

BOMBING PREVENTION ACT OF 2022

MAY 13, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 6873]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 6873) to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention to address terrorist explosive threats, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 “Bombing Prevention Act of 2022”.

SEC. 2. OFFICE FOR BOMBING PREVENTION.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle D—Bombing Prevention

“SEC. 2241. OFFICE FOR BOMBING PREVENTION.

“(a) ESTABLISHMENT.—There is established within the Department an Office for Bombing Prevention (in this section referred to as the ‘Office’).

“(b) ACTIVITIES.—The Office shall have the primary responsibility within the Department for enhancing the ability and coordinating the efforts of the United States to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States, including by carrying out the following:

“(1) Advising the Secretary on matters related to terrorist explosive threats and attacks in the United States.

“(2) Coordinating the efforts of the Department to counter terrorist explosive threats and attacks in the United States, including by carrying out the following:

“(A) Developing, in coordination with the Under Secretary for Strategy, Policy, and Plans, the Department’s strategy against terrorist explosives threats and attacks, including efforts to support the security and preparedness of critical infrastructure and the public sector and private sector.

“(B) Leading the prioritization of the Department’s efforts against terrorist explosive threats and attacks, including preparedness and operational requirements.

“(C) Ensuring, in coordination with the Under Secretary for Science and Technology and the Administrator of the Federal Emergency Management Agency, the identification, evaluation, and availability of effective technology applications through field pilot testing and acquisition of such technology applications by the public sector to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States.

“(D) Providing advice and recommendations to the Administrator of the Federal Emergency Management Agency regarding the effective use of grants authorized under section 2002.

“(E) In coordination with the Assistant Secretary for Countering Weapons of Mass Destruction, aligning Department efforts related to terrorist explosive threats and attacks in the United States and weapons of mass destruction.

“(3) Engaging other Federal departments and agencies, including Sector Risk Management Agencies, regarding terrorist explosive threats and attacks in the United States.

“(4) Facilitating information sharing and decision support of the public and private sector involved in deterrence, detection, prevention, protection against, mitigation of, and response to terrorist explosive threats and attacks in the United States. Such sharing and support may include the following:

“(A) Operating and maintaining a secure information sharing system that allows the sharing of critical information and data relating to terrorist explosive attack tactics, techniques, procedures, and security capabilities, including information and data described in paragraph (6) and section 2242.

“(B) Working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, prevent, detect, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States.

“(5) Promoting security awareness among the public and private sector and the general public regarding the risks posed by the misuse of explosive precursor chemicals and other bomb-making materials.

“(6) Providing training, guidance, assessments, and planning assistance to the public and private sector, as appropriate, to help counter the risk of terrorist explosive threats and attacks in the United States.

“(7) Conducting analysis and planning for the capabilities and requirements necessary for the public and private sector, as appropriate, to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States by carrying out the following:

“(A) Maintaining a database on capabilities and requirements, including capabilities and requirements of public safety bomb squads, explosive detection canine teams, special tactics teams, public safety dive teams, and recipients of services described in section 2242.

“(B) Applying the analysis derived from the database described in subparagraph (A) with respect to the following:

“(i) Evaluating progress toward closing identified gaps relating to national strategic goals and standards related to deterring, detecting, preventing, protecting against, mitigating, and responding to terrorist explosive threats and attacks in the United States.

“(ii) Informing decisions relating to homeland security policy, assistance, training, research, development efforts, testing and evaluation, and related requirements regarding deterring, detecting, preventing, protecting against, mitigating, and responding to terrorist explosive threats and attacks in the United States.

“(8) Promoting secure information sharing of sensitive material and promoting security awareness, including by carrying out the following:

“(A) Operating and maintaining a secure information sharing system that allows the sharing among and between the public and private sector of critical information relating to explosive attack tactics, techniques, and procedures.

“(B) Educating the public and private sectors about explosive precursor chemicals.

“(C) Working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States.

“(D) Executing national public awareness and vigilance campaigns relating to terrorist explosive threats and attacks in the United States, preventing explosive attacks, and activities and measures underway to safeguard the United States.

