

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3875**  
**OFFERED BY MR. McCAUL OF TEXAS**

Strike all after the enacting clause and insert the following:

**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 provision.
- 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:

1       **“TITLE XXII—CBRNE OFFICE**  
2       **“Subtitle A—Chemical, Biological,**  
3       **Radiological, Nuclear, and Ex-**  
4       **plosives Office**

5       **“SEC. 2201. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**  
6                   **CLEAR, AND EXPLOSIVES OFFICE.**

7           “(a) ESTABLISHMENT.—There is established in the  
8 Department a Chemical, Biological, Radiological, Nuclear,  
9 and Explosives Office (referred to in this title as the  
10 ‘CBRNE Office’). The CBRNE Office shall be comprised  
11 of the Chemical Division, the Biological Division, the Nu-  
12 clear Division, and the Explosives Division.

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

17          “(c) ASSISTANT SECRETARY.—The Office shall be  
18 headed by an Assistant Secretary for the Chemical, Bio-  
19 logical, Radiological, Nuclear, and Explosives Office (re-  
20 ferred to in this title as the ‘Assistant Secretary’), who  
21 shall be appointed by the President by and with the advice  
22 and consent of the Senate.

23          “(d) RESPONSIBILITIES.—The Assistant Secretary  
24 shall—

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

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

5           “(3) serve as the primary Department rep-  
6           resentative for coordinating CBRNE activities with  
7           other Federal departments and agencies;

8           “(4) provide oversight for the Department’s  
9           preparedness for CBRNE threats;

10          “(5) provide support for operations during  
11          CBRNE threats or incidents; and

12          “(6) carry out such other responsibilities as the  
13          Secretary determines appropriate, consistent with  
14          this title.

15          “(e) OTHER OFFICERS.—The Director of the Chem-  
16          ical Division, the Director of the Biological Division, the  
17          Director of the Nuclear Division, the Director of the Ex-  
18          plosives Division, and the Chief Medical Officer shall re-  
19          port directly to the Assistant Secretary.

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

21          “The Secretary shall transfer to the CBRNE Office,  
22          the functions, personnel, budget authority, and assets of  
23          the following

24                 “(1) The Office of Health Affairs as in exist-  
25                 ence on the day before the date of the enactment of

1       this title, including the Chief Medical Officer author-  
2       ized under section 516, and the National Biosurveil-  
3       lance Integration Center authorized under section  
4       316.

5               “(2) The Nuclear Division authorized under  
6       title XIX.

7               “(3) CBRNE threat awareness and risk assess-  
8       ment activities of the Science and Technology Direc-  
9       torate.

10              “(4) The CBRNE functions of the Office of  
11       Policy and the Office of Operations Coordination.

12              “(5) The Office for Bombing Prevention of the  
13       National Protection and Programs Directorate as in  
14       existence on the day before the date of the enact-  
15       ment of this title.

16       **“SEC. 2203. HIRING AUTHORITY.**

17              “‘In hiring personnel for the CBRNE Office, the Sec-  
18       retary shall have the hiring and management authorities  
19       provided in section 1101 of the Strom Thurmond National  
20       Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.  
21       3104 note; Public Law 105–261), except that the term  
22       of appointments for employees under subsection (c)(1) of  
23       such section may not exceed five years before granting any  
24       extension under subsection (c)(2) of such section.

1 **“SEC. 2204. GRANTS, COOPERATIVE AGREEMENTS, AND**  
2 **OTHER TRANSACTIONS AND CONTRACTS.**

3 “The Assistant Secretary, in carrying out the respon-  
4 sibilities under this title, may distribute funds through  
5 grants, cooperative agreements, and other transactions  
6 and contracts.

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

8 “(a) TERRORISM RISK ASSESSMENTS.—

9 “(1) IN GENERAL.—The Assistant Secretary  
10 shall, in coordination with relevant Department com-  
11 ponents and other appropriate Federal departments  
12 and agencies, develop, coordinate, and update peri-  
13 odically terrorism risk assessments of chemical, bio-  
14 logical, radiological, and nuclear threats.

