

HEALTH SECURITY AND COUNTERING WEAPONS OF
MASS DESTRUCTION ACT

DECEMBER 20, 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. 8610]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 8610) to amend the Homeland Security Act of 2002 to authorize the Office of Health Security, make technical corrections to the authorization of the Countering Weapons of Mass Destruction Office, establish a Countering Weapons of Mass Destruction Advisory Committee, establish a departmental biodefense strategy, 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; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Health Security and Countering Weapons of Mass Destruction Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—OFFICE OF HEALTH SECURITY

Sec. 101. Office of Health Security.

TITLE II—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Sec. 201. Technical corrections; Countering Weapons of Mass Destruction Advisory Committee; departmental biodefense strategy.

Sec. 202. Biodefense review and strategy.

Sec. 203. Sunset repealed.

Sec. 204. Comptroller General review.

TITLE I—OFFICE OF HEALTH SECURITY

SEC. 101. OFFICE OF HEALTH SECURITY.

(a) **ESTABLISHMENT.**—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2), by striking “Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs,” and inserting “Assistant Secretary for Legislative Affairs”; and

(B) in subsection (d), by adding at the end the following new paragraph:
“(6) A Chief Medical Officer.”;

(2) by adding at the end the following new title:

“TITLE XXIII—OFFICE OF HEALTH SECURITY”;

(3) by redesignating section 1931 (6 U.S.C. 597) as section 2301 and transferring such section, as so redesignated, to appear after the heading for title XXIII, as added by paragraph (2);

(4) in section 2301, as so redesignated and transferred—

(A) by amending the section heading to read as follows: **“OFFICE OF HEALTH SECURITY”**;

(B) by amending subsection (a) to read as follows:

“(a) **IN GENERAL.**—There is in the Department an Office of Health Security.”;

(C) by amending subsection (b) to read as follows:

“(b) **HEAD OF OFFICE OF HEALTH SECURITY.**—

“(1) **IN GENERAL.**—The Office of Health Security shall be headed by a Chief Medical Officer (in this title referred to as the ‘Chief Medical Officer’), who shall be at the level of Assistant Secretary within the Department.

“(2) **QUALIFICATIONS; DUTIES.**—The Chief Medical Officer shall—

“(A) be appointed by the President pursuant to section 103(d);

“(B) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health; and

“(C) report directly to the Secretary.”;

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking “medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—” and inserting “medical, public health, and workforce health and safety matters, including issues related to—”;

(ii) in paragraph (1), by striking “the Secretary, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials” and inserting “the Secretary and all other Department officials”;

(iii) in paragraph (4), by striking “and” after the semicolon;

(iv) by redesignating paragraph (5) as paragraph (11); and

(v) by inserting after paragraph (4) the following new paragraphs:

“(5) delivering, advising, and supporting—

“(A) direct patient care; and

- “(B) the organization, management, and staffing of component operations that deliver direct patient care;
- “(6) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding—
- “(A) knowledge and skill standards for medical personnel and the assessment of such knowledge and skill;
- “(B) the collection, storage, and oversight of medical records; and
- “(C) contracts for the delivery of direct patient care, other medical services, and medical supplies;
- “(7) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer, or, as the case may be, the employee who functions in the capacity of a component chief medical officer;
- “(8) with respect to preparation and response for pandemics, ensuring the protection of the workforce of the Department, with an emphasis on front line workers most at risk, through—
- “(A) health security planning; and
- “(B) provision of subject matter and planning expertise to the Chief Readiness Support Officer of the Department regarding stockpiling and distribution of supplies, including adequate personal protective equipment;
- “(9) with respect to any psychological health counseling or assistance program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—
- “(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination, by such component with respect to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;
- “(B) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel;
- “(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;
- “(D) establishing periodic management training on crisis intervention and such component’s psychological health counseling or assistance program;
- “(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;
- “(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;
- “(G) prioritizing, as appropriate, expertise in the provision of psychological health counseling and assistance for certain populations of the workforce, such as employees serving in positions within law enforcement, to help improve outcomes for such employees receiving such counseling or assistance; and
- “(H) including collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;
- “(10) in consultation with the Chief Information Officer of the Department—
- “(A) identifying methods and technologies for managing, updating, and overseeing patient records; and
- “(B) setting standards for technology used by components of the Department regarding the collection, storage, and oversight of medical records; and”;
- (E) by adding at the end the following new subsections:
- “(d) ASSISTANCE AND AGREEMENTS.—In furtherance of this section, the Chief Medical Officer, at the direction of the Secretary, may—
- “(1) provide technical assistance, training, information, and distribute funds through grants and cooperative agreements to State, local, Tribal, and territorial governments, and nongovernmental organizations;
- “(2) enter into agreements with appropriate Federal departments and other executive agencies; and
- “(3) accept services from personnel of components of the Department and appropriate Federal departments and other executive agencies on a reimbursable or nonreimbursable basis.
- “(e) OFFICE OF HEALTH SECURITY PRIVACY OFFICER.—

“(1) IN GENERAL.—There shall be a Privacy Officer of the Office of Health Security, designated by the Chief Medical Officer in consultation with the Privacy Officer of the Department, with primary responsibility for privacy policy and compliance within the Office and with respect to the carrying out of responsibilities described in subsection (c).

“(2) DUTIES.—The Privacy Officer of the Office of Health Security shall—

“(A) report directly to the Chief Medical Officer;

“(B) coordinate with and, as requested, support the activities of the Privacy Officer appointed under section 222; and

“(C) ensure privacy protections are integrated into all activities of the Office of Health Security, subject to the review and approval of the Privacy Officer of the Department.

“(f) ANNUAL REPORT.—Not later than one year after the date of the enactment of this subsection and annually thereafter, the Chief Medical Officer shall submit to Congress a report on the activities of the Office of Health Security for the immediately preceding year.”;

(5) by redesignating section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301 (as redesignated and transferred pursuant to paragraph (3));

(6) in section 2302, as so redesignated and transferred—

(A) in subsection (a), by striking “Under Secretary for Management” each place such term appears and inserting “Chief Medical Officer”; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “Under Secretary for Management, in coordination with the Chief Medical Officer,” and inserting “Chief Medical Officer”; and

(ii) in paragraph (3), by striking “as deemed appropriate by the Under Secretary,”;

(7) by redesignating section 528 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated and transferred; and

(8) in subsection (a) of section 2303, as so redesigned and transferred, by striking “Assistant Secretary for the Countering Weapons of Mass Destruction Office” and inserting “Chief Medical Officer”.

(b) MEDICAL COUNTERMEASURES PROGRAM.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section, as so redesignated, to appear after section 2303 (as redesignated and transferred pursuant to subsection (a)(7)) of title XXIII.

(c) TRANSITION AND TRANSFERS.—

(1) IN GENERAL.—The individual appointed pursuant to section 1931(a) of the Homeland Security Act of 2002 (6 U.S.C. 597) (as such section appeared on the day before the date of the enactment of this Act) of the Department of Homeland Security and serving as the Chief Medical Officer of the Department of Homeland Security on the day before such date of enactment, shall continue to serve as the Chief Medical Officer of the Department after such date without the need for reappointment.

(2) SAVING CLAUSE.—The rule of construction set forth in section 2(hh) of the Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112–166, 5 U.S.C. 3132 note) shall not apply to the Chief Medical Officer of the Department of Homeland Security (including the incumbent who holds the position on the day before the date of the enactment of this Act), and such officer shall be a Senior Executive Service position (as that term is defined in section 3132(a) of title 5, United States Code) and receive the rate of basic pay for level IV of the Executive Schedule (in accordance with section 5315 of such title).