“(E) Working with relevant stakeholder organizations.

“(9) Providing any other assistance the Secretary determines necessary.

“SEC. 2242. COUNTERING EXPLOSIVE DEVICES TECHNICAL ASSISTANCE.

“(a) **ESTABLISHMENT.**—Upon request, the Secretary shall, to the extent practicable, provide to the public and private sector technical assistance services to support the security and preparedness of such sectors, as appropriate, to counter terrorist explosive threats and attacks that pose a risk in certain jurisdictions, including vulnerable and disadvantaged communities, to critical infrastructure facilities, or to special events, as appropriate.

“(b) **ELEMENTS.**—Technical assistance services provided pursuant to subsection (a) shall—

“(1) support the planning and implementation of effective measures to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States, including effective strategic risk management and emergency operations plans;

“(2) support the security of explosive precursor chemicals and other bomb-making materials outside of regulatory control;

“(3) support efforts to prepare for and respond to bomb threats or other acts involving the malicious conveyance of false information concerning terrorist explosive threats and attacks in the United States;

“(4) make available resources to enhance deterrence, prevention, detection, protection, mitigation, and response capabilities for terrorist explosive threats and attacks in the United States, including coordination and communication, to better integrate State, local, Tribal, and territorial and private sector capabilities and assets, as appropriate, with Federal operations;

“(5) make available augmenting resources, as appropriate, to enable State, local, Tribal, and territorial governments to sustain and refresh their capabilities;

“(6) track performance in meeting the goals and associated plans of the provision of such technical assistance; and

“(7) include any other assistance the Secretary determines necessary.

“SEC. 2243. RELATIONSHIP TO OTHER DEPARTMENT COMPONENTS AND FEDERAL AGENCIES.

“(a) **IN GENERAL.**—The authority of the Secretary under this subtitle shall not affect or diminish the authority or the responsibility of any officer of any other Federal agency with respect to the command, control, or direction of the functions, personnel, funds, assets, or liabilities of any other such Federal agency.

“(b) **DEPARTMENT COMPONENTS.**—Nothing in this subtitle or any other provision of law may be construed to affect or reduce the responsibilities of—

“(1) the Countering Weapons of Mass Destruction Office or the Assistant Secretary of the Office, including with respect to any asset, function, or mission of the Office or the Assistant Secretary, as the case may be;

“(2) 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 as the case may be; or

“(3) the Transportation Security Administration or the Administrator of the Administration, including the diversion of any asset, function, or mission of the Administration or the Administrator, as the case may be.”.

(b) STRATEGY AND REPORTS.—

(1) STRATEGY.—Not later than one year after the date of the enactment of this Act, the head of the Office for Bombing Prevention of the Department of Homeland Security (established pursuant to section 2241 of the Homeland Security Act of 2002, as added by subsection (a)), in consultation with the heads of other components of the Department and the heads of other Federal agencies, as appropriate, shall develop a strategy to align the Office’s activities with the threat environment and stakeholder needs, and make the public and private sector aware of the Office’s capabilities. Such strategy shall include the following elements:

(A) Information on terrorist explosive threats, tactics, and attacks in the United States.

(B) Information, by region of the United States, regarding public and private sector entities likely to be targeted by terrorist explosive threats and attacks in the United States, including historically black colleges and universities and minority serving institutions, places of worship, health care facilities, transportation systems, commercial facilities, and government facilities.

(C) Guidance on how outreach to owners and operators of critical infrastructure (as such term is defined in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e))) in a region should be prioritized.

(D) A catalogue of the services and training currently offered by the Office, and a description of how such services and trainings assist the public and private sector to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States.

(E) Long-term objectives of the Office, including future service and training offerings.

(F) Metrics for measuring the effectiveness of services and trainings offered by the Office.

(G) An assessment of resource requirements necessary to implement such strategy.

(H) A description of how the Office partners with other components of the Department and other Federal agencies to carry out its mission.

