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1ST SESSION

H. R. 3875

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2015

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

AN ACT

To amend the Homeland Security Act of 2002 to establish
within the Department of Homeland Security a Chem-
ical, Biological, Radiological, Nuclear, and Explosives Of-
fice, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Department of Homeland Security CBRNE Defense Act
4 of 2015”.

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

Sec. 1. Short title; Table of contents.
Sec. 2. CBRNE Office.
Sec. 3. Chemical Division.
Sec. 4. Biological Division.
Sec. 5. Nuclear Division.
Sec. 6. Explosives Division.
Sec. 7. Savings provisions.
Sec. 8. Clerical amendments.

7 **SEC. 2. CBRNE OFFICE.**

8 (a) IN GENERAL.—The Homeland Security Act of
9 2002 is amended by adding at the end the following new
10 title:

11 **“TITLE XXII—CBRNE OFFICE**
12 **“Subtitle A—Chemical, Biological,**
13 **Radiological, Nuclear, and Ex-**
14 **plosives Office**

15 **“SEC. 2201. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**
16 **CLEAR, AND EXPLOSIVES OFFICE.**

17 “(a) ESTABLISHMENT.—There is established in the
18 Department a Chemical, Biological, Radiological, Nuclear,
19 and Explosives Office (referred to in this title as the
20 ‘CBRNE Office’). The CBRNE Office shall be comprised
21 of the Chemical Division, the Biological Division, the Nu-

1 clear Division, and the Explosives Division. The CBRNE
2 Office may include a Health Division.

3 “(b) MISSION OF OFFICE.—The mission of the
4 CBRNE Office is to coordinate, strengthen, and provide
5 chemical, biological, radiological, nuclear, and explosives
6 (CBRNE) capabilities in support of homeland security.

7 “(c) ASSISTANT SECRETARY.—The Office shall be
8 headed by an Assistant Secretary for the Chemical, Bio-
9 logical, Radiological, Nuclear, and Explosives Office (re-
10 ferred to in this title as the ‘Assistant Secretary’), who
11 shall be appointed by the President by and with the advice
12 and consent of the Senate.

13 “(d) RESPONSIBILITIES.—The Assistant Secretary
14 shall—

15 “(1) develop, coordinate, and maintain overall
16 CBRNE strategy and policy for the Department;

17 “(2) develop, coordinate, and maintain for the
18 Department periodic CBRNE risk assessments;

19 “(3) serve as the primary Department rep-
20 resentative for coordinating CBRNE activities with
21 other Federal departments and agencies;

22 “(4) provide oversight for the Department’s
23 preparedness for CBRNE threats;

24 “(5) provide support for operations during
25 CBRNE threats or incidents; and

1 “(6) carry out such other responsibilities as the
2 Secretary determines appropriate, consistent with
3 this title.

4 “(e) OTHER OFFICERS.—The Director of the Chem-
5 ical Division, the Director of the Biological Division, the
6 Director of the Nuclear Division, and the Director of the
7 Explosives Division shall report directly to the Assistant
8 Secretary.

9 **“SEC. 2202. COMPOSITION OF THE CBRNE OFFICE.**

10 “The Secretary shall transfer to the CBRNE Office,
11 the functions, personnel, budget authority, and assets of
12 the following:

13 “(1) The Office of Health Affairs as in exist-
14 ence on the day before the date of the enactment of
15 this title, including the Chief Medical Officer author-
16 ized under section 516, and the National Biosurveil-
17 lance Integration Center authorized under section
18 316.

19 “(2) The Domestic Nuclear Detection Office
20 authorized under title XIX, as in existence on the
21 date before the date of the enactment of this title
22 (and redesignated as the Nuclear Division).

23 “(3) CBRNE threat awareness and risk assess-
24 ment activities of the Science and Technology Direc-
25 torate.

1 “(4) The CBRNE functions of the Office of
2 Policy and the Office of Operations Coordination.

3 “(5) The Office for Bombing Prevention of the
4 National Protection and Programs Directorate, as in
5 existence on the day before the date of the enact-
6 ment of this title.

7 **“SEC. 2203. HIRING AUTHORITY.**

8 “In hiring personnel for the CBRNE Office, the Sec-
9 retary shall have the hiring and management authorities
10 provided in section 1101 of the Strom Thurmond National
11 Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.
12 3104 note; Public Law 105–261), except that the term
13 of appointments for employees under subsection (c)(1) of
14 such section may not exceed 5 years before granting any
15 extension under subsection (c)(2) of such section.

