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1ST SESSION

# H. R. 549

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2009

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To amend the Homeland Security Act of 2002 to establish  
the Office for Bombing Prevention, to address terrorist  
explosive threats, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Bombing Pre-  
3 vention Act of 2009”.

4 **SEC. 2. BOMBING PREVENTION.**

5 (a) IN GENERAL.—Subtitle A of title II of the Home-  
6 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-  
7 ed by adding at the end the following new section:

8 **“SEC. 210F. OFFICE FOR BOMBING PREVENTION.**

9 “(a) IN GENERAL.—The Secretary shall establish  
10 within the Protective Security Coordination Division of the  
11 Office of Infrastructure Protection of the Department an  
12 Office for Bombing Prevention (in this section referred to  
13 as ‘the Office’).

14 “(b) RESPONSIBILITIES.—The Office shall have the  
15 primary responsibility for enhancing the ability, and co-  
16 ordinating the efforts, of the United States to deter, de-  
17 tect, prevent, protect against, and respond to terrorist ex-  
18 plosive attacks in the United States, including by—

19 “(1) serving as the lead agency of the Depart-  
20 ment for ensuring that programs designed to  
21 counter terrorist explosive attacks in the United  
22 States function together efficiently to meet the evol-  
23 ving threat from explosives and improvised explosive  
24 devices;

25 “(2) coordinating national and intergovern-  
26 mental bombing prevention activities to ensure those

1 activities work toward achieving common national  
2 goals;

3 “(3) conducting analysis of the capabilities and  
4 requirements necessary for Federal, State, local, and  
5 tribal governments to deter, prevent, detect, protect  
6 against, and assist in any response to terrorist ex-  
7 plosive attacks in the United States by—

8 “(A) maintaining a national analysis data-  
9 base on the capabilities of bomb squads, explo-  
10 sive detection canine teams, tactics teams, and  
11 public safety dive teams; and

12 “(B) applying the analysis derived from  
13 the database described in subparagraph (A)  
14 in—

15 “(i) evaluating progress toward clos-  
16 ing identified gaps relating to national  
17 strategic goals and standards; and

18 “(ii) informing decisions relating to  
19 homeland security policy, assistance, train-  
20 ing, research, development efforts, testing  
21 and evaluation, and related requirements;

22 “(4) promoting secure information sharing of  
23 sensitive material and promoting security awareness,  
24 including by—

1           “(A) operating and maintaining a secure  
2 information sharing system that allows the  
3 sharing of critical information relating to ter-  
4 rorist explosive attack tactics, techniques, and  
5 procedures;

6           “(B) educating the public and private sec-  
7 tors about explosive precursor chemicals;

8           “(C) working with international partners,  
9 in coordination with the Office for International  
10 Affairs of the Department, to develop and share  
11 effective practices to deter, prevent, detect, pro-  
12 tect, and respond to terrorist explosive attacks  
13 in the United States; and

14           “(D) executing national public awareness  
15 and vigilance campaigns relating to terrorist ex-  
16 plosive threats, preventing explosive attacks,  
17 and activities and measures underway to safe-  
18 guard the United States;

19           “(5) assisting State, local, and tribal govern-  
20 ments in developing multi-jurisdictional improvised  
21 explosive devices security plans for high-risk jurisdic-  
22 tions;

23           “(6) helping to ensure, in coordination with the  
24 Under Secretary for Science and Technology and the  
25 Administrator of the Federal Emergency Manage-

1       ment Agency, the identification and availability of  
2       effective technology applications through field pilot  
3       testing and acquisition of such technology applica-  
4       tions by Federal, State, local, and tribal govern-  
5       ments to deter, prevent, detect, protect, and respond  
6       to terrorist explosive attacks in the United States;

7               “(7) coordinating the efforts of the Department  
8       relating to, and assisting departments and agencies  
9       of Federal, State, local, and tribal governments, and  
10       private sector business in, developing and imple-  
11       menting national explosives detection training, cer-  
12       tification, and performance standards;