(2) REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the activities of the Office for Bombing Prevention of the Department of Homeland Security (established pursuant to section 2241 of the Homeland Security Act of 2002, as added by subsection (a)). Each such report shall include information on the following:

(A) Changes to terrorist explosive threats, tactics, and attacks in the United States.

(B) Changes to the types of public and private sector entities likely to be targeted by terrorist explosive threats and attacks in the United States.

(C) The number of trainings, assessments, and other engagements carried out by the Office within each region of the United States, including a description of the critical infrastructure sector or stakeholder served.

(D) The number of trainings, assessments, or other engagements the Office was asked to conduct but did not, and an explanation relating thereto.

(E) The effectiveness of the trainings, assessments, or other engagements provided by the Office based on the metrics described in paragraph (1)(F).

(F) Any changes or anticipated changes in the trainings, assessments, and other engagements, or any other services, offered by the Office, and an explanation relating thereto.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2238 the following new items:

“Subtitle D—Bombing Prevention

“Sec. 2241. Office for Bombing Prevention.

“Sec. 2242. Countering explosive devices technical assistance.

“Sec. 2243. Relationship to other Department components and Federal agencies.”.

SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT.

(a) **IN GENERAL.**—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

“SEC. 323. EXPLOSIVES RESEARCH AND DEVELOPMENT.

“(a) **IN GENERAL.**—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the head of the Office for Bombing Prevention and the Assistant Secretary for the Countering Weapons of Mass Destruction Office, and in consultation with the Attorney General, the Secretary of Defense, and the head of any other relevant Federal department or agency, including Sector Risk Management Agencies, shall ensure coordination and information sharing regarding nonmilitary research, development, testing, and evaluation activities of the Federal Government relating to the deterrence, detection, prevention, protection against, mitigation of, and response to terrorist explosive threats and attacks in the United States.

“(b) **LEVERAGING MILITARY RESEARCH.**—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the head of the Office for Bombing Prevention and the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall consult with the Secretary of Defense and the head of any other relevant Federal department or agency, including Sector Risk Management Agencies, to ensure that, to the maximum extent possible, military policies and procedures, and research, development, testing, and evaluation activities relating to the deterrence, detection, prevention, protection against, mitigation of, and response to terrorist explosive threats and attacks in the United States are adapted to nonmilitary uses.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 322 the following new item:

“Sec. 323. Explosives research and development.”.

PURPOSE AND SUMMARY

H.R. 6873, the “Bombing Prevention Act of 2022,” seeks to authorize the Office for Bombing Prevention (OBP) as the lead entity within the Department of Homeland Security (DHS) to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States. Specifically, the bill directs OBP to develop a strategy for securing critical infrastructure against terrorist explosive threats and attacks. Additionally, the bill tasks OBP to review and evaluate effective technologies to defend against terrorist explosive threats and attacks through field-pilot testing and acquisitions. It also requires OBP to promote security awareness of risks posed by the misuse of explosive precursor chemicals and other bomb-making materials and to promote secure information sharing of relevant sensitive material. Finally, the bill requires OBP to maintain a database of capabilities and requirements necessary for public and private sectors to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks and to track progress in closing capability gaps.

To ensure that OBP effectively executes its authorities, the bill directs OBP to develop a strategy to align its activities with the threat environment and stakeholder needs. The strategy must include information on terrorist explosive threats and attacks, information by region on public and private sectors likely to be targeted, such as Historically Black Colleges and Universities (HBCUs) and minority-serving institutions, places of worship, health care facilities, transportation systems, and commercial and government facilities. The strategy must also include information on how OBP will prioritize engagement with owners and operators of critical infrastructure facilities, among other things.

BACKGROUND AND NEED FOR LEGISLATION

A surge in bomb threats against Black and religious institutions beginning in early 2022 revealed the need for enhanced Federal support to public- and private-sector entities as they work to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks.