(3) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer all functions, personnel, budget authority, and assets of—

(A) the Under Secretary for Management, relating to workforce health and medical support,

(B) the Assistant Secretary for the Countering Weapons of Mass Destruction Office, relating to the Chief Medical Officer (including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office), and

(C) the Assistant Secretary for the Countering Weapons of Mass Destruction Office, with respect to food, agriculture, and veterinary defense programs of such Office,

as in existence on the day before the date of the enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 is amended—

- (1) by redesignating section 529 (6 U.S.C. 321r) as section 528;
 - (2) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by striking “section 711(a)” and inserting “section 710(a)”;
 - (3) by redesignating sections 711 (6 U.S.C. 351), 712 (6 U.S.C. 352), and 713 (6 U.S.C. 353) as sections 710, 711, and 712, respectively; and
 - (4) in title XIX, by striking the enumerator and heading of subtitle C.
- (e) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—
- (1) by striking the item relating to section 528 (as in existence on the day before the date of the enactment of this Act);
 - (2) by redesignating the item relating to section 529 as the item relating to section 528;
 - (3) by striking the item relating to section 710 (as in existence on the day before the date of the enactment of this Act);
 - (4) by redesignating the items relating to sections 711, 712, and 713 as the items relating to sections 710, 711, and 712, respectively;
 - (5) by inserting after the item relating to section 1900 the following new item:

“Sec. 1900A. Rule of construction.”;
 - (6) by inserting after the item relating to section 1928 the following new item:

“Sec. 1929. Countering Weapons of Mass Destruction Advisory Committee.”;
 - (7) by striking the items relating to subtitle C of title XIX (as in existence on the day before the date of the enactment of this Act); and
 - (8) by adding at the end the following new items:

“TITLE XXIII—OFFICE OF HEALTH SECURITY

“Sec. 2301. Office of Health Security.

“Sec. 2302. Workforce health and medical support.

“Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.

“Sec. 2304. Medical countermeasures.”.

TITLE II—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 201. TECHNICAL CORRECTIONS; COUNTERING WEAPONS OF MASS DESTRUCTION ADVISORY COMMITTEE; DEPARTMENTAL BIODEFENSE STRATEGY.

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

- (1) in the matter preceding subtitle A, by inserting after section 1900 the following new section:

“SEC. 1900A. RULE OF CONSTRUCTION.

“Nothing in this title may be construed as affecting in any manner or respect the operation of the Chemical Facility Anti-Terrorism Standards Program of the Cybersecurity and Infrastructure Security Agency or title XXI.”;

- (2) in subtitle A, in section 1901(c) (6 U.S.C. 591(c))—
 - (A) in the matter preceding paragraph (1), by striking “serve as the Secretary’s principal advisor on”; and
 - (B) by striking paragraphs (1) and (2) and inserting the following new paragraphs:
 - “(1) serve as the Secretary’s principal advisor on matters and strategies relating to—
 - “(A) countering weapons of mass destruction; and
 - “(B) non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats;
 - “(2) coordinate the efforts of the Department to counter—
 - “(A) weapons of mass destruction;
 - “(B) non-medical aspects of chemical, biological, radiological, and nuclear threats; and
 - “(C) other related emerging terrorism threats; and
 - “(3) enhance the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of terrorist attacks in the United States involving—
 - “(A) weapons of mass destruction; or
 - “(B) non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats.”; and
- (3) in subtitle B—

(A) in section 1921 (6 U.S.C. 591g), by striking “The Office shall be responsible” and all that follows through “interests of the United States.” and inserting the following: “The Office shall be responsible for—

“(1) coordinating the Department’s efforts and with other Federal Departments and agencies to counter weapons of mass destruction and non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats; and

“(2) enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of—

“(A) weapons of mass destruction; and

“(B) non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats.”;

(B) in section 1923(a) (6 U.S.C. 592(a))—

(i) by redesignating paragraphs (13) and (14) as paragraphs (19) and (20), respectively; and

(ii) by inserting after paragraph (12) the following new paragraphs:

“(13) serve as the primary entity within the Department responsible for developing, acquiring, deploying, supporting, and operating a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments;

“(14) support the enhancement of chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments, and provide guidance, tools, and training to help ensure a managed, coordinated response among such entities;

“(15) collaborate with relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories regarding chemical and biological surveillance efforts;

“(16) carry out a program to test and evaluate, in consultation with the Science and Technology Directorate and, as appropriate, State, local, Tribal, and territorial partners, and in coordination with other relevant Federal agencies, technology to detect and report on chemical, biological, radiological, and nuclear weapons or unauthorized material for use by the Department and such partners, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting such weapons or material—

“(A) under realistic operational and environmental conditions; and

“(B) against realistic adversary tactics and countermeasures;

“(17) conduct, support, coordinate, and encourage, in consultation with State, local, Tribal, and territorial partners, and in coordination with the Science and Technology Directorate, transformational research and development efforts to generate new technologies to detect, protect against, and report on the illicit entry across the United States borders, or the transport, assembly, or use within the United States of chemical, biological, radiological, and nuclear weapons or unauthorized material;

“(18) support and enhance the effective sharing and use of appropriate information regarding chemical, biological, radiological, and nuclear threats and non-conventional emerging terrorism threats generated by elements of the intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to such entities.”;

(C) in section 1924 (6 U.S.C. 593)—

(i) in the first sentence, by striking “section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note)” and inserting “section 4092 of title 10, United States Code, except that such authorities shall be limited to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties”; and

(ii) by striking the second sentence;

(D) in section 1928 (6 U.S.C. 596b)—

(i) in subsection (c)(1), by striking “from among high-risk urban areas under section 2003” and inserting “based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequences from terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials”; and

(ii) by amending subsection (d) to read as follows:

“(d) REPORT.—Not later than two years after the date of enactment of the Health Security and Countering Weapons of Mass Destruction, the Secretary 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 regarding the STC program.”; and

(E) by adding at the end the following new section:

“SEC. 1929. COUNTERING WEAPONS OF MASS DESTRUCTION ADVISORY COMMITTEE.

“(a) **ESTABLISHMENT.**—There is established in the Office a Countering Weapons of Mass Destruction Advisory Committee (in this section referred to as the ‘Advisory Committee’). The Advisory Committee shall make recommendations with respect to the activities of the Office.

“(b) **MEMBERSHIP.**—The Assistant Secretary shall appoint not more than 18 individuals to serve as members of the Advisory Committee. Such individuals shall represent, to the extent practicable, a geographic (including urban and rural) and substantive cross section of officials from State, local, and Tribal governments, academia, the private sector, and nongovernmental organizations. The Assistant Secretary shall seek to ensure one-third of the members are selected from the emergency management field and emergency response providers and State, local, and Tribal government officials. The Assistant Secretary shall seek to ensure the remaining members are—

“(1) individuals from the public or private sectors with expertise in chemical, biological, radiological, or nuclear agents and weapons;

“(2) representatives from the national laboratories; and

“(3) such other individuals as the Assistant Secretary determines appropriate.

“(c) **RESPONSIBILITIES.**—The Advisory Committee shall—

“(1) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

“(2) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

“(3) establish performance criteria for a national biological detection system and review any associated testing protocols for biological detection prototypes.

“(d) **CONSULTATION.**—The Assistant Secretary shall regularly consult and work with the Advisory Committee regarding the Office’s activities, including with respect to activities associated with the administration of Federal assistance provided by the Department, and the development of requirements for countering weapons of mass destruction programs.

“(e) **VOLUNTARY SERVICE AND TERMS.**—The members of the Advisory Committee shall serve on the Advisory Committee on a voluntary basis. Members may serve for up to three consecutive years, but a member appointed to fill a vacancy occurring before the expiration of the term for which such member’s predecessor was appointed may be appointed for the remainder of such term.

“(f) **FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.”

SEC. 202. BIODEFENSE REVIEW AND STRATEGY.

