in consultation with the Assistant Secretary for International Affairs, by and shall report to the Under Secretary; and

(B) may be an officer of the Department serving in another position.

(3) RESPONSIBILITIES.—

(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other Federal agencies, understandings and agreements to allow and to support international cooperative activity in support of homeland security.

(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Office of International Affairs and other Federal agencies, strategic priorities for international cooperative activity for the Department in support of homeland security.

(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses (including small businesses and socially and

economically disadvantaged small businesses (as those terms are defined in sections 3 and 8 of the Small Business Act (15 U.S.C. 632 and 637), respectively)), federally funded research and development centers, and universities.

(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

(c) MATCHING FUNDING.—

(1) IN GENERAL.—

(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or the provision of staff, facilities, material, or equipment.

(B) GRANT MATCHING AND REPAYMENT.—

(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism as determined to be appropriate by the Secretary of Homeland Security and the Secretary of State.

(3) LOANS OF EQUIPMENT.—The Director may make or accept loans of equipment for research and development and comparative testing purposes.

(d) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

(e) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—Not later than one year after the date of enactment of this section, and every 5 years thereafter, the Under Secretary, acting through the Director, shall submit to Congress a report containing—

(1) a brief description of each grant, cooperative agreement, or contract made or entered into under subsection (b)(3)(C), including the participants, goals, and amount and sources of funding;

(2) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding; and

(3) for international cooperative activities identified in the previous reporting period, a status update on the progress of such activities, including whether goals were realized, explaining any lessons learned, and evaluating overall success; and

(4) a discussion of obstacles encountered in the course of forming, executing, or implementing agreements for international cooperative activities, including administrative, legal, or diplomatic challenges or resource constraints.

(f) ANIMAL AND ZOOONOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with [the Chief Medical Officer,] *the Assistant Secretary for the Countering Weapons of Mass Destruction Office*, the Department of State, and appropriate officials of the Department of Agriculture, the Department of Defense, and the Department of Health and Human Services, may enter into cooperative activities with foreign countries, including African nations, to strengthen American preparedness against foreign animal and zoonotic diseases overseas that could harm the Nation's agricultural and public health sectors if they were to reach the United States.

(g) CYBERSECURITY.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Department of State and appropriate Federal officials, may enter into cooperative research activities with Israel to strengthen preparedness against cyber threats and enhance capabilities in cybersecurity.

(h) CONSTRUCTION; AUTHORITIES OF THE SECRETARY OF STATE.—Nothing in this section shall be construed to alter or affect the following provisions of law:

(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

(2) Section 112b(c) of title 1, United States Code.

(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

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TITLE V—NATIONAL EMERGENCY MANAGEMENT

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SEC. 505. FUNCTIONS TRANSFERRED.

(a) IN GENERAL.—Except as provided in subsection (b), there are transferred to the Agency the following:

(1) All functions of the Federal Emergency Management Agency, including existing responsibilities for emergency alert systems and continuity of operations and continuity of government plans and programs as constituted on June 1, 2006, including all of its personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Preparedness relating thereto.

(b) EXCEPTIONS.—The following within the Preparedness Directorate shall not be transferred:

(1) The Office of Infrastructure Protection.

(2) The National Communications System.

(3) The National Cybersecurity Division.

[(4) The Office of the Chief Medical Officer.

[(5)] (4) The functions, personnel, assets, components, authorities, and liabilities of each component described under paragraphs (1) [through (4)] *through* (3).

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[SEC. 516. CHIEF MEDICAL OFFICER.

[(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the President.

[(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

[(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

[(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

[(2) coordinating the biodefense activities of the Department;

[(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

[(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

【(5) serving as the Department’s primary point of contact for State, local, and tribal governments, the medical community, and others within and outside the Department, with respect to medical and public health matters;

【(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; and

【(7) performing such other duties relating to such responsibilities as the Secretary may require.】

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SEC. 528. COORDINATION OF DEPARTMENT OF HOMELAND SECURITY EFFORTS RELATED TO FOOD, AGRICULTURE, AND VETERINARY DEFENSE AGAINST TERRORISM.