On January 4, 2022, targeted bomb threats directed toward at least nine HBCUs resulted in panic and disruption. Between January 4 and February 16, 2022, the Federal Bureau of Investigation (FBI) reported more than 50 bomb threats that disproportionately targeted HBCUs and Black churches, mosques, and synagogues.¹ These racially and ethnically targeted bomb threats continued through March, disrupting the education of thousands of HBCU students and interfering with the ability of Americans to worship safely.²

In response to bombing threats to HBCUs, OBP, together with its partners at the Department of Education, led a briefing with 150 leaders on training opportunities. Additionally, it engaged with educational stakeholders about accessing OBP's counter-improvised explosive device (IED) capability development programs and information, training, and tools necessary to mitigate potential risks. OBP's offerings include in-person counter-improvised explosive device courses and technical support for bomb management plans. Furthermore, OBP provides tailored training to Federal, State, local, Tribal, and Territorial (SLTT) stakeholders—which include first responders and State and local emergency services—as well as private sector stakeholders to build core capabilities and increase awareness of violent threats.

Authorizing OBP will bolster the Department's efforts to enhancing the Nation's ability to prevent, protect against, respond to, and mitigate the use of explosives, including threats to the private sector, Federal and SLTT entities, and critical infrastructure, including educational institutions. It will also allow OBP to strategically surge resources to targeted institutions, make them more resilient, and limit the disruption caused by these threats.

HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop H.R. 6873:

- On February 2, 2022, the Committee on Homeland Security held a hearing entitled “The Dynamic Terrorism Landscape and What It Means for America.” The Committee received testimony from the Honorable Nicholas J. Rasmussen, Executive Director, Global Internet Forum to Counter Terrorism; Mr. Jonathan Greenblatt, Chief Executive Officer, Anti-Defamation League; Cynthia Miller-Idriss, Ph.D., Professor, American University; Mr. Bill Roggio, Senior Fellow, Foundation for Defense of Democracies.

¹ Rebecca Beitsch, “FBI: 57 HBCUs, Other Institutions Targeted by Bomb Threats This Year,” *The Hill*, (Feb. 23, 2022), available at <https://thehill.com/policy/national-security/595500-fbi-57-hbcus-houses-of-worship-institutions-targeted-by-bomb-threats/>.

² Lauren Lumpkin, “HBCUs Are Still Receiving Bomb Threats, Frustrating Lawmakers and Campus Leaders,” *The Washington Post*, (Mar. 17, 2022), available at <https://www.washingtonpost.com/education/2022/03/17/hbcu-threats-house-hearing/>.

Subsequent to the Committee's consideration of H.R. 6873, the Committee also held the following relevant hearing:

- On March 17, 2022, the Committee on Homeland Security held a hearing entitled "The Targeting of Black Institutions: From Church Violence to University Bomb Threats." The Committee received testimony from the Reverend Eric S.C. Manning, Senior Pastor, Mother Emanuel AME Church, Charleston, SC; Mr. Thomas K. Hudson, President, Jackson State University, Jackson, MS; and Ms. Janai Nelson, President and Director-Counsel, NAACP Legal Defense Fund.

COMMITTEE CONSIDERATION

The Committee met on March 2, 2022, a quorum being present, to consider H.R. 6873 and ordered the measure to be favorably reported to the House, as amended, by a recorded vote of 33–0.

COMMITTEE VOTES

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

1. A motion by Mr. Cleaver to favorably report H.R. 6824, H.R. 6868, and H.R. 6873, as amended, en bloc, to the House was agreed to by a recorded vote of 33 ayes to 0 noes (Rollcall No. 32).

Committee Rollcall No. 32

Motion by Mr. Cleaver to Favorably Report H.R. 6824, H.R. 6868, and H.R. 6873, As Amended, En Bloc
Agreed to: 33 ayes to 0 noes

