

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 6198  
OFFERED BY MR. DONOVAN OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Countering Weapons  
3 of Mass Destruction Act of 2018”.

4 **SEC. 2. COUNTERING WEAPONS OF MASS DESTRUCTION**  
5 **OFFICE.**

6 (a) IN GENERAL.—Title XIX of the Homeland Secu-  
7 rity Act of 2002 (6 U.S.C. 591 et seq.) is amended—

8 (1) in the title heading, by striking “**DOMES-**  
9 **TIC NUCLEAR DETECTION OFFICE**” and  
10 inserting “**COUNTERING WEAPONS OF**  
11 **MASS DESTRUCTION OFFICE**”;

12 (2) by striking section 1901 and inserting the  
13 following:

14 **“SEC. 1900. DEFINITIONS.**

15 “In this title:

16 “(1) ASSISTANT SECRETARY.—The term ‘As-  
17 sistant Secretary’ means the Assistant Secretary for  
18 the Countering Weapons of Mass Destruction Office.

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

5           “(3) OFFICE.—The term ‘Office’ means the  
6           Countering Weapons of Mass Destruction Office es-  
7           tablished under section 1901(a).

8           “(4) WEAPON OF MASS DESTRUCTION.—The  
9           term ‘weapon of mass destruction’ has the meaning  
10          given the term in section 101 of the Foreign Intel-  
11          ligence Surveillance Act of 1978 (50 U.S.C. 1801).

12          **“Subtitle A—Countering Weapons**  
13                   **of Mass Destruction Office**

14          **“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUC-**  
15                   **TION OFFICE.**

16          “(a) ESTABLISHMENT.—There is established in the  
17          Department a Countering Weapons of Mass Destruction  
18          Office.

19          “(b) ASSISTANT SECRETARY.—The Office shall be  
20          headed by an Assistant Secretary for the Countering  
21          Weapons of Mass Destruction Office, who shall be ap-  
22          pointed by the President.

23          “(c) RESPONSIBILITIES.—The Assistant Secretary  
24          shall serve as the Secretary’s principal advisor on—

1           “(1) weapons of mass destruction matters and  
2 strategies; and

3           “(2) coordinating efforts to counter weapons of  
4 mass destruction.

5           “(d) DETAILS.—The Secretary may request that the  
6 Secretary of Defense, the Secretary of Energy, the Sec-  
7 retary of State, the Attorney General, the Nuclear Regu-  
8 latory Commission, and the directors of other Federal  
9 agencies, including elements of the intelligence commu-  
10 nity, provide for the reimbursable detail of personnel with  
11 relevant expertise to the Office.”;

12           (3) by adding at the end the following:

13       **“Subtitle B—Mission of the Office**

14       **“SEC. 1921. MISSION OF THE OFFICE.**

15           “The Office shall be responsible for coordinating with  
16 other Federal efforts and developing departmental strat-  
17 egy and policy to plan, detect, and protect against the im-  
18 portation, possession, storage, transportation, develop-  
19 ment, or use of unauthorized chemical, biological, radio-  
20 logical, or nuclear materials, devices, or agents in the  
21 United States and to protect against an attack using such  
22 materials, devices, or agents against the people, territory,  
23 or interests of the United States.

1 **“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**  
2 **TIES AND FEDERAL AGENCIES.**

3 “(a) IN GENERAL.—The authority of the Assistant  
4 Secretary under this title shall neither affect nor diminish  
5 the authority or the responsibility of any officer of the De-  
6 partment or of any officer of any other department or  
7 agency of the United States with respect to the command,  
8 control, or direction of the functions, personnel, funds, as-  
9 sets, and liabilities of any entity within the Department  
10 or any Federal department or agency.

11 “(b) FEDERAL EMERGENCY MANAGEMENT AGEN-  
12 CY.—Nothing in this title or any other provision of law  
13 may be construed to affect or reduce the responsibilities  
14 of the Federal Emergency Management Agency or the Ad-  
15 ministrator or the Agency, including the diversion of any  
16 asset, function, or mission of the Agency or the Adminis-  
17 trator of the Agency.”;

18 (4) by striking section 1905;

19 (5) by redesignating sections 1902, 1903, 1904,  
20 1906, and 1907 as sections 1923, 1924, 1925, 1926,  
21 and 1927, respectively, and transferring such sec-  
22 tions to appear after section 1922, as added by  
23 paragraph (3);

