

118TH CONGRESS }
 1st Session } HOUSE OF REPRESENTATIVES }
 REPORT
 118-321

DHS BIODETECTION IMPROVEMENT ACT

DECEMBER 19, 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. 6174]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 6174) to improve the biodetection functions 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

The “DHS Biodetection Improvement Act,” directs the Secretary of the Department of Homeland Security (DHS) to conduct an assessment of how DHS has utilized the Department of Energy’s national laboratories and sites to address homeland security needs.

This legislation directs DHS to submit a strategy for how the Department will coordinate with the Department of Energy's national laboratories to address biodetection research and development.

H.R. 6174 also requires the Secretary of Homeland Security to provide an update to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs regarding the assessment and strategy.

BACKGROUND AND NEED FOR LEGISLATION

In response to the 2001 anthrax attacks, DHS established the BioWatch Program, which is a monitoring system that collects and tests air samples for biological agents likely to be used in a bioterrorism attack. Currently operated by the Countering Weapons of Mass Destruction Office (CWMD), the technology behind the BioWatch Program was originally developed in coordination with the Department of Energy's national laboratories.

Operating in over 30 major metropolitan areas across the United States, the program is locally managed through a cooperative funding agreement with DHS. The BioWatch system has been routinely criticized due to the inability to inform officials in real-time and the common occurrence of false alarms stemming from its failure to always distinguish between harmless germs and the lethal pathogens that terrorists would be likely to unleash in an attack.

In 2019, DHS began a major acquisition program, Biological Detection for the Twenty First Century (BD21), to move toward the next generation of national biodetection. The BD21 program is intended to address some of BioWatch's limitations, including shortening the detect-to-warn timeline. Additionally, this second iteration of biodetection capability seeks to produce more accurate and reliable results. However, DHS has faced continuous challenges in acquiring biodetection capabilities to replace BioWatch, as highlighted in a May 2021 report from the Government Accountability Office (GAO) (GAO-21-292).

While DHS has the authority to utilize the Department of Energy's national labs to identify and develop new technologies related to biodefense, to date, DHS has underutilized that resource. H.R. 6174 will work to address this issue of underutilization by requiring DHS to submit a strategy for how the Department will coordinate with the Department of Energy's national laboratories to address biodetection research and development. Furthermore, this bill will help DHS establish a blueprint for what the future of biodefense should look like.

HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the Committee did not hold a legislative hearing on H.R. 6174 in the 118th Congress; however, during the 116th and the 117th Congresses, the following hearings informed H.R. 6174:

On October 17, 2019, the Emergency Preparedness, Response, and Recovery Subcommittee of the Committee on Homeland Security held a hearing entitled, "Defending the Homeland from Bioterrorism: Are We Prepared?" and received testimony from Ms. Asha M. George, DrPH, Executive Director, Bipartisan Commission on

Biodefense; Ms. Jennifer Rakeman, PhD, Assistant Commissioner and Director, Public Health Laboratory, Department of Health and Mental Hygiene, New York, NY; and Mr. Umair A. Shah, MD, MPH, Executive Director, Public Health, Harris County, TX.

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 Wednesday, November 8, 2023, a quorum being present, to consider H.R. 6174 and ordered the measure to be favorably reported to the House 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. 6174.

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.

H.R. 6174, DHS Biodetection Improvement Act			
As ordered reported by the House Committee on Homeland Security on November 8, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	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	Mandate Effects Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and \$500,000.

H.R. 6174 would require the Department of Homeland Security (DHS), within 180 days of enactment, to report to the Congress on its use of the Department of Energy's national laboratories and on a strategy to improve biodetection capabilities at DHS. The department's efforts to prevent the use of biological and chemical weapons include testing and monitoring air quality for potential biological threats, conducting research, and promoting readiness against such attacks by partnering with state, local, and tribal governments. H.R. 6174 also would require DHS to provide an update on the strategy to the Congress within one year of enactment.

Based on the cost of similar activities, CBO estimates it would cost DHS less than \$500,000 in administrative and personnel costs over the 2024–2028 period to compile and implement the strategy. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of 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. 6174 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. 6174 is to improve the Department of Homeland Security's utilization of the Department of Energy's national laboratories and sites to identify and develop new technologies related to biodefense.

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. 6174 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 “DHS Biodefense Improvement Act.”

Sec. 2. DHS utilization of department of energy national laboratories and sites for certain biodetection research and development relating to the missions of the DHS.

This section directs the Secretary of Homeland Security to conduct an assessment of how DHS has utilized the Department of Energy's national laboratories and sites regarding research and development in carrying out the missions of the Department. This section requires DHS to submit the assessment to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs no later than 180 days after the date of enactment.

This section also directs DHS to submit a strategy for how the Department will coordinate with the Department of Energy's national laboratories to address biodetection research and development. The strategy must include the following:

- Identify and then develop an acquisition and procurement plan to acquire the identified biodetection technologies that can, either individually or together, meet the Department's biodefense mission needs.
- Conduct periodic external evaluations to identify gaps and potential failure points with respect to such biodetection technologies and recommend contingency plans for underperforming technologies.

- Develop clearly defined program and technical requirements for future DHS biodetection programs.

Lastly, this section requires that no later than one year after the date of enactment, the Secretary of Homeland Security must provide an update to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs regarding the assessment and strategy, including any challenges to implementing the strategy.