(a) PROGRAM REQUIRED.—The Secretary, acting through the Assistant Secretary for 【Health Affairs,】 *the Countering Weapons of Mass Destruction Office*, shall carry out a program to coordinate the Department’s efforts related to defending the food, agriculture, and veterinary systems of the United States against terrorism and other high-consequence events that pose a high risk to homeland security.

(b) PROGRAM ELEMENTS.—The coordination program required by subsection (a) shall include, at a minimum, the following:

(1) Providing oversight and management of the Department’s responsibilities pursuant to Homeland Security Presidential Directive 9—Defense of United States Agriculture and Food.

(2) Providing oversight and integration of the Department’s activities related to veterinary public health, food defense, and agricultural security.

(3) Leading the Department’s policy initiatives relating to food, animal, and agricultural incidents, and the impact of such incidents on animal and public health.

(4) Leading the Department’s policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism.

(5) Coordinating with other Department components, including U.S. Customs and Border Protection, as appropriate, on activities related to food and agriculture security and screening procedures for domestic and imported products.

(6) Coordinating with appropriate Federal departments and agencies.

(7) Other activities as determined necessary by the Secretary.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as altering or superseding the authority of the Secretary of Agriculture or the Secretary of Health and Human Services.

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TITLE VII—MANAGEMENT

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SEC. 710. WORKFORCE HEALTH AND MEDICAL SUPPORT.

(a) *IN GENERAL.*—The Under Secretary for Management shall be responsible for workforce-focused health and medical activities of

the Department. The Under Secretary for Management may further delegate these responsibilities, as appropriate.

(b) RESPONSIBILITIES.—The Under Secretary for Management, in coordination with the Chief Medical Officer, shall—

(1) provide oversight and coordinate the medical and health activities of the Department for the human and animal personnel of the Department;

(2) establish medical, health, veterinary, and occupational health exposure policy, guidance, strategies, and initiatives for the human and animal personnel of the Department;

(3) as deemed appropriate by the Under Secretary, provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on occupational medical and public health issues;

(4) serve as the primary representative for the Department on agreements regarding the detail of Commissioned Corps officers of the Public Health Service of the Department of Health and Human Services to the Department, except that components and offices of the Department shall retain authority for funding, determination of specific duties, and supervision of such detailed Commissioned Corps officers; and

(5) perform such other duties relating to such responsibilities as the Secretary may require.

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TITLE XIX—[DOMESTIC NUCLEAR DETECTION OFFICE] COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

[SEC. 1901. DOMESTIC NUCLEAR DETECTION OFFICE.

[(a) ESTABLISHMENT.—There shall be established in the Department a Domestic Nuclear Detection Office (referred to in this title as the “Office”). The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

[(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.]

SEC. 1900. DEFINITIONS.

In this title:

(1) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) *OFFICE.*—The term “Office” means the Countering Weapons of Mass Destruction Office established under section 1901(a).

(4) *WEAPON OF MASS DESTRUCTION.*—The term “weapon of mass destruction” has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

Subtitle A—Countering Weapons of Mass Destruction Office

SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) *ESTABLISHMENT.*—There is established in the Department a Countering Weapons of Mass Destruction Office.

(b) *ASSISTANT SECRETARY.*—The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

(c) *RESPONSIBILITIES.*—The Assistant Secretary shall serve as the Secretary’s principal advisor on—

- (1) weapons of mass destruction matters and strategies; and
- (2) coordinating efforts to counter weapons of mass destruction.

(d) *DETAILS.*—The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the intelligence community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

Subtitle B—Mission of the Office

SEC. 1921. MISSION OF THE OFFICE.

The Office shall be responsible for coordinating with other Federal efforts and developing departmental strategy and policy to plan for, detect, and protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical, biological, radiological, or nuclear materials, devices, or agents in the United States and to protect against an attack using such materials, devices, or agents against the people, territory, or interests of the United States.

SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

(a) *IN GENERAL.*—The authority of the Assistant Secretary under this title shall neither affect nor diminish the authority or the responsibility of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.

(b) *FEDERAL EMERGENCY MANAGEMENT AGENCY.*—Nothing in this title or any other provision of law may be construed to affect or reduce the responsibilities of the Federal Emergency Management Agency or the Administrator or the Agency, including the diversion

of any asset, function, or mission of the Agency or the Administrator of the Agency.

SEC. [1902. MISSION OF OFFICE.] 1923. RESPONSIBILITIES.

(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

(1) serve as the primary entity of the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

(3) establish, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretary, the Secretary of Defense, the Secretary of Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

(4) develop, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, and the Secretary of Energy, an enhanced global nuclear detection architecture with implementation under which—

(A) the Office will be responsible for the implementation of the domestic portion of the global architecture;

(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

(C) the Secretary of State, the Secretary of Defense, and the Secretary of Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

(5) ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed by the Office to implement the global nuclear detection architecture;

(6) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development to generate and improve technologies to detect and prevent the illicit entry, transport, assembly, or potential use within the United States of a nuclear

explosive device or fissile or radiological material, and coordinate with the Under Secretary for Science and Technology on basic and advanced or transformational research and development efforts relevant to the mission of both organizations;

(7) carry out a program to test and evaluate technology for detecting a nuclear explosive device and fissile or radiological material, in coordination with the Secretary of Defense and the Secretary of Energy, as appropriate, and establish performance metrics for evaluating the effectiveness of individual detectors and detection systems in detecting such devices or material—

(A) under realistic operational and environmental conditions; and

(B) against realistic adversary tactics and countermeasures;

(8) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

(9) further enhance and maintain continuous awareness by analyzing information from all Office mission-related detection systems;

(10) lead the development and implementation of the national strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010;

(11) establish, within the **Domestic Nuclear Detection Office** *Office*, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics and attribution activities—

(A) to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks; and

(B) to coordinate and implement the national strategic five-year plan referred to in paragraph (10);

(12) establish a National Nuclear Forensics Expertise Development Program, which—

(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry;

(B) shall—

(i) make available for undergraduate study student scholarships, with a duration of up to 4 years per student, which shall include, if possible, at least 1 summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;

(ii) make available for doctoral study student fellowships, with a duration of up to 5 years per student, which shall—

(I) include, if possible, at least 2 summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and

(II) require each recipient to commit to serve for 2 years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;

(iii) make available to faculty awards, with a duration of 3 to 5 years each, to ensure faculty and their graduate students have a sustained funding stream; and

(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, Asian American and Native American Pacific Islander-serving institutions, Alaska Native-serving institutions, and Hawaiian Native-serving institutions; and

(C) shall—

(i) provide for the selection of individuals to receive scholarships or fellowships under this section through a competitive process primarily on the basis of academic merit and the nuclear forensics and attribution needs of the United States Government;

(ii) provide for the setting aside of up to 10 percent of the scholarships or fellowships awarded under this section for individuals who are Federal employees to enhance the education of such employees in areas of critical nuclear forensics and attribution needs of the United States Government, for doctoral education under the scholarship on a full-time or part-time basis;

(iii) provide that the Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which such scholarship is awarded;

(iv) require scholarship recipients to maintain satisfactory academic progress; and

(v) require that—

(I) a scholarship recipient who fails to maintain a high level of academic standing, as defined by the Secretary, who is dismissed for disciplinary reasons from the educational institution such recipient is attending, or who voluntarily terminates academic training before graduation from the edu-

cational program for which the scholarship was awarded shall be liable to the United States for repayment within 1 year after the date of such default of all scholarship funds paid to such recipient and to the institution of higher education on the behalf of such recipient, provided that the repayment period may be extended by the Secretary if the Secretary determines it necessary, as established by regulation; and

(II) a scholarship recipient who, for any reason except death or disability, fails to begin or complete the post-doctoral service requirements in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after completion of academic training shall be liable to the United States for an amount equal to—

(aa) the total amount of the scholarship received by such recipient under this section; and

(bb) the interest on such amounts which would be payable if at the time the scholarship was received such scholarship was a loan bearing interest at the maximum legally prevailing rate;

(13) provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and

(14) perform other duties as assigned by the Secretary.