(a) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by inserting after section 515 (6 U.S.C. 321d) the following new section:

“SEC. 516. DEPARTMENT-WIDE BIODEFENSE REVIEW AND STRATEGY.

“(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, territorial, academic, private sector, and nongovernmental entities, shall conduct a Department-wide review of biodefense activities and strategies.

“(b) **REVIEW.**—The review required under subsection (a) shall—

“(1) identify with specificity the biodefense lines of effort of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

“(2) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

“(3) identify any policy, resource, capability, or other gaps in the Department’s ability to assess, prevent, protect against, and respond to biological threats; and

“(4) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

“(c) **STRATEGY.**—Not later than one year after completion of the review required under subsection (a), the Secretary shall issue a biodefense strategy for the Department that is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or successor strategy. Such strategy shall—

“(1) describe the Department’s biodefense mission and role, as well as how such relates to the biodefense lines of effort of the Department;

“(2) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the Department’s components and offices involved in the biodefense lines of effort of the Department;

“(3) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

“(4) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

“(5) include information relating to—

“(A) milestones and performance metrics that are specific to the Department’s biodefense mission and role described in paragraph (1); and

“(B) implementation of any operational changes necessary to carry out paragraphs (3) and (4).

“(d) PERIODIC UPDATE.—Beginning not later than five years after the issuance of the strategy and implementation plans required under subsection (c) and not less often than once every five years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.”.

(b) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans for the Department of Homeland Security required under section 516(c) of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such strategy and plans.

(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 515 the following new item:

“Sec. 516. Department-wide biodefense review and strategy.”.

SEC. 203. SUNSET REPEALED.

Subsection (e) of section 1901 of the Homeland Security Act of 2002 (6 U.S.C. 591) is repealed.

SEC. 204. COMPTROLLER GENERAL REVIEW.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the implementation of section 516 of the Homeland Security Act of 2002, as added by section 202, including information relating to the following:

(1) The Office’s efforts to prioritize its programs and activities to conduct the Office’s mission to safeguard against chemical, biological, radiological, and nuclear threats.

(2) The consistency and effectiveness of the Office’s efforts at coordinating with State, local, Tribal, and territorial entities and international partners across its mission areas.

(3) The Office’s efforts to manage the lifecycle of research and development within the Office and with other operational and support components of the Department of Homeland Security, including the Science and Technology Directorate.

(4) Any actions by the Office to measure progress in addressing employee engagement and improving employee morale across the Office.

(5) The extent and effectiveness of the Office’s coordination with other operational and support components, including the Science and Technology Directorate, of the Department regarding research and development projects.

(6) The Office’s efforts to prioritize its research and development funding, including to address emerging chemical, biological, radiological, and nuclear threats.

PURPOSE AND SUMMARY

H.R. 8610, the “Health Security and Countering Weapons of Mass Destruction Act,” authorizes the Office of Health Security, a new office within the Department of Homeland Security (DHS) which advises on medical, public health, and workforce health and

safety matters in the Homeland Security Act of 2002. Additionally, this legislation would repeal a provision to terminate the Countering Weapons of Mass Destruction Office (CWMD) and clarifies CWMD's role in leading the Department's efforts to counter chemical, biological, radiological, and nuclear (CBRN) threats. To improve the CWMD's operations, H.R. 8610 would establish an advisory council and directs the Government Accountability Office (GAO) to review CWMD's operations. Lastly, it requires DHS to carry out a biodefense review and issue a Departmental biodefense strategy.

BACKGROUND AND NEED FOR LEGISLATION

Given the complexity of the risk landscape, protecting the Nation against CBRN threats remains a critical national security priority. On December 21, 2018, the "Countering Weapons of Mass Destruction Act of 2018" (CWMD Act) became law, authorizing the creation of CWMD to streamline DHS's efforts 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."¹ The CWMD Act combined two predecessor offices—the Domestic Nuclear Detection Office (DNDO), which focused on countering nuclear and radiological threats, and the Office of Health Affairs (OHA) which was overseen by the Department's Chief Medical Officer (CMO)—into the CWMD office. In recent years, the office has encountered some challenges in managing legacy programs and with employee morale.² Under current law, authority to operate CWMD will terminate on December 21, 2023.³ H.R. 8610 would repeal CWMD's termination clause, clarify its responsibilities, and drive improvements to its operations.

Additionally, H.R. 8610 would make enhancements to the Department's handling of medical, public health, and workforce health and safety matters. The Covid-19 pandemic has brought to light the need to improve the Department's programs and policies in this space. In response, the CMO has sought to improve the

¹Pub. L. 115-387.

²Government Accountability Office, "Countering Weapons of Mass Destruction: DHS Could Improve Its Acquisition of Key Technology and Coordination with Partners," (April 19, 2022), GAO-22-104498, available at <https://www.gao.gov/products/gao-22-104498>; David Willman, "Trump administration has gutted programs aimed at detecting weapons of mass destruction," *Los Angeles Times*, (July 17, 2019), available at <https://www.latimes.com/politics/story/2019-07-17/times-investigation-homeland-security-gutted-programs-aimed-at-stopping-wmd-terrorism>; Emily Baumgaertner, "Hackers could have breached BioWatch for years, records show," *Los Angeles Times*, (Aug. 25, 2019), available at <https://www.latimes.com/science/sciencenow/la-sci-biowatch-20190402-story.html>; Thomas Warrick and Caitlin Durkovich, "Future of DHS Project: Key Findings and Recommendations," Atlantic Council, Scowcroft Center for Strategy and Security, (Sept. 2020), available at <https://www.atlanticcouncil.org/content-series/future-of-dhs/future-of-dhs-project-key-findings-and-recommendations/>; and see Partnership for Public Service, "Best Places to Work in the Federal Government," (accessed Dec. 12, 2022), available at <https://ourpublicservice.org/performance-measures/best-places-to-work-in-the-federal-government/>; and see Government Accountability Office, "DHS Employee Morale: Some Improvements Made, but Additional Actions Needed to Strengthen Employee Engagement," (Jan. 12, 2021), GAO-21-204, available at <https://www.gao.gov/products/gao-21-204>.

³Government Accountability Office, "Countering Weapons of Mass Destruction: DHS Could Improve Its Acquisition of Key Technology and Coordination with Partners," (April 19, 2022), GAO-22-104498, available at <https://www.gao.gov/products/gao-22-104498>; Government Accountability Office, "Countering Weapons of Mass Destruction: DHS Office Has Opportunities to Improve Partner Services and Employee Morale," (July 19, 2022), GAO-22-106133, available at <https://www.gao.gov/products/gao-22-106133>.

DHS’s public health and workforce safety efforts by supporting health and safety efforts for the DHS workforce, establishing domestic public health measures to address the Ukraine-Russia conflict, and assisting agents and emergency medical technicians with health protocols.⁴ With the importance of public health to DHS’s operations, Homeland Security Secretary Alejandro Mayorkas, using authorities provided under Section 872 of the Homeland Security Act of 2002, established a distinct office to better advise the Secretary and support medical, public health, and workforce health and safety efforts across the Department. The Office of Health Security (OHS), comprised of the CMO and elements from the DHS Management Directorate, was established in July 2022.⁵ H.R. 8610 would authorize this new office, while clarifying what roles and responsibilities are retained within the CWMD office with this organizational change.

HEARING

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearing was used to develop H.R. 8610:

- On July 16, 2021, the Emergency Preparedness, Response, and Recovery Subcommittee of the Committee on Homeland Security held a hearing entitled, “Examining the U.S. Department of Homeland Security Countering Weapons of Mass Destruction Office,” and received testimony from the Honorable Gary Rasicot, Acting Assistant Secretary, CWMD, DHS; and Mr. Christopher P. Currie, Director, Homeland Security and Justice, GAO.