13               “(8) ensuring the implementation of any rec-  
14       ommendations in the national strategy required  
15       under section 210G, including developing, maintain-  
16       ing, and tracking progress toward achieving objec-  
17       tives to reduce the vulnerability of the United States  
18       to terrorist explosive attacks;

19               “(9) developing, in coordination with the Ad-  
20       ministrator of the Federal Emergency Management  
21       Agency, programmatic guidance and permitted uses  
22       for bombing prevention activities funded by home-  
23       land security assistance administered by the Depart-  
24       ment; and

1           “(10) establishing and executing a public  
2 awareness campaign to inform the general public  
3 and private sector businesses on ways they can  
4 deter, detect, prevent, protect against, and respond  
5 to terrorist explosive attacks in the United States,  
6 that—

7           “(A) utilizes a broad spectrum of both  
8 mainstream and specialty print, radio, television  
9 outlets, and the Internet;

10           “(B) utilizes small and disadvantaged busi-  
11 nesses, as defined under the Small Business Act  
12 (15 U.S.C. 631 et seq.); and

13           “(C) ensures that the public awareness  
14 messages under the campaign reach and are  
15 understandable to underserved populations, in-  
16 cluding—

17           “(i) persons with physical and mental  
18 disabilities, health problems, visual impair-  
19 ments, hearing impairments, limited  
20 English proficiency, and literacy barriers;

21           “(ii) socially and economically dis-  
22 advantaged households and communities;

23           “(iii) the elderly; and

24           “(iv) children.

1       “(c) LIMITATION ON STATUTORY CONSTRUCTION.—  
2 Nothing in this section shall be construed to affect the  
3 authority of the Administrator of the Federal Emergency  
4 Management Agency, the Director of the United States  
5 Secret Service, or the Attorney General of the United  
6 States.

7       “(d) AUTHORIZATION OF APPROPRIATIONS.—

8               “(1) IN GENERAL.—There are authorized to be  
9 appropriated to carry out this section—

10                       “(A) \$10,000,000 for fiscal year 2010;

11                       “(B) \$25,000,000 for each of fiscal years  
12 2011 through 2013; and

13                       “(C) such sums as may be necessary for  
14 each subsequent fiscal year.

15               “(2) AVAILABILITY.—Amounts made available  
16 pursuant to paragraph (1) are authorized to remain  
17 available until expended.

18       “(e) ENHANCEMENT OF EXPLOSIVES DETECTION  
19 CANINE RESOURCES AND CAPABILITIES.—To enhance the  
20 Nation’s explosives detection canine resources and capa-  
21 bilities the Secretary of Homeland Security shall, by  
22 partnering with other Federal, State, local, and tribal  
23 agencies, nonprofit organizations, universities including  
24 historically black colleges and universities and minority  
25 serving institutions, and the private sector—

1           “(1) within 270 days after the date of the en-  
2           actment of this subsection—

3                   “(A) develop a pilot program that includes  
4                   a domestic breeding program for purpose-bred  
5                   explosives detection canines; and

6                   “(B) increase the current number of capa-  
7                   bility assessments of explosives detection canine  
8                   units to identify common challenges and gaps in  
9                   canine explosives detection, to provide for effec-  
10                  tive domestic preparedness and collective re-  
11                  sponse to terrorism, and to inform grant guid-  
12                  ance and priorities, consistent with national ca-  
13                  pabilities database efforts;

14           “(2) continue development of a scientifically  
15           based training curriculum to enhance consensus-  
16           based national training and certification standards  
17           to provide for effective domestic preparedness and  
18           collective response to terrorism through the effective  
19           use of explosives detection canines for explosives de-  
20           tection canines; and

21                   “(3) continue engagement in explosives detec-  
22                   tion canine research and development activities  
23                   through partnerships with the Science and Tech-  
24                   nology Directorate and the Technical Support Work-  
25                   ing Group.



