

COUNTERING WEAPONS OF MASS DESTRUCTION  
EXTENSION ACT OF 2023

—————  
JULY 27, 2023.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. GREEN of Tennessee, from the Committee on Homeland  
Security, submitted the following

R E P O R T

[To accompany H.R. 3224]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3224) to amend the Homeland Security Act of 2002 to extend the authorization of the Countering Weapons of Mass Destruction Office of the Department of Homeland Security, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3224, The “Countering Weapons of Mass Destruction Extension Act of 2023,” would extend the sunset clause on the Coun-

tering Weapons of Mass Destruction (CWMD) Office by seven years. The Office is currently set to expire on December 21, 2023.

Additionally, this bill requires the Assistant Secretary for CWMD to submit a report to and brief Congress on a plan and strategy to improve morale within the Office and requires a review of the CWMD by the Government Accountability Office (GAO).

#### BACKGROUND AND NEED FOR LEGISLATION

In December 2017, using authorities provided under section 872 of the Homeland Security Act of 2002, the Trump Administration reorganized certain chemical, biological, radiological, and nuclear functions at DHS into a new “Countering Weapons of Mass Destruction Office (CWMD).” On December 21, 2018, the Countering Weapons of Mass Destruction Act of 2018 (P.L. 115–387) was signed into law to fully establish and authorize CWMD.

The mission of the CWMD office is to enable its operational partners at the federal, state, and local level to prevent the use of weapons of mass destruction against the United States and to promote readiness for chemical, biological, radiological, and nuclear (CBRN) threats. The CWMD office achieves its mission of supporting state, local, Tribal and territorial (SLTT) partners through funding, equipment, and expertise. Critical programs like the Securing the Cities (STC) program provides SLTT governments with resources needed to help safeguard their communities from the threat of radiological and nuclear terrorism.

At the federal level, the CWMD office helps protect the Nation from radiological threats by working with the U.S. Customs and Border Protection (CBP) to acquire Radiation Portal Monitors that scan cargo at U.S. ports of entry. The CWMD office also procures personal radiation detectors for the U.S. Coast Guard, which are specialized for use in a maritime environment to detect radiological and nuclear threats.

Given the mission of the Office, it is imperative that critical support to our federal and SLTT partners not be allowed to lapse.

#### HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop H.R. 3224:

On May 16, the Emergency, Preparedness, Response, and Recovery Subcommittee of the Committee on Homeland Security held a joint hearing with the Counterterrorism, Law Enforcement, and Intelligence entitled, “Protecting the Homeland: An Examination of Federal Efforts to Support State and Local Law Enforcement,” and received testimony from Michael Gerke, Chief of Police, Odessa, Texas; Don Barnes, Sheriff, Orange County, California; Michael Cox, Commissioner, Boston, Massachusetts; and Rafael Mangual, Fellow, Manhattan Institute.

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 May 17, 2023, a quorum being present, to consider H.R. 3224 and ordered the measure to be favorably reported to the House by a 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. 3224.

#### COMMITTEE OVERSIGHT FINDINGS

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

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

With respect to the requirements of clause 3(c) 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.

<b>H.R. 3224, Countering Weapons of Mass Destruction Extension Act of 2023</b>			
As ordered reported by the House Committee on Homeland Security on May 17, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	1,529	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	<b>Mandate Effects</b>	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3224 would reauthorize the Countering Weapons of Mass Destruction Office (CWMD) within the Department of Homeland Security (DHS) for seven years after enactment. CWMD leads DHS's efforts to prevent the use of chemical, biological, radio-

logical, 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 impose reporting requirements for CWMD and the Government Accountability Office.

The Congress appropriated \$431 million for CWMD in 2023. 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 and for CWMD's authorization under current law through December 2023, and based on the costs of similar reporting requirements, CBO estimates that implementing H.R. 3224 would cost \$1.5 billion over the 2024–2028 period. Such spending would be subject to the appropriation of the estimated amounts.

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. 3224

	By fiscal year, millions of dollars—						2023–2028
	2023	2024	2025	2026	2027	2028	
Estimated Authorization .....	0	334	455	466	477	487	2,219
Estimated Outlays .....	0	75	225	351	421	457	1,529

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by Ann E. Futrell, Senior Adviser for Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### 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 of 1995.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 3224 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 3224 is to extend the sunset of the Countering Weapons of Mass Destruction Office within the Department of Homeland Security.

#### 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 (5 U.S.C. § 1004) were created by this legislation.

## APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 3224 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 “Countering Weapons of Mass Destruction Extension Act of 2023”.

*Section 2. Extension of authorization of the Countering Weapons of Mass Destruction Office of the Department of Homeland Security*

This section extends the sunset of the Countering Weapons of Mass Destruction Office by seven years after the date of the enactment of the Act. This section, however, does not apply to sections 1931 and 1932 of the Homeland Security Act of 2002. It requires the Assistant Secretary of CWMD to submit a report to and brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on a plan and strategy to improve employee morale within the Office.

Additionally, this section requires the Government Accountability Office to conduct a review of and brief Congress on efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, on the consistency and effectiveness of the Office’s stakeholder coordination across the mission of the Department, and on efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

## 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**

\* \* \* \* \*

**TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE**

\* \* \* \* \*

**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.

(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】** *seven years after the date of the enactment of the Countering Weapons of Mass Destruction Extension Act of 2023.*

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