COMMITTEE CONSIDERATION

The Committee met on September 14, 2022, a quorum being present, to consider H.R. 8610 and ordered the measure to be favorably reported to the House, as amended, by voice vote.

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.

No recorded votes were requested during consideration of H.R. 8610.

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.

⁴U.S. Senate Committee on Homeland Security and Governmental Affairs, *Hearing on Addressing Weapons of Mass Destruction and Health Security Threats to the Homeland*, 117th Cong., 2d sess., (July 19, 2022), available at <https://www.hsgac.senate.gov/hearings/addressing-weapons-of-mass-destruction-and-health-security-threats-to-the-homeland>.

⁵The “Consolidated Appropriations Act, 2022” (Pub. L. 117–103) waived the reorganization prohibition (6 U.S.C. § 452) for the limited purposes of establishing OHS.

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, November 22, 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. 8610, the Health Security and Countering Weapons of Mass Destruction Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 8610, Health Security and Countering Weapons of Mass Destruction Act			
As ordered reported by the House Committee on Homeland Security on September 14, 2022			
By Fiscal Year, Millions of Dollars	2023	2023-2027	2023-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	1	849	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 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 8610 would permanently reauthorize the Countering Weapons of Mass Destruction Office (CWMD) within the Department of Homeland Security (DHS). CWMD leads DHS's efforts to prevent the use of chemical, biological, radiological, or nuclear weapons, and promotes readiness against such attacks by coordinating with federal, state, local, tribal, and territorial governments, as well as the private sector. Under current law, CWMD's authorization expires on December 21, 2023.

The bill also would create an Office of Health Security (OHS) within the Office of the Secretary. The office would be responsible for all of DHS's medical and public health activities, including food,

agriculture, and veterinary defense, and workforce health and safety, transferring these functions from component units.

Finally, H.R. 8610 would create additional reporting requirements, including a Government Accountability Office review of CWMD's efforts and effectiveness.

The Congress appropriated \$386 million for CWMD in 2022. That includes funding for operations and support, procurement and maintenance of chemical, biological and radiological detection equipment, research and development, and assistance to state, local, tribal, and territorial governments. Adjusting that amount for annual inflation, the transfer of funds to OHS, and CWMD's current authorization through December 2023, CBO estimates this provision would authorize the appropriation of \$1.6 billion over the 2023–2027 period.

In addition, based on the costs of similar reports, CBO estimates that implementing the bill's reporting requirements would cost \$1 million over 2023–2027 period. In total, CBO estimates that CWMD would incur \$769 million in additional costs over the 2023–2027 period. Such spending would be subject to the appropriation of the estimated amounts.

Based on information from DHS, CBO assumes that the department already carries out the activities required of OHS under the bill and that H.R. 8610 would consolidate those efforts into a new office. Using information from CWMD, CBO estimates implementing H.R. 8610 would require the agency to transfer 35 existing staff and \$21 million (the amount allocated for those activities in 2022) to the new Office of Health Security. The new office would include DHS's current work and activities on food and agriculture security, and veterinary defense. CBO estimates that OHS would continue to incur costs for those activities, with an increase each year to account for expected inflation. CBO estimates that OHS would cost \$79 million over the 2023–2027 period; such spending would be subject to the availability of appropriated funds.

The costs of the legislation, detailed in Table 1, fall within budget function 750 (administration of justice).

Table 1.
Estimated Increases in Spending Subject to Appropriation Under H.R. 8610

	By Fiscal Year, Millions of Dollars					2023-2027
	2023	2024	2025	2026	2027	
Office of Countering Weapons of Mass Destruction						
Estimated Authorization	1	303	413	440	450	1,607
Estimated Outlays	1	40	137	253	339	769
Office of Health Security						
Estimated Authorization	0	16	24	25	25	91
Estimated Outlays	0	11	19	23	25	79
Total Changes						
Estimated Authorization	1	319	437	465	476	1,697
Estimated Outlays	1	52	156	276	364	849

Components may not sum to totals because of rounding

H.R. 8610 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On November 9, 2022, CBO transmitted a cost estimate for S.4465, Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs, on August 3, 2022. The two bills are similar, and CBO's estimates of the costs of both are similar. S. 4465 contains additional reporting requirements and new fines on individuals who willfully disclose a medical record created by DHS, neither of which are included in H.R. 8610.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

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.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 8610 is to authorize the Office of Health Security within the Department of Homeland Security, repeal the termination date for the CWMD office, and clarify the CWMD office's responsibilities.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, the Committee finds that H.R. 8610 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, 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. 8610 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 "Health Security and Countering Weapons of Mass Destruction Act".

Sec. 101. Office of Health Security.

This section authorizes the Office of Health Security (OHS) within the Department of Homeland Security to be led by a Chief Medical Officer (CMO), who serves at the level of Assistant Secretary. The section requires the CMO to submit a report on OHS's activities within a year, and annually thereafter.

Sec. 101 sets forth the CMO's responsibilities to include delivering, advising, and supporting DHS components and offices with respect to direct patient care as well as the organization, management, and staffing of DHS component operations that deliver direct patient care. The CMO is also responsible for advising the DHS Secretary and the head of each component that delivers direct patient care regarding (1) knowledge and skill standards for medical personnel and the assessment of such knowledge and skill; (2) the collection, storage, and oversight of medical records; and (3) contracts for related to such activities. Additionally, the CMO is responsible for advising each component on recruitment and appointment of a component chief medical officer and the administration of any psychological health counseling or assistance program within a component.

Sec. 101 establishes a Privacy Officer within the OHS and directs the CMO, in consultation with the DHS Chief Information Officer, to identify methods and technologies for managing, updating, and overseeing patient records and setting related technology standards for the collection, storage, and oversight of medical records. It also authorizes the CMO, at the direction of the Secretary, to provide technical assistance, training, information, and to distribute funds to State, local, Tribal, and territorial (SLTT) governments, and nongovernmental organizations; and enter into agreements with appropriate Federal departments.

This section transfers to the CMO all functions, personnel, budget authority, and assets of the Under Secretary for Management, relating to workforce health and medical support; the Assistant Secretary for the CWMD, relating to the CMO (including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office); and the Assistant Secretary for the CWMD, concerning food, agriculture, and veterinary defense programs to OHS.

Sec. 201. Technical corrections; Countering Weapons of Mass Destruction Advisory Committee; departmental biodefense strategy.

This section clarifies that the Assistant Secretary for CWMD will serve as the Secretary's principal advisor on countering and coordinating DHS's efforts to counter weapons of mass destruction (WMD), as well as CBRN threats and other non-conventional emerging terrorism threats. It also provides technical corrections and a rule of construction.

Sec. 201 also clarifies CWMD's roles and responsibilities to include: coordinating the Department's efforts to counter WMD, non-medical aspects of CBRN threats, and emerging terrorism threats; enhancing the ability of Federal, State, local, Tribal, and territorial (FSLTT) partners to prevent, detect, protect against, and mitigate the impacts of terrorist attacks in the United States involving WMD, CBRN, or other non-conventional terrorist threats; serving as the primary DHS entity responsible for developing, acquiring,

deploying, supporting, and operating a national biosurveillance system in support of FSLTT; supporting the enhancement of chemical and biological detection efforts of FSLTT authorities; collaborating with relevant Federal stakeholders on chemical and biological surveillance efforts; carrying out a program to test and evaluate technology used by DHS to detect and report on CBRN weapons and establish performance metrics to evaluate the effectiveness of such technology; conducting, supporting, coordinating, and encouraging transformational research and development efforts to generate new technologies to detect, protect against, and report on the illicit entry across the United States borders, or the transport, assembly, or use within the United States of CBRN weapons or unauthorized material; supporting and enhancing the effective sharing and use of appropriate information regarding CBRN threats and non-conventional emerging terrorism threats.