16 **“SEC. 2204. GRANTS, COOPERATIVE AGREEMENTS, AND**
17 **OTHER TRANSACTIONS AND CONTRACTS.**

18 “The Assistant Secretary, in carrying out the respon-
19 sibilities under this title, may distribute funds through
20 grants, cooperative agreements, and other transactions
21 and contracts.

22 **“SEC. 2205. TERRORISM RISK ASSESSMENTS.**

23 “(a) TERRORISM RISK ASSESSMENTS.—

24 “(1) IN GENERAL.—The Assistant Secretary
25 shall, in coordination with relevant Department com-

ponents and other appropriate Federal departments and agencies, develop, coordinate, and update periodically terrorism risk assessments of chemical, biological, radiological, and nuclear threats.

“(2) COMPARISON.—The Assistant Secretary shall develop, coordinate, and update periodically an integrated terrorism risk assessment that assesses all of the threats referred to in paragraph (1) and, as appropriate, explosives threats, and compares each such threat against one another according to their relative risk.

“(3) INCLUSION IN ASSESSMENT.—Each terrorism risk assessment under this subsection shall include a description of the methodology used for each such assessment.

“(4) UPDATES.—Each terrorism risk assessment under this subsection shall be updated not less often than once every 2 years.

“(5) PROVISION TO CONGRESS.—The Assistant Secretary shall provide a copy of each risk assessment under this subsection to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days after completion of each such assessment.

1 “(b) METHODOLOGY.—In developing the terrorism
2 risk assessments under subsection (a), the Assistant Sec-
3 retary, in consultation with appropriate Federal depart-
4 ments and agencies, shall—

5 “(1) assess the proposed methodology to be
6 used for such assessments; and

7 “(2) consider the evolving threat to the United
8 States as indicated by the intelligence community
9 (as such term is defined in section 3(4) of the Na-
10 tional Security Act of 1947 (50 U.S.C. 3003(4))).

11 “(c) USAGE.—The terrorism risk assessments re-
12 quired under subsection (a) shall be used to inform and
13 guide allocation of resources for chemical, biological, radi-
14 ological, and nuclear threat activities of the Department.

15 “(d) INPUT AND SHARING.—The Assistant Secretary
16 shall, for each terrorism risk assessment under subsection
17 (a)—

18 “(1) seek input from national stakeholders and
19 other Federal, State, local, tribal, and territorial of-
20 ficials involved in efforts to counter chemical, bio-
21 logical, radiological, and nuclear threats;

22 “(2) ensure that written procedures are in place
23 to guide the development of such assessments, in-
24 cluding for input, review, and implementation pur-
25 poses, among relevant Federal partners;

1 “(3) share such assessments with Federal,
2 State, local, tribal, and territorial officials with ap-
3 propriate security clearances and a need for the in-
4 formation in the classified versions of such assess-
5 ments; and

6 “(4) to the maximum extent practicable, make
7 available an unclassified version of such assessments
8 for Federal, State, local, tribal, and territorial offi-
9 cials involved in prevention and preparedness for
10 chemical, biological, radiological, and nuclear events.

11 **“SEC. 2206. CBRNE COMMUNICATIONS AND PUBLIC MES-**
12 **SAGING.**

13 “(a) IN GENERAL.—The Secretary, in coordination
14 with the Assistant Secretary, shall develop an overarching
15 risk communication strategy for terrorist attacks and
16 other high consequence events utilizing chemical, biologi-
17 cal, radiological, or nuclear agents or explosives that pose
18 a high risk to homeland security, and shall—

19 “(1) develop threat-specific risk communication
20 plans, in coordination with appropriate Federal de-
21 partments and agencies;

22 “(2) develop risk communication messages, in-
23 cluding pre-scripted messaging to the extent prac-
24 ticable;

1 “(3) develop clearly defined interagency proc-
2 esses and protocols to assure coordinated risk and
3 incident communications and information sharing
4 during incident response;

5 “(4) engage private and nongovernmental enti-
6 ties in communications planning, as appropriate;

7 “(5) identify ways to educate and engage the
8 public about CBRNE threats and consequences;

9 “(6) develop strategies for communicating using
10 social and new media; and

11 “(7) provide guidance on risk and incident com-
12 munications for CBRNE events to State, local, trib-
13 al, and territorial governments, and other stake-
14 holders, as appropriate.

15 “(b) COMMUNICATION DURING RESPONSE.—The
16 Secretary shall provide appropriate timely, accurate infor-
17 mation to the public, governmental partners, the private
18 sector, and other appropriate stakeholders in the event of
19 a suspected or confirmed terrorist attack or other high
20 consequence event utilizing chemical, biological, radio-
21 logical, or nuclear agents or explosives that pose a high
22 risk to homeland security.