24 (6) in section 1923, as so redesignated—

1 (A) in the section heading by striking  
2 “**MISSION OF OFFICE**” and inserting “**RE-**  
3 **SPONSIBILITIES**”; and

4 (B) in subsection (a)(11), by striking “Do-  
5 mestic Nuclear Detection Office” and inserting  
6 “Office”;

7 (7) in section 1925, as so redesignated, in sub-  
8 section (a), in the first sentence, by striking “section  
9 1902” and inserting “section 1923”;

10 (8) in section 1926, as so redesignated—

11 (A) in the matter preceding paragraph  
12 (1)—

13 (i) by striking “Director for Domestic  
14 Nuclear Detection” and inserting “Assist-  
15 ant Secretary”; and

16 (ii) by striking “paragraphs (6) and  
17 (7) of section 1902(a)” and inserting “sec-  
18 tion 1923”; and

19 (B) in paragraph (2), by striking “para-  
20 graphs (6) and (7) of section 1902(a)” and in-  
21 serting “section 1923”;

22 (9) in section 1927, as so redesignated—

23 (A) in subsection (a)(1)(C), in the matter  
24 preceding clause (i), by striking “Director of

1 the Domestic Nuclear Detection Office” and in-  
2 serting “Assistant Secretary”; and

3 (B) in subsection (c), by striking “section  
4 1902” and inserting “section 1923”; and

5 (10) by inserting after section 1927, as so re-  
6 designated, the following new section:

7 **“SEC. 1928. SECURING THE CITIES PROGRAM.**

8 “(a) ESTABLISHMENT.—The Secretary, through the  
9 Assistant Secretary for the Countering Weapons of Mass  
10 Destruction Office, shall establish the ‘Securing the Cities’  
11 (‘STC’) program to enhance the ability of the United  
12 States to detect and prevent terrorist attacks and other  
13 high consequence events utilizing nuclear or other radio-  
14 logical materials that pose a high risk to homeland secu-  
15 rity in high-risk urban areas. Through the STC program  
16 the Secretary shall—

17 “(1) assist State, local, tribal, and territorial  
18 governments in designing and implementing, or en-  
19 hancing existing, architectures for coordinated and  
20 integrated detection and interdiction of nuclear or  
21 other radiological materials that are out of regu-  
22 latory control;

23 “(2) support the development of a region-wide  
24 operating capability to detect and report on nuclear

1 and other radioactive materials out of regulatory  
2 control;

3 “(3) provide resources to enhance detection,  
4 analysis, communication, and coordination to better  
5 integrate into Federal operations State, local, tribal,  
6 and territorial assets;

7 “(4) facilitate alarm adjudication and provide  
8 subject matter expertise and technical assistance on  
9 concepts of operations, training, exercises, and alarm  
10 response protocols;

11 “(5) communicate with, and promote sharing of  
12 information about the presence or detection of nu-  
13 clear or other radiological materials among appro-  
14 priate Federal, State, local, tribal, and territorial  
15 governments, in a manner that ensures transparency  
16 with the jurisdictions served by such program;

17 “(6) provide augmenting resources, as appro-  
18 priate, to enable State, local, tribal, and territorial  
19 governments to sustain and refresh their capabilities  
20 developed under the STC program; and

21 “(7) provide any other assistance the Secretary  
22 determines appropriate.

23 “(b) DESIGNATION OF JURISDICTIONS.—In carrying  
24 out the STC program under subsection (a), the Secretary  
25 shall designate jurisdictions from among high-risk urban

1 areas under section 2003, and other cities and regions,  
2 as appropriate.

3 “(c) CONGRESSIONAL NOTIFICATION.—The Sec-  
4 retary shall notify the Committee on Homeland Security  
5 and the Committee on Appropriations of the House of  
6 Representatives and the Committee on Homeland Security  
7 and Governmental Affairs and the Committee on Appro-  
8 priations of the Senate not later than three days before  
9 the designation of a new jurisdiction in accordance with  
10 subsection (b) or any other change to participating juris-  
11 dictions.”.

12 (b) REFERENCES AND CONSTRUCTION.—

13 (1) IN GENERAL.—Any reference in any law,  
14 regulation, document, paper, or other record of the  
15 United States to—

16 (A) the Domestic Nuclear Detection Office  
17 shall be deemed to be a reference to the Coun-  
18 tering Weapons of Mass Destruction Office; and

19 (B) the Director for Domestic Nuclear De-  
20 tection shall be deemed to be a reference to the  
21 Assistant Secretary for the Countering Weap-  
22 ons of Mass Destruction Office.