Sec. 201 also provides flexibility for hiring CBRN specialists and expands the locations for the Securing the Cities (STC) program to permit CWMD broader jurisdiction to select cities based on the relative threat vulnerability and capability of the city. It stipulates that within 2 years after the date of enactment, the Secretary 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 regarding the STC program.

This section directs the CWMD to establish an 18-member Countering Weapons of Mass Destruction Advisory Committee (the "Advisory Committee") to make recommendations with respect to the activities of the Office. The membership of the Advisory Committee is to include emergency managers, State, local, and Tribal government officials, geographic diversity, members of the private, non-profit, and public sector with experience in CBRN threats, and representatives of the national laboratories. All members are to serve voluntarily for 3-year terms, except under certain circumstances.

Sec. 202. Biodefense review and strategy.

This section directs DHS to consult with appropriate stakeholders to produce a Department-wide review of biodefense activities and strategies within 180 days. The review is supposed to identify DHS biodefense activities, assess how such internal and external coordination; identify any gaps in DHS's ability to counter to biological threats; and identify any organizational reforms necessary for DHS to effectively execute its biodefense mission.

Sec. 202 also directs DHS, within a year of the review, to issue a strategy for the Department that is informed by such review and is aligned with the national biodefense strategy. DHS is directed to review and update the strategy no later than 5 years, and every 5 years thereafter, on DHS's strategy and plans.

Sec. 203. Sunset repealed.

This section strikes section 1901 of the Homeland Security Act of 2002 which would terminate authority for the CWMD office.

Sec. 204. Comptroller General review.

This section mandates the Comptroller General of the United States to provide a report to the Committee on Homeland Security

of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on CWMD's efforts to prioritize its work to meet its mission and safeguard against CBRN threats; its effectiveness of engagements with SLTT partners; its research management within the office and with other DHS components; its employee engagement and morale; and ability to meet its mission.

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.

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TITLE V—NATIONAL EMERGENCY MANAGEMENT

Sec. 501. Definitions.

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Sec. 516. *Department-wide biodefense review and strategy.*

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Sec. 528. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.

Sec. **[529]** 528. Transfer of equipment during a public health emergency.

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TITLE VII—MANAGEMENT

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Sec. 710. Workforce health and medical support.

Sec. **[711]** 710. Employee engagement.

Sec. **[712]** 711. Annual employee award program.

Sec. **[713]** 712. Acquisition professional career program.

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TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Sec. 1900. Definitions.

Sec. 1900A. *Rule of construction.*

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Subtitle B—Mission of the Office

Sec. 1921. Mission of the Office.

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Sec. 1929. *Countering Weapons of Mass Destruction Advisory Committee.*

Subtitle C—Chief Medical Officer

Sec. 1931. Chief Medical Officer.

Sec. 1932. Medical countermeasures.

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TITLE XXIII—OFFICE OF HEALTH SECURITY

- Sec. 2301. Office of Health Security.
- Sec. 2302. Workforce health and medical support.
- Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.
- Sec. 2304. Medical countermeasures.

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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) A Director of the Cybersecurity and Infrastructure Security Agency.

(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,] *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) An Assistant Secretary for the Countering Weapons of Mass Destruction Office.
- (5) Any Director of a Joint Task Force under section 708.
- (6) A *Chief Medical Officer*.

(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 V—NATIONAL EMERGENCY MANAGEMENT

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SEC. 516. DEPARTMENT-WIDE BIODEFENSE REVIEW AND STRATEGY.

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, territorial, academic, private sector, and nongovernmental entities, shall conduct a Department-wide review of biodefense activities and strategies.

(b) *REVIEW.*—The review required under subsection (a) shall—

(1) identify with specificity the biodefense lines of effort of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

(2) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

(3) identify any policy, resource, capability, or other gaps in the Department's ability to assess, prevent, protect against, and respond to biological threats; and

(4) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

(c) **STRATEGY.**—Not later than one year after completion of the review required under subsection (a), the Secretary shall issue a biodefense strategy for the Department that is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or successor strategy. Such strategy shall—

(1) describe the Department's biodefense mission and role, as well as how such relates to the biodefense lines of effort of the Department;

(2) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the Department's components and offices involved in the biodefense lines of effort of the Department;

(3) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

(4) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

(5) include information relating to—

(A) milestones and performance metrics that are specific to the Department's biodefense mission and role described in paragraph (1); and

(B) implementation of any operational changes necessary to carry out paragraphs (3) and (4).

(d) **PERIODIC UPDATE.**—Beginning not later than five years after the issuance of the strategy and implementation plans required under subsection (c) and not less often than once every five years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

* * * * *

SEC. [529.] 528. TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.

(a) **AUTHORIZATION OF TRANSFER OF EQUIPMENT.**—During a public health emergency declared by the Secretary of Health and

Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary, at the request of the Secretary of Health and Human Services, may transfer to the Department of Health and Human Services, on a reimbursable basis, excess personal protective equipment or medically necessary equipment in the possession of the Department.

(b) DETERMINATION BY SECRETARIES.—

(1) IN GENERAL.—In carrying out this section—

(A) before requesting a transfer under subsection (a), the Secretary of Health and Human Services shall determine whether the personal protective equipment or medically necessary equipment is otherwise available; and

(B) before initiating a transfer under subsection (a), the Secretary, in consultation with the heads of each component within the Department, shall—

(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and

(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

(2) NOTIFICATION.—The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

(3) REQUIRED INVENTORY.—

(A) IN GENERAL.—The Secretary shall—

(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and

(ii) make the inventory required under clause (i) available, on a continual basis, to—

(I) the Secretary of Health and Human Services; and

(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

(B) FORM.—Each inventory required to be made available under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

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TITLE VII—MANAGEMENT

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SEC. 704. CHIEF HUMAN CAPITAL OFFICER.

(a) IN GENERAL.—The Chief Human Capital Officer shall report directly to the Under Secretary for Management.

(b) RESPONSIBILITIES.—In addition to the responsibilities set forth in chapter 14 of title 5, United States Code, and other applicable law, the Chief Human Capital Officer of the Department shall—

(1) develop and implement strategic workforce planning policies, including with respect to leader development and employee engagement, that are consistent with Government-wide leading principles, in line with Department strategic human capital goals and priorities, and informed by best practices within the Federal Government and the private sector, taking into account the special requirements of members of the Armed Forces serving in the Coast Guard;

(2) use performance measures to evaluate, on an ongoing basis, Department-wide strategic workforce planning efforts;

(3) develop, improve, and implement policies that, to the extent practicable, are informed by employee feedback, including compensation flexibilities available to Federal agencies where appropriate, to recruit, hire, train, and retain the workforce of the Department, in coordination with all components of the Department;

(4) identify methods for managing and overseeing human capital programs and initiatives, including leader development and employee engagement programs, in coordination with the head of each component of the Department;

(5) develop a career path framework and create opportunities for leader development in coordination with all components of the Department that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs of employees in supervisory and non-supervisory roles across the Department and appropriate workforce planning initiatives;

(6) lead the efforts of the Department for managing employee resources, including training and development opportunities, in coordination with each component of the Department;

(7) work to ensure the Department is implementing human capital programs and initiatives and effectively educating each component of the Department about these programs and initiatives;

(8) identify and eliminate unnecessary and duplicative human capital policies and guidance;

(9) maintain a catalogue of available employee development opportunities, including the Homeland Security Rotation Program pursuant to section 844, departmental leadership development programs, interagency development programs, and other rotational programs;

(10) ensure that employee discipline and adverse action programs comply with the requirements of all pertinent laws, rules, regulations, and Federal guidance, and ensure due process for employees;

(11) analyze each Department or Government-wide Federal workforce satisfaction or morale survey not later than 90 days after the date of the publication of each such survey and submit to the Secretary such analysis, including, as appropriate, recommendations to improve workforce satisfaction or morale within the Department;

(12) review and approve all component employee engagement action plans to ensure such plans include initiatives responsive to the root cause of employee engagement challenges, as well as outcome-based performance measures and targets to track the progress of such initiatives;

(13) provide input concerning the hiring and performance of the Chief Human Capital Officer or comparable official in each component of the Department; and

(14) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5, United States Code.