Majority Members	Vote	Minority Members	Vote
Ms. Jackson Lee	Mr. Katko	Aye
Mr. Langevin	Aye	Mr. McCaul
Mr. Payne	Aye	Mr. Higgins (LA)	Aye
Mr. Correa	Aye	Mr. Guest	Aye
Ms. Slotkin	Aye	Mr. Bishop (NC)	Aye
Mr. Cleaver	Aye	Mr. Van Drew	Aye
Mr. Green (TX)	Aye	Mr. Norman	Aye
Ms. Clarke (NY)	Aye	Mrs. Miller-Meeks	Aye
Mr. Swalwell	Aye	Mrs. Harshbarger	Aye
Ms. Titus	Aye	Mr. Clyde	Aye
Mrs. Watson Coleman	Aye	Mr. Gimenez	Aye
Miss Rice (NY)	Aye	Mr. LaTurner	Aye
Mrs. Demings	Aye	Mr. Meijer	Aye
Ms. Barragán	Aye	Mrs. Cammack	Aye
Mr. Gottheimer	Aye	Mr. Pfluger	Aye
Mrs. Luria	Aye	Mr. Garbarino	Aye
Mr. Malinowski	Aye		
Mr. Torres (NY)	Aye		

Committee Rollcall No. 32—Continued

Motion by Mr. Cleaver to Favorably Report H.R. 6824, H.R. 6868, and H.R. 6873, As Amended, En Bloc
 Agreed to: 33 ayes to 0 noes

Majority Members	Vote	Minority Members	Vote
Mr. Thompson (MS), Chairman.	Aye		

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET
 AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 2022.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6873, the Bombing Prevention Act of 2022.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 6873, Bombing Prevention Act of 2022			
As ordered reported by the House Committee on Homeland Security on March 2, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 6873 would authorize the Department of Homeland Security to publish information on threats posed by improvised explosive devices (IEDs) and coordinate federal efforts to protect against IED attacks in the United States. The bill also would codify the department's Office of Bombing Prevention and would require the department to report to the Congress on the effectiveness of its efforts.

The department is already performing the functions that would be required by H.R. 6873; thus, the bill would codify those responsibilities and would not impose any new operating requirements. CBO estimates that implementing H.R. 6873 would cost less than \$500,000 over the 2022–2026 period to prepare and deliver the required reports; such spending would be subject to the availability of appropriations.

The CBO staff contact for this estimate is Aldo Prosperi. The estimate was reviewed by Leo Lex, Deputy Director of Budget.

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.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 6873 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 6873 is to authorize and direct the Office of Bombing Prevention (OBP) to be the lead entity within the Department of Homeland Security to strategically address terrorist extremist threats and attacks by improving Federal support to public- and private-sector entities as they work to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks. To achieve this

directive, the Office will maintain a database of capabilities and requirements necessary for public and private sectors, engage and provide support to vulnerable stakeholders likely to be targeted, provide learning tools and assessments to Federal, SLTT (including first responders and law enforcement entities) and the private sector, and establish long-term strategies and reports to ensure the Office remains in alignment with the overall objectives while tracking progress and closing capability gaps.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

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

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 H.R. 6873 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 states that the Act may be cited as the “Bombing Prevention Act of 2022”.

Sec. 2. Office for Bombing Prevention.

This section establishes the Office for Bombing Protection within the Department of Homeland Security and describes the activities the Office must undertake to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States. This section directs the Office to advise the DHS Secretary on matters related to terrorist explosive threats and attacks in the United States.

This section further directs the Office to coordinate the efforts of the Department to counter terrorist explosive threats and attacks in the U.S. In particular, the Office must: (1) develop the Department’s strategy against terrorist explosives threats and attacks; (2) lead the prioritization of the Department’s efforts against terrorist explosive threats and attacks, including preparedness and operational requirements; (3) ensure the identification, evaluation, and availability of effective technology applications through field pilot testing and acquisition of such technology applications by the public sector to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the U.S.; (4) provide advice and recommendations to the Administrator of the Federal Emergency Management Agency regarding the effective use of DHS grants on counter-IED training and resources; and (5) align Department efforts related to terrorist explosive threats and at-

tacks in the U.S. with DHS's counter-weapons of mass destruction efforts.