1 **“SEC. 210G. NATIONAL STRATEGY.**

2       “(a) IN GENERAL.—The Secretary shall develop and  
3 periodically update a national strategy to prevent and pre-  
4 pare for terrorist explosive attacks in the United States.

5       “(b) DEVELOPMENT.—Not later than 90 days after  
6 the date of the enactment of this section, the Secretary  
7 shall develop the national strategy required under sub-  
8 section (a).

9       “(c) REPORTING.—Not later than six months after  
10 the date of the submission of the report regarding each  
11 quadrennial homeland security review conducted under  
12 section 707, the Secretary shall submit to the Committee  
13 on Homeland Security of the House of Representatives  
14 and the Committee on Homeland Security and Govern-  
15 mental Affairs of the Senate a report regarding the na-  
16 tional strategy required under subsection (a), which shall  
17 include recommendations, if any, for deterring, pre-  
18 venting, detecting, protecting against, and responding to  
19 terrorist attacks in the United States using explosives or  
20 improvised explosive devices, including any such rec-  
21 ommendations relating to coordinating the efforts of Fed-  
22 eral, State, local, and tribal governments, emergency re-  
23 sponse providers, and the private sector.”.

24       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
25 The table of contents in section 1(b) of the Homeland Se-  
26 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by

1 inserting after the item relating to section 210E the fol-  
2 lowing new items:

“Sec. 210F. Office for Bombing Prevention.  
“Sec. 210G. National strategy.”.

3 **SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND**  
4 **TRANSFER.**

5 (a) IN GENERAL.—Title III of the Homeland Secu-  
6 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
7 adding at the end the following new sections:

8 **“SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.**

9 “(a) IN GENERAL.—The Secretary, acting through  
10 the Under Secretary for Science and Technology, and in  
11 coordination with the Under Secretary for National Pro-  
12 tection and Programs, the Attorney General, the Secretary  
13 of Defense, and the head of any other relevant Federal  
14 department or agency, shall ensure coordination and infor-  
15 mation sharing regarding nonmilitary research, develop-  
16 ment, testing, and evaluation activities of the Federal Gov-  
17 ernment relating to the detection and prevention of, pro-  
18 tection against, and response to terrorist attacks in the  
19 United States using explosives or improvised explosive de-  
20 vices, and the development of tools and technologies nec-  
21 essary to neutralize and disable explosive devices.

22 “(b) LEVERAGING MILITARY RESEARCH.—The Sec-  
23 retary, acting through the Under Secretary for Science  
24 and Technology, and in coordination with the Under Sec-

1 retary for National Protection and Programs, shall coordi-  
2 nate with the Secretary of Defense and the head of any  
3 other relevant Federal department or agency to ensure  
4 that, to the maximum extent possible, military policies and  
5 procedures, and research, development, testing, and eval-  
6 uation activities relating to the detection and prevention  
7 of, protection against, and response to terrorist attacks  
8 using explosives or improvised explosive devices, and the  
9 development of tools and technologies necessary to neu-  
10 tralize and disable explosive devices, are adapted to non-  
11 military uses.

12 **“SEC. 319. TECHNOLOGY TRANSFER.**

13       “(a) IN GENERAL.—The Secretary, acting through  
14 the Under Secretary for Science and Technology, and in  
15 coordination with the Under Secretary for National Pro-  
16 tection and Programs, shall establish a technology trans-  
17 fer program to facilitate the identification, modification,  
18 and commercialization of technology and equipment for  
19 use by Federal, State, and local governmental agencies,  
20 emergency response providers, and the private sector to  
21 deter, prevent, detect, protect, and respond to terrorist at-  
22 tacks in the United States using explosives or improvised  
23 explosive devices.