(c) COMPONENT STRATEGIES.—

(1) IN GENERAL.—Each component of the Department shall, in coordination with the Chief Human Capital Officer of the Department, develop a 5-year workforce strategy for the component that will support the goals, objectives, and performance measures of the Department for determining the proper balance of Federal employees and private labor resources.

(2) STRATEGY REQUIREMENTS.—In developing the strategy required under paragraph (1), each component shall consider the effect on human resources associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services.

(d) CHIEF LEARNING AND ENGAGEMENT OFFICER.—The Chief Human Capital Officer may designate an employee of the Department to serve as a Chief Learning and Engagement Officer to assist the Chief Human Capital Officer in carrying out this section.

(e) ANNUAL SUBMISSION.—Not later than 90 days after the date on which the Secretary submits the annual budget justification for the Department, the Secretary shall submit to the congressional homeland security committees a report that includes a table, delineated by component with actual and enacted amounts, including—

(1) information on the progress within the Department of fulfilling the workforce strategies developed under subsection (c);

(2) information on employee development opportunities catalogued pursuant to paragraph (9) of subsection (b) and any available data on participation rates, attrition rates, and impacts on retention and employee satisfaction;

(3) information on the progress of Departmentwide strategic workforce planning efforts as determined under paragraph (2) of subsection (b);

(4) information on the activities of the steering committee established pursuant to ~~section 711(a)~~ *section 710(a)*, including the number of meetings, types of materials developed and distributed, and recommendations made to the Secretary;

(5) the number of on-board staffing for Federal employees from the prior fiscal year;

(6) the total contract hours submitted by each prime contractor as part of the service contract inventory required under section 743 of the Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117; 31 U.S.C. 501 note); and

(7) the number of full-time equivalent personnel identified under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

(f) LIMITATION.—Nothing in this section overrides or otherwise affects the requirements specified in section 888.

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SEC. [711.] 710. EMPLOYEE ENGAGEMENT.

(a) STEERING COMMITTEE.—Not later than 120 days after the date of the enactment of this section, the Secretary shall establish an employee engagement steering committee, including representatives from operational components, headquarters, and field personnel, including supervisory and nonsupervisory personnel, and employee labor organizations that represent Department employees, and chaired by the Under Secretary for Management, to carry out the following activities:

(1) Identify factors that have a negative impact on employee engagement, morale, and communications within the Department, such as perceptions about limitations on career progression, mobility, or development opportunities, collected through employee feedback platforms, including through annual employee surveys, questionnaires, and other communications, as appropriate.

(2) Identify, develop, and distribute initiatives and best practices to improve employee engagement, morale, and communications within the Department, including through annual employee surveys, questionnaires, and other communications, as appropriate.

(3) Monitor efforts of each component to address employee engagement, morale, and communications based on employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate.

(4) Advise the Secretary on efforts to improve employee engagement, morale, and communications within specific components and across the Department.

(5) Conduct regular meetings and report, not less than once per quarter, to the Under Secretary for Management, the head of each component, and the Secretary on Departmentwide efforts to improve employee engagement, morale, and communications.

(b) ACTION PLAN; REPORTING.—The Secretary, acting through the Chief Human Capital Officer, shall—

(1) not later than 120 days after the date of the establishment of the employee engagement steering committee under subsection (a), issue a Departmentwide employee engagement action plan, reflecting input from the steering committee and employee feedback provided through annual employee surveys, questionnaires, and other communications in accordance with paragraph (1) of such subsection, to execute strategies to improve employee engagement, morale, and communications within the Department; and

(2) require the head of each component to—

(A) develop and implement a component-specific employee engagement plan to advance the action plan required under paragraph (1) that includes performance

measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, where applicable, their labor representatives are to be integrated in developing programs and initiatives;

(B) monitor progress on implementation of such action plan; and

(C) provide to the Chief Human Capital Officer and the steering committee quarterly reports on actions planned and progress made under this paragraph.

(c) **TERMINATION.**—This section shall terminate on the date that is five years after the date of the enactment of this section.

SEC. [712.] 711. ANNUAL EMPLOYEE AWARD PROGRAM.

(a) **IN GENERAL.**—The Secretary may establish an annual employee award program to recognize Department employees or groups of employees for significant contributions to the achievement of the Department's goals and missions. If such a program is established, the Secretary shall—

(1) establish within such program categories of awards, each with specific criteria, that emphasize honoring employees who are at the nonsupervisory level;

(2) publicize within the Department how any employee or group of employees may be nominated for an award;

(3) establish an internal review board comprised of representatives from Department components, headquarters, and field personnel to submit to the Secretary award recommendations regarding specific employees or groups of employees;

(4) select recipients from the pool of nominees submitted by the internal review board under paragraph (3) and convene a ceremony at which employees or groups of employees receive such awards from the Secretary; and

(5) publicize such program within the Department.

(b) **INTERNAL REVIEW BOARD.**—The internal review board described in subsection (a)(3) shall, when carrying out its function under such subsection, consult with representatives from operational components and headquarters, including supervisory and nonsupervisory personnel, and employee labor organizations that represent Department employees.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to authorize additional funds to carry out the requirements of this section or to require the Secretary to provide monetary bonuses to recipients of an award under this section.

SEC. [713.] 712. ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) **ESTABLISHMENT.**—There is established in the Department an acquisition professional career program to develop a cadre of acquisition professionals within the Department.

(b) **ADMINISTRATION.**—The Under Secretary for Management shall administer the acquisition professional career program established pursuant to subsection (a).

(c) **PROGRAM REQUIREMENTS.**—The Under Secretary for Management shall carry out the following with respect to the acquisition professional career program.

(1) Designate the occupational series, grades, and number of acquisition positions throughout the Department to be included in the program and manage centrally such positions.

(2) Establish and publish on the Department's website eligibility criteria for candidates to participate in the program.

(3) Carry out recruitment efforts to attract candidates—

(A) from institutions of higher education, including such institutions with established acquisition specialties and courses of study, historically Black colleges and universities, and Hispanic-serving institutions;

(B) with diverse work experience outside of the Federal Government; or

(C) with military service.

(4) Hire eligible candidates for designated positions under the program.

(5) Develop a structured program comprised of acquisition training, on-the-job experience, Department-wide rotations, mentorship, shadowing, and other career development opportunities for program participants.

(6) Provide, beyond required training established for program participants, additional specialized acquisition training, including small business contracting and innovative acquisition techniques training.

(d) REPORTS.—Not later than one year after the date of the enactment of this section, and annually thereafter through 2027, the Secretary 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 on the acquisition professional career program. Each such report shall include the following information:

(1) The number of candidates approved for the program.

(2) The number of candidates who commenced participation in the program, including generalized information on such candidates' backgrounds with respect to education and prior work experience, but not including personally identifiable information.

(3) A breakdown of the number of participants hired under the program by type of acquisition position.

(4) A list of Department components and offices that participated in the program and information regarding length of time of each program participant in each rotation at such components or offices.

(5) Program attrition rates and post-program graduation retention data, including information on how such data compare to the prior year's data, as available.

(6) The Department's recruiting efforts for the program.

(7) The Department's efforts to promote retention of program participants.

(e) DEFINITIONS.—In this section:

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

(2) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term "historically Black colleges and universities" has the

meaning given the term “part B institution” in section 322(2) of Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

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SEC. 1900A. RULE OF CONSTRUCTION.