Additionally, this section directs OBP to engage other Federal departments and agencies, including Sector Risk Management Agencies, regarding terrorist explosive threats and attacks in the U.S., and to facilitate information sharing and decision support of the public and private sector involved in deterrence, detection, prevention, protection against, mitigation of, and response to terrorist explosive threats and attacks in the United States. OBP is directed to promote security awareness among the public and private sectors and the general public regarding the risks posed by the misuse of explosive precursor chemicals and other bomb-making materials and, as appropriate, provide relevant training, guidance, assessments, and planning assistance.

This section further charges OBP with conducting analysis and planning for the capabilities and requirements necessary for the public and private sectors, as appropriate, to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks and promoting secure information sharing of sensitive material and promoting security awareness.

Related to countering explosive devices technical assistance, this section directs the DHS Secretary, upon request, to provide to the public and private sectors technical assistance services to support the security and preparedness of such sectors, as appropriate, to counter terrorist explosive threats and attacks that pose a risk in certain jurisdictions, including vulnerable and disadvantaged communities, to critical infrastructure facilities, or to special events, as appropriate. In providing technical assistance, OBP shall: (1) support the planning and implementation of effective measures to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the U.S., including effective strategic risk management and emergency operations plans; (2) support the security of explosive precursor chemicals and other bombmaking materials outside of regulatory control; (3) support efforts to prepare for and respond to bomb threats or other acts involving the malicious conveyance of false information concerning terrorist explosive threats and attacks in the United States; (4) make available resources to enhance deterrence, prevention, detection, protection, mitigation, and response capabilities for terrorist explosive threats and attacks in the U.S., including coordination and communication, to better integrate SLTT and private-sector capabilities and assets, as appropriate, with Federal operations; (5) make available augmenting resources, as appropriate, to enable SLTT governments to sustain and refresh their capabilities; and (6) track performance in meeting the goals and associated plans of the provision of such technical assistance.

This section clarifies the relationship between OBP and other components within DHS and further directs OBP to develop a strategy to align the Office's activities with the threat environment and stakeholder needs and to make the public and private sectors aware of the Office's capabilities. This strategy is to include: (1) information on terrorist explosive threats, tactics, and attacks in the United States; (2) information, by region, regarding public- and private-sector entities at risk of being targeted by terrorist explosive threats and attacks in the U.S., including Historically Black Col-

leges and Universities and minority-serving institutions, places of worship, healthcare facilities, transportation systems, commercial facilities, and government facilities; (3) guidance on how outreach to owners and operators of critical infrastructure in a region should be prioritized; (4) a catalogue of available OBP services and training; (5) the Office's long-term objectives, including future service and training offerings; (6) metrics for measuring the effectiveness of OBP's services and trainings; (7) an assessment of resource requirements necessary to implement such strategy; and (8) a description of how the Office partners with other components of the Department and other Federal agencies to carry out its mission.

Additionally, this section requires the Office, in coordination with other Federal departments and agencies, to submit an annual report to Congress detailing the following activities within OBP: (1) changes to terrorist explosive threats, tactics, and attacks in the United States; (2) changes to the types of public- and private-sector entities likely to be targeted by terrorist explosive threats and attacks in the United States; (3) changes to the types of public- and private-sector entities likely to be targeted by terrorist explosive threats and attacks in the U.S.; (4) the number of trainings, assessments, and other engagements carried out by the Office within each region of the United States, including a description of the critical infrastructure sector or stakeholder served; (5) the number of trainings, assessments, or other engagements the Office was asked to conduct but did not, and an explanation relating thereto; (6) the effectiveness of the trainings, assessments, or other engagements provided by the Office based on the metrics; and (7) any changes or anticipated changes in the trainings, assessments, and other engagements, or any other services, offered by the Office, and an explanation relating thereto.

Sec. 3. Explosives technology development.

This section requires DHS , along with other Federal departments and agencies, including Sector Risk Management Agencies, to share information regarding nonmilitary research, development, testing, and evaluation activities of the Federal Government relating to the deterrence, detection, prevention, protection against, mitigation of, and response to terrorist explosive threats and attacks in the U.S.

This section further outlines how DHS, along with other Federal departments and agencies, including Sector Risk Management Agencies, will leverage military research in this space and adapt it to nonmilitary uses.