24       “(b) PROGRAM.—The activities under the program  
25 established under subsection (a) shall include—

1           “(1) applying the analysis conducted under sec-  
2           tion 210F(b)(3) of the capabilities and requirements  
3           of bomb squad, explosive detection canine teams,  
4           tactical teams, and public safety dive teams of Fed-  
5           eral, State, and local governments, to determine the  
6           training and technology requirements for Federal,  
7           State, and local governments, emergency response  
8           providers, and the private sector;

9           “(2) identifying available technologies designed  
10          to deter, prevent, detect, protect, or respond to ter-  
11          rorist attacks using explosives or improvised explo-  
12          sive devices that have been, or are in the process of  
13          being, developed, tested, evaluated, or demonstrated  
14          by the Department, other Federal agencies, the pri-  
15          vate sector, foreign governments, or international or-  
16          ganizations;

17          “(3) reviewing whether a technology described  
18          in paragraph (2) may be useful in assisting Federal,  
19          State, or local governments, emergency response  
20          providers, or the private sector in detecting, deter-  
21          ring, preventing, or responding to terrorist attacks  
22          using explosives or improvised explosive devices; and

23          “(4) communicating to Federal, State, and local  
24          governments, emergency response providers, and the  
25          private sector the availability of any technology de-

1 scribed in paragraph (2), including providing the  
2 specifications of any such technology, indicating  
3 whether any such technology satisfies appropriate  
4 standards, and identifying grants, if any, available  
5 from the Department to purchase any such tech-  
6 nology.

7 “(c) WORKING GROUP.—To facilitate the transfer of  
8 military technologies, the Secretary, acting through the  
9 Under Secretary for Science and Technology, in coordina-  
10 tion with the Secretary of Defense, and in a manner con-  
11 sistent with protection of sensitive sources and methods,  
12 shall establish a working group to advise and assist in the  
13 identification of military technologies designed to deter,  
14 prevent, detect, protect, or respond to terrorist explosive  
15 attacks that are in the process of being developed, or are  
16 developed, by the Department of Defense or the private  
17 sector.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
19 The table of contents in section 1(b) of the Homeland Se-  
20 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
21 inserting after the item relating to section 317 the fol-  
22 lowing new items:

“Sec. 318. Explosives research and development.

“Sec. 319. Technology transfer.”.

1 **SEC. 4. GAO STUDY OF EXPLOSIVES DETECTION CANINE**  
2 **TEAMS.**

3 Section 1307(f) of the Implementing Recommenda-  
4 tions of the 9/11 Commission Act of 2007 (Public Law  
5 110–53; 121 Stat. 395) is amended by striking “utiliza-  
6 tion” and all that follows through the end of the sentence  
7 and inserting “utilization of explosives detection canine  
8 teams, by the Transportation Security Administration and  
9 all other agencies of the Department of Homeland Secu-  
10 rity that utilize explosives detection canines, to strengthen  
11 security and the capacity of explosive detection canine de-  
12 tection teams of the Department.”.

13 **SEC. 5. REPORT ON CANINE PROCUREMENT ACTIVITIES.**

14 The Secretary of Homeland Security shall submit a  
15 report to the Committee on Homeland Security of the  
16 House of Representatives and the Committee on Home-  
17 land Security and Governmental Affairs of the Senate by  
18 not later than 180 days after the date of the enactment  
19 of this Act examining the administration of canine pro-  
20 curement activities by the Department of Homeland Secu-  
21 rity to deter, prevent, detect, and protect against terrorist  
22 explosive attacks in the United States, that includes con-  
23 sideration of the feasibility of reducing the price paid for  
24 the procurement of untrained canines, including by uti-  
25 lizing an expanded pool of breeds, procuring canines from

1 domestic breeders, and acquiring canines from animal  
2 shelters, rescue societies, and other not-for-profit entities.

Passed the House of Representatives February 3,  
2009.

Attest:                      LORRAINE C. MILLER,  
*Clerk.*