(b) DEFINITIONS.—In this section:

(1) ALASKA NATIVE-SERVING INSTITUTION.—The term “Alaska Native-serving institution” has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

(2) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term “Asian American and Native American Pacific Islander-serving institution” has the meaning given the term in section 320 of the Higher Education Act of 1965 (20 U.S.C. 1059g).

(3) HAWAIIAN NATIVE-SERVING INSTITUTION.—The term “Hawaiian native-serving institution” has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

(4) HISPANIC-SERVING INSTITUTION.—The term “Hispanic-serving institution” has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

(5) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(6) TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal College or University” has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

SEC. [1903.] 1924. HIRING AUTHORITY.

In hiring personnel for the Office, the Secretary shall have the hiring and management authorities provided in section 1101 of the

Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note). The term of appointments for employees under subsection (c)(1) of such section may not exceed 5 years before granting any extension under subsection (c)(2) of such section.

SEC. [1904.] 1925. TESTING AUTHORITY.

(a) **IN GENERAL.**—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in [section 1902] *section 1923*. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

(b) **CONFIDENTIALITY OF TEST RESULTS.**—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

(c) **FEES.**—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(d) **USE OF FEES.**—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

[SEC. 1905. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

[The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.]

SEC. [1906.] 1926. CONTRACTING AND GRANT MAKING AUTHORITIES.

The Secretary, acting through the [Director for Domestic Nuclear Detection] *Assistant Secretary*, in carrying out the responsibilities under [paragraphs (6) and (7) of section 1902(a)] *section 1923*, shall—

- (1) operate extramural and intramural programs and distribute funds through grants, cooperative agreements, and other transactions and contracts;
- (2) ensure that activities under [paragraphs (6) and (7) of section 1902(a)] *section 1923* include investigations of radiation detection equipment in configurations suitable for deployment at seaports, which may include underwater or water surface detection equipment and detection equipment that can be

mounted on cranes and straddle cars used to move shipping containers; and

(3) have the authority to establish or contract with 1 or more federally funded research and development centers to provide independent analysis of homeland security issues and carry out other responsibilities under this title.

SEC. [1907.] 1927. JOINT ANNUAL INTERAGENCY REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

(a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

(A) each relevant agency, office, or entity—

(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture; and

(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) relating to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats relating to nuclear or radiological weapons of mass destruction;

(B) each agency, office, or entity deploying or operating any nuclear or radiological detection technology under the global nuclear detection architecture—

(i) evaluates the deployment and operation of nuclear or radiological detection technologies under the global nuclear detection architecture by that agency, office, or entity;

(ii) identifies performance deficiencies and operational or technical deficiencies in nuclear or radiological detection technologies deployed under the global nuclear detection architecture; and

(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture; and

(C) the [Director of the Domestic Nuclear Detection Office] *Assistant Secretary* and each of the relevant departments that are partners in the National Technical Forensics Center—

(i) include, as part of the assessments, evaluations, and reviews required under this paragraph, each office's or department's activities and investments in support of nuclear forensics and attribution activities and specific goals and objectives accomplished during the previous year pursuant to the national strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States required

under section 1036 of the National Defense Authorization Act for Fiscal Year 2010;

(ii) attaches, as an appendix to the Joint Interagency Annual Review, the most current version of such strategy and plan; and

(iii) includes a description of new or amended bilateral and multilateral agreements and efforts in support of nuclear forensics and attribution activities accomplished during the previous year.

(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of radiation detection technologies deployed or implemented in support of the domestic portion of the global nuclear detection architecture.