Nothing in this title may be construed as affecting in any manner or respect the operation of the Chemical Facility Anti-Terrorism Standards Program of the Cybersecurity and Infrastructure Security Agency or title XXI.

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 the efforts of the Department to counter weapons of mass destruction.]

(1) *serve as the Secretary’s principal advisor on matters and strategies relating to—*

(A) *countering weapons of mass destruction; and*

(B) *non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats;*

(2) *coordinate the efforts of the Department to counter—*

(A) *weapons of mass destruction;*

(B) *non-medical aspects of chemical, biological, radiological, and nuclear threats; and*

(C) *other related emerging terrorism threats; and*

(3) *enhance the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of terrorist attacks in the United States involving—*

(A) *weapons of mass destruction; or*

(B) *non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats.*

(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 heads of other Federal agencies, including elements of the intelligence community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

[(e) TERMINATION.—The Office shall terminate on the date that is 5 years after the date of the enactment of the Countering Weapons of Mass Destruction Act of 2018.]

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 a strategy and policy for the Department 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.】 *The Office shall be responsible for—*

(1) *coordinating the Department’s efforts and with other Federal Departments and agencies to counter weapons of mass destruction and non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats; and*

(2) *enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of—*

(A) *weapons of mass destruction; and*

(B) *non-medical aspects of chemical, biological, radiological, and nuclear threats, and non-conventional emerging terrorism threats.*

* * * * *

SEC. 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 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 encour-

aging 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 educational 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) *serve as the primary entity within the Department responsible for developing, acquiring, deploying, supporting, and operating a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments;*

(14) *support the enhancement of chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments, and provide guidance, tools, and training to help ensure a managed, coordinated response among such entities;*

(15) *collaborate with relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories regarding chemical and biological surveillance efforts;*

(16) *carry out a program to test and evaluate, in consultation with the Science and Technology Directorate and, as appropriate, State, local, Tribal, and territorial partners, and in coordination with other relevant Federal agencies, technology to detect and report on chemical, biological, radiological, and nuclear weapons or unauthorized material for use by the Department and such partners, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting such weapons or material—*

(A) *under realistic operational and environmental conditions; and*

(B) *against realistic adversary tactics and countermeasures;*

(17) *conduct, support, coordinate, and encourage, in consultation with State, local, Tribal, and territorial partners, and in coordination with the Science and Technology Directorate, transformational research and development efforts to generate new technologies to detect, protect against, and report on the illicit entry across the United States borders, or the transport, assembly, or use within the United States of chemical, biological, radiological, and nuclear weapons or unauthorized material;*

(18) *support and enhance the effective sharing and use of appropriate information regarding chemical, biological, radiological, and nuclear threats and non-conventional emerging terrorism threats generated by elements of the intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to such entities;*

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

[(14)] (20) *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. 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)] *section 4092 of title 10, United States Code, except that such authorities shall be limited to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties.* [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. 1928. SECURING THE CITIES PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary, through the Assistant Secretary, shall establish a program, to be known as the “Securing the Cities” or “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.

(b) **ELEMENTS.**—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 an operating capability to detect and report on nuclear and other radiological materials out of regulatory control;

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

(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 government agencies, in a manner that ensures transparency with the jurisdictions designated under subsection (c);

(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;

(7) monitor expenditures under the STC program and track performance in meeting the goals of the STC program; and

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

(c) DESIGNATION OF JURISDICTIONS.—

(1) IN GENERAL.—In carrying out the STC program under subsection (a), the Secretary shall designate jurisdictions **[from among high-risk urban areas under section 2003]** *based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequences from terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials.*

(2) 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 3 days before the designation of a new jurisdiction under paragraph (1) or any change to a jurisdiction previously designated under that paragraph.

[(d) ACCOUNTABILITY.—

[(1) IMPLEMENTATION PLAN.—

[(A) IN GENERAL.—The Secretary shall develop, in consultation with relevant stakeholders, an implementation plan for carrying out the STC program that includes—

[(i) a discussion of the goals of the STC program and a strategy to achieve those goals;

[(ii) performance metrics and milestones for the STC program;

[(iii) measures for achieving and sustaining capabilities under the STC program; and

[(iv) costs associated with achieving the goals of the STC program.

[(B) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of the Countering Weapons of Mass Destruction Act of 2018, the Secretary shall submit to the appropriate congressional committees and the Comptroller General of the United States the implementation plan required by subparagraph (A).

[(2) REPORT REQUIRED.—Not later than one year after the submission of the implementation plan under paragraph (1)(B), the Secretary shall submit to the appropriate congressional

committees and the Comptroller General a report that includes—

【(A) an assessment of the effectiveness of the STC program, based on the performance metrics and milestones required by paragraph (1)(A)(ii); and

【(B) proposals for any changes to the STC program, including an explanation of how those changes align with the strategy and goals of the STC program and, as appropriate, address any challenges faced by the STC program.

【(3) COMPTROLLER GENERAL REVIEW.—Not later than 18 months after the submission of the report required by paragraph (2), the Comptroller General of the United States shall submit to the appropriate congressional committees a report evaluating the implementation plan required by paragraph (1) and the report required by paragraph (2), including an assessment of progress made with respect to the performance metrics and milestones required by paragraph (1)(A)(ii) and the sustainment of the capabilities of the STC program.

【(4) BRIEFING AND SUBMISSION REQUIREMENTS.—Before making any changes to the structure or requirements of the STC program, the Assistant Secretary shall—

【(A) consult with the appropriate congressional committees; and

【(B) provide to those committees—

【(i) a briefing on the proposed changes, including a justification for the changes;

【(ii) documentation relating to the changes, including plans, strategies, and resources to implement the changes; and

【(iii) an assessment of the effect of the changes on the capabilities of the STC program, taking into consideration previous resource allocations and stakeholder input.】

(d) REPORT.—Not later than two years after the date of enactment of the Health Security and Countering Weapons of Mass Destruction, the Secretary 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 regarding the STC program.

SEC. 1929. COUNTERING WEAPONS OF MASS DESTRUCTION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established in the Office a Countering Weapons of Mass Destruction Advisory Committee (in this section referred to as the “Advisory Committee”). The Advisory Committee shall make recommendations with respect to the activities of the Office.

(b) MEMBERSHIP.—The Assistant Secretary shall appoint not more than 18 individuals to serve as members of the Advisory Committee. Such individuals shall represent, to the extent practicable, a geographic (including urban and rural) and substantive cross section of officials from State, local, and Tribal governments, academia, the private sector, and nongovernmental organizations. The Assistant Secretary shall seek to ensure one-third of the members are selected from the emergency management field and emergency response pro-

viders and State, local, and Tribal government officials. The Assistant Secretary shall seek to ensure the remaining members are—

(1) individuals from the public or private sectors with expertise in chemical, biological, radiological, or nuclear agents and weapons;

(2) representatives from the national laboratories; and

(3) such other individuals as the Assistant Secretary determines appropriate.

(c) **RESPONSIBILITIES.**—The Advisory Committee shall—

(1) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

(2) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

(3) establish performance criteria for a national biological detection system and review any associated testing protocols for biological detection prototypes.

(d) **CONSULTATION.**—The Assistant Secretary shall regularly consult and work with the Advisory Committee regarding the Office's activities, including with respect to activities associated with the administration of Federal assistance provided by the Department, and the development of requirements for countering weapons of mass destruction programs.

(e) **VOLUNTARY SERVICE AND TERMS.**—The members of the Advisory Committee shall serve on the Advisory Committee on a voluntary basis. Members may serve for up to three consecutive years, but a member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed may be appointed for the remainder of such term.

(f) **FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

[Subtitle C—Chief Medical Officer]

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TITLE XXIII— OFFICE OF HEALTH SECURITY

[SEC. 1931. CHIEF MEDICAL OFFICER.]