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

22 “(3) INCLUSION IN ASSESSMENT.—Each ter-  
23 rorism risk assessment under this subsection shall  
24 include a description of the methodology used for  
25 each such assessment.

1           “(4) UPDATES.—Each terrorism risk assess-  
2           ment under this subsection shall be updated not less  
3           often than once every two years.

4           “(5) PROVISION TO CONGRESS.—The Assistant  
5           Secretary shall provide a copy of each risk assess-  
6           ment under this subsection to the Committee on  
7           Homeland Security of the House of Representatives  
8           and the Committee on Homeland Security and Gov-  
9           ernmental Affairs of the Senate not later than 30  
10          days after completion of each such assessment.

11          “(b) METHODOLOGY.—In developing the terrorism  
12          risk assessments under subsection (a), the Assistant Sec-  
13          retary, in consultation with appropriate Federal depart-  
14          ments and agencies, shall—

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

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

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

1 “(d) INPUT AND SHARING.—The Assistant Secretary  
2 shall, for each terrorism risk assessment under subsection  
3 (a)—

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

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

12 “(3) share such assessments with Federal,  
13 State, local, tribal, and territorial officials with ap-  
14 propriate security clearances and a need for the in-  
15 formation in the classified versions of such assess-  
16 ments; and

17 “(4) to the maximum extent practicable, make  
18 available an unclassified version of such assessments  
19 for Federal, State, local, tribal, and territorial offi-  
20 cials involved in prevention and preparedness for  
21 chemical, biological, radiological, and nuclear events.

22 **“SEC. 2206. CBRNE COMMUNICATIONS AND PUBLIC MES-**  
23 **SAGING.**

24 “(a) IN GENERAL.—The Secretary, in coordination  
25 with the Assistant Secretary, shall develop an overarching

1 risk communication strategy for terrorist attacks and  
2 other high consequence events utilizing chemical, biologi-  
3 cal, radiological, or nuclear agents or explosives that pose  
4 a high risk to homeland security, and shall—

5           “(1) develop threat-specific risk communication  
6 plans, in coordination with appropriate Federal de-  
7 partments and agencies;

8           “(2) develop risk communication messages, in-  
9 cluding pre-scripted messaging to the extent prac-  
10 ticable;

11           “(3) develop clearly defined interagency proc-  
12 esses and protocols to assure coordinated risk and  
13 incident communications and information sharing  
14 during incident response;

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

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

19           “(6) develop strategies for communicating using  
20 social and new media; and

21           “(7) provide guidance on risk and incident com-  
22 munications for CBRNE events to State, local, trib-  
23 al, and territorial governments, and other stake-  
24 holders, as appropriate.



1       “(b) COMMUNICATION DURING RESPONSE.—The  
2 Secretary shall provide appropriate timely, accurate infor-  
3 mation to the public, governmental partners, the private  
4 sector, and other appropriate stakeholders in the event of  
5 a suspected or confirmed terrorist attack or other high  
6 consequence event utilizing chemical, biological, radio-  
7 logical, or nuclear agents or explosives that pose a high  
8 risk to homeland security.

9       “(c) REPORTS.—

10           “(1) DEVELOPMENT EFFORTS.—Not later than  
11 120 days after the date of the enactment of this  
12 title, the Secretary shall submit to the Committee on  
13 Homeland Security of the House of Representatives  
14 and the Committee on Homeland Security and Gov-  
15 ernmental Affairs of the Senate a report on current  
16 and future efforts of the Department to develop the  
17 communication strategy required under subsection  
18 (a).

19           “(2) FINALIZATION.—Not later than two years  
20 after the date the report required under paragraph  
21 (1) is submitted, the Secretary shall submit to the  
22 Committee on Homeland Security of the House of  
23 Representatives and the Committee on Homeland  
24 Security and Governmental Affairs of the Senate the

1 communication strategy required under subsection  
2 (a).