23 “(c) REPORTS.—

24 “(1) DEVELOPMENT EFFORTS.—Not later than
25 120 days after the date of the enactment of this

1 title, the Secretary shall submit to the Committee on
2 Homeland Security of the House of Representatives
3 and the Committee on Homeland Security and Gov-
4 ernmental Affairs of the Senate a report on current
5 and future efforts of the Department to develop the
6 communication strategy required under subsection
7 (a).

8 “(2) FINALIZATION.—Not later than 2 years
9 after the date the report required under paragraph
10 (1) is submitted, the Secretary shall submit to the
11 Committee on Homeland Security of the House of
12 Representatives and the Committee on Homeland
13 Security and Governmental Affairs of the Senate the
14 communication strategy required under subsection
15 (a).

16 **“SEC. 2207. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**
17 **CLEAR, AND EXPLOSIVES INTELLIGENCE AND**
18 **INFORMATION SHARING.**

19 “(a) IN GENERAL.—The Under Secretary of Intel-
20 ligence and Analysis of the Department shall—

21 “(1) support homeland security-focused intel-
22 ligence analysis of terrorist actors, their claims, and
23 their plans to conduct attacks involving chemical, bi-
24 ological, radiological, or nuclear materials or explo-
25 sives against the United States;

1 “(2) support homeland security-focused intel-
2 ligence analysis of global infectious diseases, public
3 health, food, agricultural, and veterinary issues;

4 “(3) support homeland security-focused risk
5 analysis and risk assessments of the homeland secu-
6 rity hazards described in paragraphs (1) and (2) by
7 providing relevant quantitative and nonquantitative
8 threat information;

9 “(4) leverage existing and emerging homeland
10 security intelligence capabilities and structures to
11 enhance prevention, protection, response, and recov-
12 ery efforts with respect to a chemical, biological, ra-
13 diological, nuclear, or explosives attack;

14 “(5) share appropriate information regarding
15 such threats to appropriate State, local, tribal, and
16 territorial authorities, as well as other national bio-
17 security and biodefense stakeholders; and

18 “(6) perform other responsibilities, as assigned
19 by the Secretary.

20 “(b) COORDINATION.—Where appropriate, the Under
21 Secretary of Intelligence and Analysis shall coordinate
22 with the heads of other relevant Department components,
23 including the Assistant Secretary, members of the intel-
24 ligence community, including the National Counter Pro-
25 liferation Center and the National Counterterrorism Cen-

1 ter, and other Federal, State, local, tribal, and territorial
2 authorities, including officials from high-threat areas, to
3 enable such entities to provide recommendations on opti-
4 mal information sharing mechanisms, including expedi-
5 tious sharing of classified information, and on how such
6 entities can provide information to the Department.

7 “(c) REPORT.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of the enactment of this section and annu-
10 ally thereafter for 5 years, the Secretary shall sub-
11 mit to the Committee on Homeland Security of the
12 House of Representatives and the Committee on
13 Homeland Security and Governmental Affairs of the
14 Senate a report on—

15 “(A) the intelligence and information shar-
16 ing activities under subsections (a) and (b) and
17 of all relevant entities within the Department to
18 prevent, protect against, prepare for, respond
19 to, mitigate, and recover from terrorist attacks
20 and other high consequence events utilizing
21 chemical, biological, radiological, or nuclear
22 agents or explosives that pose a high risk to
23 homeland security; and

24 “(B) the Department’s activities in accord-
25 ance with relevant intelligence strategies.

1 “(2) ASSESSMENT OF IMPLEMENTATION.—

2 Each report required under paragraph (1) shall also
3 include—

4 “(A) a description of methods established
5 to assess progress of the Office of Intelligence
6 and Analysis in implementing this section; and

7 “(B) such assessment of such progress.

8 “(d) DEFINITIONS.—In this section:

9 “(1) INTELLIGENCE COMMUNITY.—The term
10 ‘intelligence community’ has the meaning given such
11 term in section 3(4) of the National Security Act of
12 1947 (50 U.S.C. 3003(4)).

13 “(2) NATIONAL BIOSECURITY AND BIODEFENSE
14 STAKEHOLDERS.—The term ‘national biosecurity
15 and biodefense stakeholders’ means officials from
16 Federal, State, local, tribal, and territorial authori-
17 ties and individuals from the private sector who are
18 involved in efforts to prevent, protect against, pre-
19 pare for, respond to, mitigate, and recover from a
20 biological attack or other phenomena that may have
21 serious health consequences for the United States,
22 including infectious disease outbreaks.”.