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 (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.

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TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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Sec. 323. *Explosives research and development.*

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TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

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Subtitle D—Bombing Prevention

Sec. 2241. *Office for Bombing Prevention.*

Sec. 2242. *Countering explosive devices technical assistance.*

Sec. 2243. *Relationship to other Department components and Federal agencies.*

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TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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SEC. 323. EXPLOSIVES RESEARCH AND DEVELOPMENT.

(a) *IN GENERAL.*—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the head of the Office for Bombing Prevention and the Assistant Secretary for the Countering Weapons of Mass Destruction Office, and in consultation with the Attorney General, the Secretary of Defense, and the head of any other relevant Federal department or agency, including Sector Risk Management Agencies, shall ensure coordination and information sharing regarding nonmilitary research, development, testing, and evaluation activities of the Federal Government relating to the deterrence, detection, prevention, protection against, mitigation of, and response to terrorist explosive threats and attacks in the United States.

(b) *LEVERAGING MILITARY RESEARCH.*—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the head of the Office for Bombing Prevention and the Assistant Secretary for the Countering of Weapons of Mass Destruction Office, shall consult with the Secretary of Defense and the head of any other relevant Federal department or agency, including Sector Risk Management Agencies, to ensure that, to the maximum extent possible, military policies and procedures, and research, development, testing, and evaluation activities relating to the deterrence, detection, prevention, protection against, mitigation of, and

response to terrorist explosive threats and attacks in the United States are adapted to nonmilitary uses.

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TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

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Subtitle D—Bombing Prevention

SEC. 2241. OFFICE FOR BOMBING PREVENTION.

(a) *ESTABLISHMENT.*—*There is established within the Department an Office for Bombing Prevention (in this section referred to as the “Office”).*

(b) *ACTIVITIES.*—*The Office shall have the primary responsibility within the Department for enhancing the ability and coordinating the efforts of the United States to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States, including by carrying out the following:*

(1) *Advising the Secretary on matters related to terrorist explosive threats and attacks in the United States.*

(2) *Coordinating the efforts of the Department to counter terrorist explosive threats and attacks in the United States, including by carrying out the following:*

(A) *Developing, in coordination with the Under Secretary for Strategy, Policy, and Plans, the Department’s strategy against terrorist explosives threats and attacks, including efforts to support the security and preparedness of critical infrastructure and the public sector and private sector.*

(B) *Leading the prioritization of the Department’s efforts against terrorist explosive threats and attacks, including preparedness and operational requirements.*

(C) *Ensuring, in coordination with the Under Secretary for Science and Technology and the Administrator of the Federal Emergency Management Agency, the identification, evaluation, and availability of effective technology applications through field pilot testing and acquisition of such technology applications by the public sector to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States.*

(D) *Providing advice and recommendations to the Administrator of the Federal Emergency Management Agency regarding the effective use of grants authorized under section 2002.*

(E) *In coordination with the Assistant Secretary for Countering Weapons of Mass Destruction, aligning Department efforts related to terrorist explosive threats and attacks in the United States and weapons of mass destruction.*

(3) *Engaging other Federal departments and agencies, including Sector Risk Management Agencies, regarding terrorist explosive threats and attacks in the United States.*

(4) *Facilitating information sharing and decision support of the public and private sector involved in deterrence, detection, prevention, protection against, mitigation of, and response to terrorist explosive threats and attacks in the United States. Such sharing and support may include the following:*

(A) *Operating and maintaining a secure information sharing system that allows the sharing of critical information and data relating to terrorist explosive attack tactics, techniques, procedures, and security capabilities, including information and data described in paragraph (6) and section 2242.*

(B) *Working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, prevent, detect, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States.*

(5) *Promoting security awareness among the public and private sector and the general public regarding the risks posed by the misuse of explosive precursor chemicals and other bomb-making materials.*

(6) *Providing training, guidance, assessments, and planning assistance to the public and private sector, as appropriate, to help counter the risk of terrorist explosive threats and attacks in the United States.*