3 **“SEC. 2207. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**  
4 **CLEAR, AND EXPLOSIVES INTELLIGENCE AND**  
5 **INFORMATION SHARING.**

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

8 “(1) support homeland security-focused intel-  
9 ligence analysis of terrorist actors, their claims, and  
10 their plans to conduct attacks involving chemical, bi-  
11 ological, radiological, or nuclear materials or explo-  
12 sives against the United States;

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

16 “(3) support homeland security-focused risk  
17 analysis and risk assessments of the homeland secu-  
18 rity hazards described in paragraphs (1) and (2) by  
19 providing relevant quantitative and nonquantitative  
20 threat information;

21 “(4) leverage existing and emerging homeland  
22 security intelligence capabilities and structures to  
23 enhance prevention, protection, response, and recov-  
24 ery efforts with respect to a chemical, biological, ra-  
25 diological, nuclear, or explosives attack;

1           “(5) share appropriate information regarding  
2           such threats to appropriate State, local, tribal, and  
3           territorial authorities, as well as other national bio-  
4           security and biodefense stakeholders; and

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

7           “(b) COORDINATION.—Where appropriate, the Under  
8           Secretary of Intelligence and Analysis shall coordinate  
9           with the heads of other relevant Department components,  
10          including the Assistant Secretary, members of the intel-  
11          ligence community, including the National Counter Pro-  
12          liferation Center and the National Counterterrorism Cen-  
13          ter, and other Federal, State, local, tribal, and territorial  
14          authorities, including officials from high-threat areas, to  
15          enable such entities to provide recommendations on opti-  
16          mal information sharing mechanisms, including expedi-  
17          tious sharing of classified information, and on how such  
18          entities can provide information to the Department.

19          “(c) REPORT.—

20                 “(1) IN GENERAL.—Not later than one year  
21                 after the date of the enactment of this section and  
22                 annually thereafter, the Secretary shall submit to  
23                 the Committee on Homeland Security of the House  
24                 of Representatives and the Committee on Homeland

1 Security and Governmental Affairs of the Senate a  
2 report on—

3 “(A) the intelligence and information shar-  
4 ing activities under subsections (a) and (b) and  
5 of all relevant entities within the Department to  
6 prevent, protect against, prepare for, respond  
7 to, mitigate, and recover from terrorist attacks  
8 and other high consequence events utilizing  
9 chemical, biological, radiological, or nuclear  
10 agents or explosives that pose a high risk to  
11 homeland security; and

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

14 “(2) ASSESSMENT OF IMPLEMENTATION.—  
15 Each report required under paragraph (1) shall also  
16 include—

17 “(A) a description of methods established  
18 to assess progress of the Office of Intelligence  
19 and Analysis in implementing this section; and

20 “(B) such assessment of such progress.

21 “(d) DEFINITIONS.—In this section:

22 “(1) INTELLIGENCE COMMUNITY.—The term  
23 ‘intelligence community’ has the meaning given such  
24 term in section 3(4) of the National Security Act of  
25 1947 (50 U.S.C. 3003(4)).

1           “(2) NATIONAL BIOSECURITY AND BIODEFENSE  
2           STAKEHOLDERS.—The term ‘national biosecurity  
3           and biodefense stakeholders’ means officials from  
4           Federal, State, local, tribal, and territorial authori-  
5           ties and individuals from the private sector who are  
6           involved in efforts to prevent, protect against, pre-  
7           pare for, respond to, mitigate, and recover from a  
8           biological attack or other phenomena that may have  
9           serious health consequences for the United States,  
10          including infectious disease outbreaks.”.