23 (b) AFTER ACTION AND EFFICIENCIES REVIEW.—

24 Not later than 1 year after the date of the enactment of
25 this Act, the Secretary of Homeland Security, acting

1 through the Assistant Secretary for the Chemical, Biologi-
2 cal, Radiological, Nuclear, and Explosives Office of the
3 Department of Homeland Security (established pursuant
4 to section 2201 of the Homeland Security Act of 2002,
5 as added by subsection (a) of this section), shall submit
6 to the Committee on Homeland Security of the House of
7 Representatives and the Committee on Homeland Security
8 and Governmental Affairs of the Senate a report that—

9 (1) reviews the functions and responsibilities of
10 the Chemical, Biological, Radiological, Nuclear, and
11 Explosives Office of the Department (established
12 pursuant to section 2201 of the Homeland Security
13 Act of 2002, as added by subsection (a) of this sec-
14 tion) to identify and eliminate areas of unnecessary
15 duplication;

16 (2) provides a detailed accounting of the man-
17 agement and administrative expenditures and activi-
18 ties of the Office, including expenditures related to
19 the establishment of the CBRNE Office, such as ex-
20 penditures associated with the utilization of the Sec-
21 retary's authority to award retention bonuses pursu-
22 ant to Federal law;

23 (3) identifies any potential cost savings and ef-
24 ficiencies within the CBRNE Office or its divisions;
25 and

1 (4) identifies opportunities to enhance the effec-
2 tiveness of the management and administration of
3 the CBRNE Office to improve operational impact
4 and enhance efficiencies.

5 (c) CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-
6 CLEAR, AND EXPLOSIVES RESEARCH AND DEVELOP-
7 MENT.—

8 (1) IN GENERAL.—The Secretary of Homeland
9 Security shall assess the organizational structure of
10 the management and execution of the Department of
11 Homeland Security’s chemical, biological, radio-
12 logical, nuclear, and explosives research and develop-
13 ment activities, and shall develop and submit to the
14 Committee on Homeland Security, the Committee on
15 Science, Space, and Technology, and the Committee
16 on Appropriations of the House of Representatives
17 and the Committee on Homeland Security and Gov-
18 ernmental Affairs and the Committee on Appropria-
19 tions of the Senate at the time the President sub-
20 mits the budget under section 1105 of title 31,
21 United States Code, for the fiscal year that follows
22 the issuance of the Comptroller General review re-
23 quired pursuant to subsection (d) a proposed organi-
24 zational structure for the management and execution

1 of such chemical, biological, radiological, nuclear,
2 and explosives research and development activities.

3 (2) ORGANIZATIONAL JUSTIFICATION.—The
4 Secretary of Homeland Security shall include in the
5 assessment required under paragraph (1) a thorough
6 justification and rationalization for the proposed or-
7 ganizational structure for management and execu-
8 tion of chemical, biological, radiological, nuclear, and
9 explosives research and development activities, in-
10 cluding the following:

11 (A) A discussion of the methodology for
12 determining such proposed organizational struc-
13 ture.

14 (B) A comprehensive inventory of chem-
15 ical, biological, radiological, nuclear, and explo-
16 sives research and development activities of the
17 Department of Homeland Security and where
18 each such activity will be located within or out-
19 side such proposed organizational structure.

20 (C) Information relating to how such pro-
21 posed organizational structure will facilitate and
22 promote coordination and requirements genera-
23 tion with customers.

24 (D) Information relating to how such pro-
25 posed organizational structure will support the

1 development of chemical, biological, radiological,
2 nuclear, and explosives research and develop-
3 ment priorities across the Department.

4 (E) If the chemical, biological, radiological,
5 nuclear, and explosives research and develop-
6 ment activities of the Department are not co-lo-
7 cated in such proposed organizational structure,
8 a justification for such separation.

9 (F) The strategy for coordination between
10 the Under Secretary for Science and Tech-
11 nology and the Assistant Secretary for the
12 Chemical, Biological, Radiological, Nuclear, and
13 Explosives Office on chemical, biological, radio-
14 logical, nuclear, and explosives research and de-
15 velopment activities.

16 (G) Recommendations for necessary statu-
17 tory changes.

18 (3) LIMITATION ON ACTION.—The Secretary of
19 Homeland Security may not take any action to reor-
20 ganize the structure referred to in paragraph (1) un-
21 less the Secretary receives prior authorization from
22 the Committee on Homeland Security and the Com-
23 mittee on Science, Space, and Technology of the
24 House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs of the
2 Senate permitting any such action.

3 (d) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW
4 OF CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR,
5 AND EXPLOSIVES RESEARCH AND DEVELOPMENT ACTIVI-
6 TIES.—

7 (1) IN GENERAL.—The Comptroller General of
8 the United States shall conduct a review of the orga-
9 nizational structure of the Department of Homeland
10 Security’s management and execution of chemical,
11 biological, radiological, nuclear, and explosives re-
12 search and development activities.