SEC. 2301. OFFICE OF HEALTH SECURITY.

[(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.]

(a) **IN GENERAL.**—There is in the Department an Office of Health Security.

(b) **HEAD OF OFFICE OF HEALTH SECURITY.**—

(1) **IN GENERAL.**—The Office of Health Security shall be headed by a Chief Medical Officer (in this title referred to as the

“Chief Medical Officer”), who shall be at the level of Assistant Secretary within the Department.

(2) *QUALIFICATIONS; DUTIES.*—The Chief Medical Officer shall—

(A) be appointed by the President pursuant to section 103(d);

(B) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health; and

(C) report directly to the Secretary.

(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—] *medical, public health, and workforce health and safety matters, including issues related to—*

(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] *the Secretary and all 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 and the Office of the Assistant Secretary for Preparedness and Response of the Department of Health and Human Services, with respect to medical and public health matters; [and]

(5) *delivering, advising, and supporting—*

(A) *direct patient care; and*

(B) *the organization, management, and staffing of component operations that deliver direct patient care;*

(6) *advising the Secretary and the head of each component of the Department that delivers direct patient care regarding—*

(A) *knowledge and skill standards for medical personnel and the assessment of such knowledge and skill;*

(B) *the collection, storage, and oversight of medical records; and*

(C) *contracts for the delivery of direct patient care, other medical services, and medical supplies;*

(7) *advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer, or, as the case may be, the employee who functions in the capacity of a component chief medical officer;*

(8) *with respect to preparation and response for pandemics, ensuring the protection of the workforce of the Department, with an emphasis on front line workers most at risk, through—*

(A) *health security planning; and*

(B) *provision of subject matter and planning expertise to the Chief Readiness Support Officer of the Department re-*

garding stockpiling and distribution of supplies, including adequate personal protective equipment;

(9) with respect to any psychological health counseling or assistance program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination, by such component with respect to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;

(B) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel;

(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

(D) establishing periodic management training on crisis intervention and such component's psychological health counseling or assistance program;

(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

(G) prioritizing, as appropriate, expertise in the provision of psychological health counseling and assistance for certain populations of the workforce, such as employees serving in positions within law enforcement, to help improve outcomes for such employees receiving such counseling or assistance; and

(H) including collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

(10) in consultation with the Chief Information Officer of the Department—

(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

(B) setting standards for technology used by components of the Department regarding the collection, storage, and oversight of medical records; and

[(5)] *(11) performing such other duties relating to such responsibilities as the Secretary may require.*

(d) ASSISTANCE AND AGREEMENTS.—In furtherance of this section, the Chief Medical Officer, at the direction of the Secretary, may—

(1) provide technical assistance, training, information, and distribute funds through grants and cooperative agreements to State, local, Tribal, and territorial governments, and non-governmental organizations;

(2) enter into agreements with appropriate Federal departments and other executive agencies; and

(3) accept services from personnel of components of the Department and appropriate Federal departments and other executive agencies on a reimbursable or nonreimbursable basis.

(e) **OFFICE OF HEALTH SECURITY PRIVACY OFFICER.**—

(1) **IN GENERAL.**—There shall be a Privacy Officer of the Office of Health Security, designated by the Chief Medical Officer in consultation with the Privacy Officer of the Department, with primary responsibility for privacy policy and compliance within the Office and with respect to the carrying out of responsibilities described in subsection (c).

(2) **DUTIES.**—The Privacy Officer of the Office of Health Security shall—

(A) report directly to the Chief Medical Officer;

(B) coordinate with and, as requested, support the activities of the Privacy Officer appointed under section 222; and

(C) ensure privacy protections are integrated into all activities of the Office of Health Security, subject to the review and approval of the Privacy Officer of the Department.

(f) **ANNUAL REPORT.**—Not later than one year after the date of the enactment of this subsection and annually thereafter, the Chief Medical Officer shall submit to Congress a report on the activities of the Office of Health Security for the immediately preceding year.

SEC. [710.] 2302. WORKFORCE HEALTH AND MEDICAL SUPPORT.

(a) **IN GENERAL.**—The **[Under Secretary for Management]** Chief Medical Officer shall be responsible for workforce-focused health and medical activities of the Department. The **[Under Secretary for Management]** Chief Medical Officer may further delegate responsibility for those activities, as appropriate.

(b) **RESPONSIBILITIES.**—The **[Under Secretary for Management, in coordination with the Chief Medical Officer,]** 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 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 the responsibilities described in this subsection as the Secretary may require.

SEC. [528.] 2303. 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 the Countering Weapons of Mass Destruction Office] *Chief Medical Officer*, 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.

SEC. [1932.] 2304. MEDICAL COUNTERMEASURES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall, as appropriate, establish a medical countermeasures program within the components of the Department to—

(1) facilitate personnel readiness and protection for the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic; and

(2) support the mission continuity of the Department.

(b) OVERSIGHT.—The Secretary, acting through the Chief Medical Officer of the Department, shall—

(1) provide programmatic oversight of the medical countermeasures program established under subsection (a); and

(2) develop standards for—

(A) medical countermeasure storage, security, dispensing, and documentation;

(B) maintaining a stockpile of medical countermeasures, including antibiotics, antivirals, antidotes, therapeutics, and radiological countermeasures, as appropriate;

- (C) ensuring adequate partnerships with manufacturers and executive agencies that enable advance prepositioning by vendors of inventories of appropriate medical countermeasures in strategic locations nationwide, based on risk and employee density, in accordance with applicable Federal statutes and regulations;
 - (D) providing oversight and guidance regarding the dispensing of stockpiled medical countermeasures;
 - (E) ensuring rapid deployment and dispensing of medical countermeasures in a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic;
 - (F) providing training to employees of the Department on medical countermeasures; and
 - (G) supporting dispensing exercises.
- (c) **MEDICAL COUNTERMEASURES WORKING GROUP.**—The Secretary, acting through the Chief Medical Officer of the Department, shall establish a medical countermeasures working group comprised of representatives from appropriate components and offices of the Department to ensure that medical countermeasures standards are maintained and guidance is consistent.
- (d) **MEDICAL COUNTERMEASURES MANAGEMENT.**—Not later than 120 days after the date on which appropriations are made available to carry out subsection (a), the Chief Medical Officer shall develop and submit to the Secretary an integrated logistics support plan for medical countermeasures, including—
- (1) a methodology for determining the ideal types and quantities of medical countermeasures to stockpile and how frequently such methodology shall be reevaluated;
 - (2) a replenishment plan; and
 - (3) inventory tracking, reporting, and reconciliation procedures for existing stockpiles and new medical countermeasure purchases.
- (e) **TRANSFER.**—Not later than 120 days after the date of enactment of this section, the Secretary shall transfer all medical countermeasures-related programmatic and personnel resources from the Under Secretary for Management to the Chief Medical Officer.
- (f) **STOCKPILE ELEMENTS.**—In determining the types and quantities of medical countermeasures to stockpile under subsection (d), the Secretary, acting through the Chief Medical Officer of the Department—
- (1) shall use a risk-based methodology for evaluating types and quantities of medical countermeasures required; and
 - (2) may use, if available—
 - (A) chemical, biological, radiological, and nuclear risk assessments of the Department; and
 - (B) guidance on medical countermeasures of the Office of the Assistant Secretary for Preparedness and Response and the Centers for Disease Control and Prevention.
- (g) **BRIEFING.**—Not later than 180 days after the date of enactment of this section, the Secretary shall provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding—
- (1) the plan developed under subsection (d); and

(2) implementation of the requirements of this section.

(h) DEFINITION.—In this section, the term “medical countermeasures” means antibiotics, antivirals, antidotes, therapeutics, radiological countermeasures, and other countermeasures that may be deployed to protect the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic.