11          (b) EFFICIENCIES REVIEW.—Not later than one year  
12 after the date of the enactment of this Act, the Secretary  
13 of Homeland Security, acting through the Assistant Sec-  
14 retary for the Chemical, Biological, Radiological, Nuclear,  
15 and Explosives Office of the Department of Homeland Se-  
16 curity (established pursuant to section 2201 of the Home-  
17 land Security Act of 2002, as added by subsection (a) of  
18 this section), shall submit to the Committee on Homeland  
19 Security of the House of Representatives and the Com-  
20 mittee on Homeland Security and Governmental Affairs  
21 of the Senate a report that—

22           (1) reviews the functions and responsibilities of  
23           the Chemical, Biological, Radiological, Nuclear, and  
24           Explosives Office of the Department (established  
25           pursuant to section 2201 of the Homeland Security

1 Act of 2002, as added by subsection (a) of this sec-  
2 tion) to identify and eliminate areas of unnecessary  
3 duplication;

4 (2) provides a detailed accounting of the man-  
5 agement and administrative expenditures and activi-  
6 ties of the Office and identifies any potential cost  
7 savings and efficiencies for such expenditures and  
8 activities of each sub-office; and

9 (3) makes recommendations for adjustments in  
10 the management and administration of the Office to  
11 improve operational impact and enhance efficiencies.

12 (c) CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-  
13 CLEAR AND EXPLOSIVES RESEARCH AND DEVELOP-  
14 MENT.—

15 (1) IN GENERAL.—The Secretary of Homeland  
16 Security shall assess the organizational structure of  
17 the management and execution of the Department of  
18 Homeland Security's chemical, biological, radio-  
19 logical, nuclear, and explosives research and develop-  
20 ment activities, and shall develop and submit to the  
21 Committee on Homeland Security and the Com-  
22 mittee on Appropriations of the House of Represent-  
23 atives and the Committee on Homeland Security and  
24 Governmental Affairs and the Committee on Appro-  
25 priations of the Senate at the time the President

1 submits the budget for fiscal year 2020 under sec-  
2 tion 1105 of title 31, United States Code, a pro-  
3 posed organizational structure for the management  
4 and execution of such chemical, biological, radio-  
5 logical, nuclear, and explosives research and develop-  
6 ment activities.

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

15 (A) A discussion of the methodology for  
16 determining such proposed organizational struc-  
17 ture.

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

24 (C) Information relating to how such pro-  
25 posed organizational structure will facilitate and

1 promote coordination and requirements genera-  
2 tion with customers.

3 (D) Information relating to how such pro-  
4 posed organizational structure will support the  
5 development of chemical, biological, radiological,  
6 nuclear, and explosives research and develop-  
7 ment priorities across the Department.

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

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

20 (G) Recommendations for necessary statu-  
21 tory changes.

22 (3) LIMITATION ON ACTION.—The Secretary of  
23 Homeland Security may not take any action to reor-  
24 ganize the structure referred to in paragraph (1) un-  
25 less the Secretary receives prior authorization from



1 the Committee on Homeland Security of the House  
2 of Representatives and the Committee on Homeland  
3 Security and Governmental Affairs of the Senate  
4 permitting any such action.

5 (d) CONCURRENT GOVERNMENT ACCOUNTABILITY  
6 OFFICE REVIEW OF CHEMICAL, BIOLOGICAL, RADIO-  
7 LOGICAL, NUCLEAR, AND EXPLOSIVES RESEARCH AND  
8 DEVELOPMENT ACTIVITIES.—

9 (1) IN GENERAL.—The Comptroller General of  
10 the United States shall conduct a review of the De-  
11 partment of Homeland Security's management and  
12 execution of chemical, biological, radiological, nu-  
13 clear, and explosives research and development ac-  
14 tivities.

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

17 (A) An assessment of the management and  
18 execution of chemical, biological, radiological,  
19 nuclear, and explosives research and develop-  
20 ment activities of the Department of Homeland  
21 Security, including identification of any overlap  
22 or duplication of effort.