13 (2) SCOPE.—The review required under para-
14 graph (1) shall include the following:

15 (A) An assessment of the organizational
16 structure for the management and execution of
17 chemical, biological, radiological, nuclear, and
18 explosives research and development activities
19 of the Department of Homeland Security, in-
20 cluding identification of any overlap or duplica-
21 tion of effort.

22 (B) Recommendations to streamline and
23 improve the organizational structure of the De-
24 partment’s management and execution of chem-

1 ical, biological, radiological, nuclear, and explo-
2 sives research and development activities.

3 (3) REPORT.—Not later than 2 years after the
4 date of the enactment of this Act, the Comptroller
5 General shall submit to the Committee on Homeland
6 Security and the Committee on Science, Space, and
7 Technology of the House of Representatives and the
8 Committee on Homeland Security and Governmental
9 Affairs of the Senate a report on the review required
10 under this subsection.

11 (e) DISSEMINATION OF INFORMATION ANALYZED BY
12 THE DEPARTMENT OF HOMELAND SECURITY TO STATE,
13 LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPON-
14 SIBILITIES RELATING TO HOMELAND SECURITY.—Para-
15 graph (8) of section 201(d) of the Homeland Security Act
16 of 2002 (6 U.S.C. 121(d)) is amended by striking “and
17 to agencies of State” and all that follows through the pe-
18 riod at the end and inserting “to State, local, tribal, terri-
19 torial, and appropriate private entities with such respon-
20 sibilities, and, as appropriate, to the public, in order to
21 assist in preventing, protecting against, preparing for, re-
22 sponding to, mitigating, and recovering from terrorist at-
23 tacks against the United States.”.

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

(1) in paragraph (2) of section 103(a) (6 U.S.C. 113(a)), by striking “Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs,” and inserting “Assistant Secretary for Legislative Affairs or the Assistant Secretary for Public Affairs,”;

(2) in section 302 (6 U.S.C. 182)—

(A) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(B) by inserting after paragraph (12) the following new paragraph:

“(13) collaborating with the Assistant Secretary for the Chemical, Biological, Radiological, Nuclear, and Explosives Office on all chemical, biological, and explosives research and development activities;”;

(3) in subsection (b) of section 307 (6 U.S.C. 187), by adding at the end the following new paragraph:

“(8) CBRNE DEFENSE.—The Director shall coordinate with the Assistant Secretary for the Chemical, Biological, Radiological, Nuclear, and Explosives Office on all chemical, biological, and explosives research and development activities.”; and

1 (4) in subsection (c) of section 516 (6 U.S.C.
2 321e)—

3 (A) in the matter preceding paragraph (1),
4 by inserting “, including the health impacts of
5 chemical, biological, radiological, and nuclear
6 agents and explosives” after “natural disas-
7 ters”;

8 (B) by amending paragraph (2) to read as
9 follows:

10 “(2) coordinating the Department’s policy,
11 strategy, and preparedness for pandemics and
12 emerging infectious diseases;”; and

13 (C) in paragraph (6), by striking “Under
14 Secretary for Science and Technology” and in-
15 serting “Assistant Secretary for the Chemical,
16 Biological, Radiological, Nuclear, and Explo-
17 sives Office”.

18 **SEC. 3. CHEMICAL DIVISION.**

19 (a) IN GENERAL.—Title XXII of the Homeland Se-
20 curity Act of 2002, as added by section 2 of this Act, is
21 amended by adding at the end the following new subtitle:

22 **“Subtitle B—Chemical Division**

23 **“SEC. 2211. CHEMICAL DIVISION.**

24 “(a) ESTABLISHMENT.—There is established in the
25 CBRNE Office a Chemical Division, headed by a Director

1 of the Chemical Division (in this subtitle referred to as
2 the ‘Director’).

3 “(b) MISSION AND RESPONSIBILITIES.—The Direc-
4 tor shall be responsible for coordinating departmental
5 strategy and policy relating to terrorist attacks and other
6 high-consequence events utilizing chemical agents that
7 pose a high risk to homeland security, including the fol-
8 lowing:

9 “(1) Developing and maintaining the Depart-
10 ment’s strategy against chemical threats.

11 “(2) Serving as the Department representative
12 for chemical threats and related activities with other
13 Federal departments and agencies.

14 “(3) Providing oversight of the Department’s
15 preparedness, including operational requirements,
16 for chemical threats.

17 “(4) Enhancing the capabilities of Federal,
18 State, local, tribal, and territorial governments, and
19 private entities as appropriate, against chemical
20 threats.