(7) *Conducting analysis and planning for the capabilities and requirements necessary for the public and private sector, as appropriate, to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States by carrying out the following:*

(A) *Maintaining a database on capabilities and requirements, including capabilities and requirements of public safety bomb squads, explosive detection canine teams, special tactics teams, public safety dive teams, and recipients of services described in section 2242.*

(B) *Applying the analysis derived from the database described in subparagraph (A) with respect to the following:*

(i) *Evaluating progress toward closing identified gaps relating to national strategic goals and standards related to deterring, detecting, preventing, protecting against, mitigating, and responding to terrorist explosive threats and attacks in the United States.*

(ii) *Informing decisions relating to homeland security policy, assistance, training, research, development efforts, testing and evaluation, and related requirements regarding deterring, detecting, preventing, protecting against, mitigating, and responding to terrorist explosive threats and attacks in the United States.*

(8) *Promoting secure information sharing of sensitive material and promoting security awareness, including by carrying out the following:*

(A) *Operating and maintaining a secure information sharing system that allows the sharing among and between the public and private sector of critical information relating to explosive attack tactics, techniques, and procedures.*

(B) *Educating the public and private sectors about explosive precursor chemicals.*

(C) *Working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States.*

(D) *Executing national public awareness and vigilance campaigns relating to terrorist explosive threats and attacks in the United States, preventing explosive attacks, and activities and measures underway to safeguard the United States.*

(E) *Working with relevant stakeholder organizations.*

(9) *Providing any other assistance the Secretary determines necessary.*

SEC. 2242. COUNTERING EXPLOSIVE DEVICES TECHNICAL ASSISTANCE.

(a) *ESTABLISHMENT.*—Upon request, the Secretary shall, to the extent practicable, provide to the public and private sector technical assistance services to support the security and preparedness of such sectors, as appropriate, to counter terrorist explosive threats and attacks that pose a risk in certain jurisdictions, including vulnerable and disadvantaged communities, to critical infrastructure facilities, or to special events, as appropriate.

(b) *ELEMENTS.*—Technical assistance services provided pursuant to subsection (a) shall—

(1) *support the planning and implementation of effective measures to deter, detect, prevent, protect against, mitigate, and respond to terrorist explosive threats and attacks in the United States, including effective strategic risk management and emergency operations plans;*

(2) *support the security of explosive precursor chemicals and other bomb-making materials outside of regulatory control;*

(3) *support efforts to prepare for and respond to bomb threats or other acts involving the malicious conveyance of false information concerning terrorist explosive threats and attacks in the United States;*

(4) *make available resources to enhance deterrence, prevention, detection, protection, mitigation, and response capabilities for terrorist explosive threats and attacks in the United States, including coordination and communication, to better integrate State, local, Tribal, and territorial and private sector capabilities and assets, as appropriate, with Federal operations;*

(5) *make available augmenting resources, as appropriate, to enable State, local, Tribal, and territorial governments to sustain and refresh their capabilities;*

(6) *track performance in meeting the goals and associated plans of the provision of such technical assistance; and*

(7) *include any other assistance the Secretary determines necessary.*

SEC. 2243. RELATIONSHIP TO OTHER DEPARTMENT COMPONENTS AND FEDERAL AGENCIES.

(a) *IN GENERAL.*—The authority of the Secretary under this subtitle shall not affect or diminish the authority or the responsibility of any officer of any other Federal agency with respect to the com-

mand, control, or direction of the functions, personnel, funds, assets, or liabilities of any other such Federal agency.

(b) DEPARTMENT COMPONENTS.—Nothing in this subtitle or any other provision of law may be construed to affect or reduce the responsibilities of—

(1) the Countering Weapons of Mass Destruction Office or the Assistant Secretary of the Office, including with respect to any asset, function, or mission of the Office or the Assistant Secretary, as the case may be;

(2) 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 as the case may be; or

(3) the Transportation Security Administration or the Administrator of the Administration, including the diversion of any asset, function, or mission of the Administration or the Administrator, as the case may be.