23 (B) Recommendations to streamline and  
24 improve the Department's management and  
25 execution of chemical, biological, radiological,

1 nuclear, and explosives research and develop-  
2 ment activities.

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

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

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

1           (1) in paragraph (2) of section 103(a) (6  
2           U.S.C. 113(a)), by striking “Assistant Secretary for  
3           Health Affairs, the Assistant Secretary for Legisla-  
4           tive Affairs, or the Assistant Secretary for Public  
5           Affairs,” and inserting “Assistant Secretary for Leg-  
6           islative Affairs or the Assistant Secretary for Public  
7           Affairs,”;

8           (2) in section 302 (6 U.S.C. 182)—

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

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

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

18          (3) in subsection (b) of section 307 (6 U.S.C.  
19          187), by adding at the end the following new para-  
20          graph:

21          “(8) CBRNE DEFENSE.—The Director shall  
22          coordinate with the Assistant Secretary for the  
23          Chemical, Biological, Radiological, Nuclear, and Ex-  
24          plosives Office on all chemical, biological, and explo-  
25          sives 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 “disasters”;

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

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

12 (C) in paragraph (6) of section 516(c) (6  
13 U.S.C. 321e(c)), by striking “Under Secretary  
14 for Science and Technology” and inserting “As-  
15 sistant Secretary for the Chemical, Biological,  
16 Radiological, Nuclear, and Explosives Office”.

17 **SEC. 3. CHEMICAL DIVISION.**

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

21 **“Subtitle B—Chemical Division**

22 **“SEC. 2211. CHEMICAL DIVISION.**

23 “(a) ESTABLISHMENT.—There is established in the  
24 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 one 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-

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

3 **“Subtitle C—Biological Division**

4 **“SEC. 2221. BIOLOGICAL DIVISION.**

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

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

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

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

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

22 “(4) Enhancing the capabilities of Federal,  
23 State, local, tribal, and territorial governments, and  
24 private entities as appropriate, against biological  
25 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) Maintaining a biological detection pro-  
10          gram.

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

13 **SEC. 5. NUCLEAR DIVISION.**

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

18                 **“Subtitle D—Nuclear Division**

19                 **“SEC. 2231. NUCLEAR DIVISION.**

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

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

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

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

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

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

24           (B) in subsection (a), by striking “There  
25           shall be established in the Department a Do-

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

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

8           (3) in subsection (a) of section 1902 (6 U.S.C.  
9           592)—

10           (A) in the matter preceding paragraph  
11           (1)—

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

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

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

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

25           (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 Office” and inserting “Nuclear Di-  
5 vision”; 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 two years”;

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

18 (D) subsection (b)—

19 (i) in paragraph (1), by inserting  
20 “odd-numbered” after “each”; and

21 (ii) in paragraph (2), by striking “an-  
22 nual” and inserting “biennial”; and

23 (7) by adding at the end the following new sec-  
24 tion:

1 **“SEC. 1908. DOMESTIC IMPLEMENTATION OF THE GLOBAL**  
2 **NUCLEAR DETECTION ARCHITECTURE.**

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

17 (c) SAVINGS PROVISION.—The individual serving as  
18 of the date of the enactment of this Act as the Director  
19 for Domestic Nuclear Detection of the Department of  
20 Homeland Security may continue to serve as the Director  
21 of the Nuclear Division of the Department on and after  
22 such date.

23 (d) REFERENCE.—Any reference in any law, regula-  
24 tion, or rule to the Domestic Nuclear Detection Office or  
25 the Director for Domestic Nuclear Detection of the De-  
26 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 PROVISION.**

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.

3 **SEC. 8. CLERICAL AMENDMENTS.**

4 The table of contents in section 1(b) of the Homeland  
5 Security Act of 2002 is amended by adding at the end  
6 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 con-  
tracts.

“Sec. 2205. Terrorism risk assessments.

“Sec. 2206. Chemical, biological, radiological, nuclear, and explosives intel-  
ligence 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.”.