21 “(5) Evaluating and providing guidance to Fed-
22 eral, State, local, tribal, and territorial governments,
23 and private entities as appropriate, on detection and
24 communication technology that could be effective in

1 terrorist attacks and other high-consequence events
2 utilizing chemical agents.

3 “(6) Supporting and enhancing the effective
4 sharing and use of appropriate information gen-
5 erated by the intelligence community (as such term
6 is defined in section 3(4) of the National Security
7 Act of 1947 (50 U.S.C. 3003(4))), law enforcement
8 agencies, other Federal, State, local tribal, and terri-
9 torial governments, and foreign governments, on
10 chemical threats.

11 **“SEC. 2212. DEMONSTRATION PROJECTS.**

12 “(a) IN GENERAL.—The Director may, subject to the
13 availability of appropriations for such purpose, partner
14 with high-risk urban areas or facilities to conduct dem-
15 onstration projects to enhance, through Federal, State,
16 local, tribal, and territorial governments, and private enti-
17 ties, capabilities of the United States to counter terrorist
18 attacks and other high-consequence events utilizing chem-
19 ical agents that pose a high risk to homeland security.

20 “(b) GOALS.—The Director may provide guidance
21 and evaluations for all situations and venues at risk of
22 terrorist attacks and other high-consequence events uti-
23 lizing chemical agents, such as at ports, areas of mass
24 gathering, and transit facilities, and may—

1 “(1) ensure all high-risk situations and venues
2 are studied; and

3 “(2) ensure key findings and best practices are
4 made available to State, local, tribal, and territorial
5 governments and the private sector.

6 “(c) CONGRESSIONAL NOTIFICATION.—The Director
7 shall notify the Committee on Homeland Security of the
8 House of Representatives and the Committee on Home-
9 land Security and Governmental Affairs of the Senate not
10 later than 30 days before initiating a new demonstration
11 project.”.

12 (b) REPORT.—Not later than 1 year after the date
13 of the enactment of this Act, the Comptroller General of
14 the United States shall submit to the Committee on
15 Homeland Security of the House of Representatives and
16 the Committee on Homeland Security and Governmental
17 Affairs of the Senate an assessment of the Department
18 of Homeland Security’s programs and activities related to
19 terrorist attacks and other high-consequence events uti-
20 lizing chemical agents that pose a high risk to homeland
21 security.

22 **SEC. 4. BIOLOGICAL DIVISION.**

23 Title XXII of the Homeland Security Act of 2002,
24 as added by section 2 of this Act and as amended by sec-

tion 3 of this Act, is further amended by adding at the
end the following new subtitle:

“Subtitle C—Biological Division

“SEC. 2221. BIOLOGICAL DIVISION.

“(a) ESTABLISHMENT.—There is established in the
CBRNE Office a Biological Division, headed by a Director
of the Biological Division (in this subtitle referred to as
the ‘Director’).

“(b) MISSION AND RESPONSIBILITIES.—The Office
shall be responsible for coordinating departmental strat-
egy and policy relating to terrorist attacks and other high-
consequence events utilizing biological agents that pose a
high risk to homeland security, including the following:

“(1) Developing and maintaining the Depart-
ment’s strategy against biological threats.

“(2) Serving as the Department representative
for biological threats and related activities with
other Federal departments and agencies.

“(3) Providing oversight for the Department’s
preparedness, including operational requirements,
for biological threats.

“(4) Enhancing the capabilities of Federal,
State, local, tribal, and territorial governments, and
private entities as appropriate, against biological
threats.

1 “(5) Supporting and enhancing the effective
 2 sharing and use of appropriate information gen-
 3 erated by the intelligence community (as such term
 4 is defined in section 3(4) of the National Security
 5 Act of 1947 (50 U.S.C. 3003(4))), law enforcement
 6 agencies, other Federal, State, local, tribal, and ter-
 7 ritorial governments, and foreign governments, on
 8 biological threats.

9 “(6) Achieving a biological detection program.

10 “(7) Maintaining the National Biosurveillance
 11 Integration Center, authorized under section 316.”.

12 **SEC. 5. NUCLEAR DIVISION.**

13 (a) IN GENERAL.—Title XXII of the Homeland Se-
 14 curity Act of 2002, as added by section 2 of this Act and
 15 as amended by sections 3 and 4 of this Act, is further
 16 amended by adding at the end the following new subtitle:

17 **“Subtitle D—Nuclear Division**

18 **“SEC. 2231. NUCLEAR DIVISION.**

19 “(a) ESTABLISHMENT.—The Secretary shall include
 20 within the CBRNE Office the Nuclear Division under title
 21 XIX, headed by the Director of the Nuclear Division (in
 22 this subtitle referred to as the ‘Director’) pursuant to sec-
 23 tion 1901.