(b) ANNUAL REPORT ON JOINT INTERAGENCY REVIEW.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall jointly submit a report regarding the implementation of this section and the results of the reviews required under subsection (a) to—

(A) the President;

(B) the Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Science and Technology of the House of Representatives.

(2) FORM.—The annual report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

(c) DEFINITION.—In this section, the term “global nuclear detection architecture” means the global nuclear detection architecture developed under [section 1902] section 1923.

SEC. 1928. SECURING THE CITIES PROGRAM.

(a) ESTABLISHMENT.—*The Secretary, through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall establish the “Securing the Cities” (“STC”) program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas. Through the STC program the Secretary shall—*

(1) assist State, local, tribal, and territorial governments in designing and implementing, or enhancing existing, architectures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

(2) support the development of a region-wide operating capability to detect and report on nuclear and other radioactive materials out of regulatory control;

(3) provide resources to enhance detection, analysis, communication, and coordination to better integrate into Federal operations State, local, tribal, and territorial assets;

(4) facilitate alarm adjudication and provide subject matter expertise and technical assistance on concepts of operations, training, exercises, and alarm response protocols;

(5) communicate with, and promote sharing of information about the presence or detection of nuclear or other radiological materials among appropriate Federal, State, local, tribal, and territorial governments, in a manner that ensures transparency with the jurisdictions served by such program;

(6) provide augmenting resources, as appropriate, to enable State, local, tribal, and territorial governments to sustain and refresh their capabilities developed under the STC program; and

(7) provide any other assistance the Secretary determines appropriate.

(b) **DESIGNATION OF JURISDICTIONS.**—*In carrying out the STC program under subsection (a), the Secretary shall designate jurisdictions from among high-risk urban areas under section 2003, and other cities and regions, as appropriate.*

(c) **CONGRESSIONAL NOTIFICATION.**—*The Secretary shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than three days before the designation of a new jurisdiction in accordance with subsection (b) or any other change to participating jurisdictions.*

Subtitle C—Chief Medical Officer

SEC. 1931. CHIEF MEDICAL OFFICER.

(a) **IN GENERAL.**—*There is in the Office a Chief Medical Officer, who shall be appointed by the President. The Chief Medical Officer shall report to the Assistant Secretary.*

(b) **QUALIFICATIONS.**—*The individual appointed as Chief Medical Officer shall be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health.*

(c) **RESPONSIBILITIES.**—*The Chief Medical Officer shall have the responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—*

(1) *serving as the principal advisor on medical and public health issues to the Secretary, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials;*

(2) *providing operational medical support to all components of the Department;*

(3) *as appropriate, providing medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on operational medical issues;*

(4) *coordinating with Federal, State, local, and tribal governments, the medical community, and others within and outside the Department, including the Centers for Disease Control and*

*Prevention of the Department of Health and Human Services,
with respect to medical and public health matters; and
(5) performing such other duties relating to such responsibil-
ities as the Secretary may require.*

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ADDITIONAL VIEWS

While I support H.R. 6198, the “Countering Weapons of Mass Destruction Act of 2018,” and believe it could be effective in enhancing the Department of Homeland Security’s ability to carry out its responsibilities regarding chemical, biological, radiological, nuclear, and explosives risks, I am disappointed with how the Department advanced this effort.

The Department should have engaged substantively with the Committee and submitted a concrete legislative proposal to its Congressional authorizers before it unilaterally exercised authority under Section 872 of the Homeland Security Act of 2002 to reorganize operations of three Departmental offices. The Department’s initial legislative proposal to combine the Domestic Nuclear Detection Office, Office of Health Affairs, and certain operations within the Directorate for Science and Technology was submitted to the Committee on December 14, 2017, two months after DHS provided written notification to the Committee of its intention to establish the Countering Weapons of Mass Destruction (CWMD) Office. Notably, this submission also came a week after the Department had commenced administrative processes to effectuate the reorganization.

BENNIE G. THOMPSON,
Ranking Member.

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