24 “(b) MISSION AND RESPONSIBILITIES.—In addition
 25 to the responsibilities specified in title XIX, the Director

1 shall also be responsible for coordinating departmental
2 strategy and policy relating to terrorist attacks and other
3 high-consequence events utilizing nuclear or other radio-
4 logical materials, and for coordinating Federal efforts to
5 detect and protect against the unauthorized importation,
6 possession, storage, transportation, development, or use of
7 a nuclear explosive device, fissile material, or radiological
8 material in the United States, and to protect against an
9 attack using such devices or materials against the people,
10 territory, or interests of the United States, in accordance
11 with title XIX.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
13 Title XIX of the Homeland Security Act of 2002 is
14 amended—

15 (1) in the title heading, by striking “**DOMES-**
16 **TIC NUCLEAR DETECTION OFFICE**” and
17 inserting “**NUCLEAR DIVISION**”;

18 (2) in section 1901 (6 U.S.C. 591)—

19 (A) in the heading, by striking “**DOMES-**
20 **TIC NUCLEAR DETECTION OFFICE**” and in-
21 serting “**NUCLEAR DIVISION**”;

22 (B) in subsection (a), by striking “There
23 shall be established in the Department a Do-
24 mestic Nuclear Detection Office” and inserting

1 “There is in the Department a Nuclear Divi-
2 sion, located in the CBRNE Office”; and

3 (C) in subsection (b), by striking “Director
4 for Domestic Nuclear Detection, who shall be
5 appointed by the President” and inserting “Di-
6 rector of the Nuclear Division”;

7 (3) in subsection (a) of section 1902 (6 U.S.C.
8 592)—

9 (A) in the matter preceding paragraph
10 (1)—

11 (i) by inserting after “responsible for”
12 the following: “coordinating departmental
13 strategy and policy relating to terrorist at-
14 tacks and other high-consequence events
15 utilizing nuclear or other radiological mate-
16 rials, and for”; and

17 (ii) by striking “to protect” and in-
18 serting “protecting”; and

19 (B) in paragraph (11), in the matter pre-
20 ceding subparagraph (A), by striking “Domestic
21 Nuclear Detection Office” and inserting “Nu-
22 clear Division”;

23 (4) by repealing section 1903 (6 U.S.C. 593);

24 (5) in section 1906 (6 U.S.C. 596)—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by striking “Domestic Nuclear De-
4 tection” and inserting “the Nuclear Divi-
5 sion”; and

6 (ii) by striking “paragraphs (6) and
7 (7) of”; and

8 (B) in paragraph (2), by striking “para-
9 graphs (6) and (7) of”;
10 (6) in section 1907 (6 U.S.C. 596a)—

11 (A) by striking “Annual” each place it ap-
12 pears and inserting “Biennial”;

13 (B) by striking “each year” each place it
14 appears and inserting “every 2 years”;

15 (C) by striking “previous year” each place
16 it appears and inserting “previous 2 years”;

17 (D) in the heading of subsection (a), by
18 striking “ANNUAL” and inserting “BIENNIAL”;
19 and

20 (E) subsection (b)—

21 (i) in the heading, by striking “AN-
22 NUAL” and inserting “BIENNIAL”;

23 (ii) in paragraph (1), by inserting
24 “odd-numbered” after “each”; and

1 (iii) in paragraph (2), by striking “an-
2 nual” and inserting “biennial”; and
3 (7) by adding at the end the following new sec-
4 tion:

5 **“SEC. 1908. DOMESTIC IMPLEMENTATION OF THE GLOBAL**
6 **NUCLEAR DETECTION ARCHITECTURE.**

7 “In carrying out the mission of the Office under sub-
8 paragraph (A) of section 1902(a)(4), the Director of the
9 Nuclear Division shall provide support for planning, orga-
10 nization, equipment, training, exercises, and operational
11 assessments to Federal, State, local, tribal, and territorial
12 governments to assist such governments in implementing
13 radiological and nuclear detection capabilities in the event
14 of terrorist attacks or other high-consequence events uti-
15 lizing nuclear or other radiological materials that pose a
16 high risk to homeland security. Such capabilities shall be
17 integrated into the enhanced global nuclear detection ar-
18 chitecture referred to in such section 1902(a)(4), and shall
19 inform and be guided by architecture studies, technology
20 needs, and research activities of the Office.”.

21 (c) REFERENCE.—Any reference in any law, regula-
22 tion, or rule to the Domestic Nuclear Detection Office or
23 the Director for Domestic Nuclear Detection of the De-
24 partment of Homeland Security shall be deemed to be a

1 reference to the Nuclear Division or the Director of the
2 Nuclear Division, respectively, of the Department.

3 **SEC. 6. EXPLOSIVES DIVISION.**

4 Title XXII of the Homeland Security Act of 2002,
5 as added by section 2 of this Act and as amended by sec-
6 tions 3, 4, and 5 of this Act, is further amended by adding
7 at the end the following new subtitle:

8 **“Subtitle E—Explosives Division**

9 **“SEC. 2241. EXPLOSIVES DIVISION.**

10 “(a) ESTABLISHMENT.—There is established within
11 the CBRNE Office an Explosives Division, headed by a
12 Director of the Explosives Division (in this subtitle re-
13 ferred to as the ‘Director’).

14 “(b) MISSION AND RESPONSIBILITIES.—The Direc-
15 tor shall be responsible for coordinating departmental
16 strategy and policy relating to terrorist attacks and other
17 high-consequence events utilizing explosives that pose a
18 high risk to homeland security, including the following:

19 “(1) Developing and maintaining the Depart-
20 ment’s strategy against explosives threats.

21 “(2) Serving as the Department representative
22 for explosives threats and related activities with
23 other Federal departments and agencies.

1 “(3) Providing oversight of the Department’s
2 preparedness, including operational requirements,
3 for explosives threats.

4 “(4) Enhancing the capabilities of Federal,
5 State, local, tribal, and territorial governments, and
6 private entities as appropriate, to counter terrorist
7 attacks and other high-consequence events utilizing
8 explosives.

9 “(5) Evaluating and providing guidance to Fed-
10 eral, State, local, tribal, and territorial governments
11 and appropriate private entities on detection and
12 communication technology that could be effective
13 during terrorist attacks or other high-consequence
14 events utilizing explosives.

15 “(6) Supporting and enhancing the effective
16 sharing and use of appropriate information gen-
17 erated by the intelligence community (as such term
18 is defined in section 3(4) of the National Security
19 Act of 1947 (50 U.S.C. 3003(4))), law enforcement
20 agencies, other Federal, State, local, tribal, and ter-
21 ritorial government agencies, and foreign govern-
22 ments, on explosives threats.”.

23 **SEC. 7. SAVINGS PROVISIONS.**

24 Nothing in this Act shall change the authority of the
25 Administrator of the Federal Emergency Management

1 Agency to lead the emergency management system of the
 2 United States. Nothing in this Act shall alter the responsi-
 3 bility of the Chief Medical Officer of the Department of
 4 Homeland Security to serve as the principal advisor to the
 5 Secretary of Homeland Security and the Administrator of
 6 the Federal Emergency Management Agency on medical
 7 and public health issues pursuant to paragraph (1) of sec-
 8 tion 516(c) of the Homeland Security Act of 2002 (6
 9 U.S.C. 321e(c)).

10 **SEC. 8. CLERICAL AMENDMENTS.**

11 The table of contents in section 1(b) of the Homeland
 12 Security Act of 2002 is amended—

13 (1) by striking the item relating to title XIX
 14 and inserting the following new item:

“TITLE XIX—NUCLEAR DIVISION”;

15 (2) by striking the item relating to section 1901
 16 and inserting the following new item:

“Sec. 1901. Nuclear Division.”;

17 (3) by striking the item relating to section
 18 1903;

19 (4) by adding after the item relating to section
 20 1907 the following new item:

“Sec. 1908. Domestic Implementation of the global nuclear detection architec-
 ture.”; and

21 (5) by adding at the end the following:

“TITLE XXII—CBRNE OFFICE

“Subtitle A—Chemical, Biological, Radiological, Nuclear, and Explosives
Office

- “Sec. 2201. Chemical, Biological, Radiological, Nuclear, and Explosives Office.
- “Sec. 2202. Composition of the CBRNE Office.
- “Sec. 2203. Hiring authority.
- “Sec. 2204. Grants, cooperative agreements, and other transactions and contracts.
- “Sec. 2205. Terrorism risk assessments.
- “Sec. 2206. CBRNE communications and public messaging.
- “Sec. 2207. Chemical, biological, radiological, nuclear, and explosives intelligence and information sharing.”.

“Subtitle B—Chemical Division

- “Sec. 2211. Chemical Division.
- “Sec. 2212. Demonstration projects.”.

“Subtitle C—Biological Division

- “Sec. 2221. Biological Division.”.

“Subtitle D—Nuclear Division

- “Sec. 2231. Nuclear Division.”.

“Subtitle E—Explosives Division

- “Sec. 2241. Explosives Division.”.

Passed the House of Representatives December 10,
2015.

Attest: KAREN L. HAAS,
Clerk.