23 (2) CONSTRUCTION.—Sections 1923 through  
24 1927 of the Homeland Security Act of 2002, as so  
25 redesignated by subsection (a), shall be construed to



1 cover the chemical and biological responsibilities of  
2 the Assistant Secretary for the Countering Weapons  
3 of Mass Destruction Office.

4 (3) AUTHORITY.—The authority of the Director  
5 of the Domestic Nuclear Detection Office to make  
6 grants or enter into cooperative agreements is trans-  
7 ferred to the Assistant Secretary for the Countering  
8 Weapons of Mass Destruction Office, and such au-  
9 thority shall be construed to include grants for all  
10 purposes of title XIX of the Homeland Security Act  
11 of 2002, as amended by this Act.

12 (c) CHIEF MEDICAL OFFICER.—

13 (1) REPEAL.—Title V of the Homeland Secu-  
14 rity Act of 2002 (6 U.S.C. 311 et seq.) is amended  
15 by striking section 516.

16 (2) AMENDMENT.—Title XIX of the Homeland  
17 Security Act of 2002 (6 U.S.C. 591 et seq.), as  
18 amended by subsection (a), is further amended by  
19 adding at the end the following:

20 **“Subtitle C—Chief Medical Officer**

21 **“SEC. 1931. CHIEF MEDICAL OFFICER.**

22 “(a) IN GENERAL.—There is in the Office a Chief  
23 Medical Officer, who shall be appointed by the President.  
24 The Chief Medical Officer shall report to the Assistant  
25 Secretary.

1           “(b) QUALIFICATIONS.—The individual appointed as  
2 Chief Medical Officer shall be a licensed physician pos-  
3 sessing a demonstrated ability in and knowledge of medi-  
4 cine and public health.

5           “(c) RESPONSIBILITIES.—The Chief Medical Officer  
6 shall have the responsibility within the Department for  
7 medical issues related to natural disasters, acts of ter-  
8 rorism, and other man-made disasters, including—

9                   “(1) serving as the principal advisor on medical  
10 and public health issues to the Secretary, the Ad-  
11 ministrator of the Federal Emergency Management  
12 Agency, the Assistant Secretary, and other Depart-  
13 ment officials;

14                   “(2) providing operational medical support to  
15 all components of the Department;

16                   “(3) as appropriate, providing medical liaisons  
17 to the components of the Department, on a reim-  
18 bursable basis, to provide subject matter expertise  
19 on operational medical issues;

20                   “(4) coordinating with Federal, State, local,  
21 and tribal governments, the medical community, and  
22 others within and outside the Department, including  
23 the Centers for Disease Control and Prevention of  
24 the Department of Health and Human Services,

1 with respect to medical and public health matters;  
2 and

3 “(5) performing such other duties relating to  
4 such responsibilities as the Secretary may require.”.

5 (3) CLERICAL AMENDMENT.—The table of con-  
6 tents in section 1(b) of the Homeland Security Act  
7 of 2002 is amended by striking the item relating to  
8 section 516.

9 (d) WORKFORCE HEALTH AND MEDICAL SUP-  
10 PORT.—

11 (1) IN GENERAL.—Title VII of the Homeland  
12 Security Act of 2002 (6 U.S.C. 341 et seq.) is  
13 amended by adding at the end the following new sec-  
14 tion:

15 **“SEC. 710. WORKFORCE HEALTH AND MEDICAL SUPPORT.**

16 “(a) IN GENERAL.—The Under Secretary for Man-  
17 agement shall be responsible for workforce-focused health  
18 and medical activities of the Department. The Under Sec-  
19 retary for Management may further delegate these respon-  
20 sibilities, as appropriate.

21 “(b) RESPONSIBILITIES.—The Under Secretary for  
22 Management, in coordination with the Chief Medical Offi-  
23 cer, shall—

1           “(1) provide oversight and coordinate the med-  
2           ical and health activities of the Department for the  
3           human and animal personnel of the Department;

4           “(2) establish medical, health, veterinary, and  
5           occupational health exposure policy, guidance, strat-  
6           egies, and initiatives for the human and animal per-  
7           sonnel of the Department;

8           “(3) as deemed appropriate by the Under Sec-  
9           retary, provide medical liaisons to the components of  
10          the Department, on a reimbursable basis, to provide  
11          subject matter expertise on occupational medical and  
12          public health issues;

13          “(4) serve as the primary representative for the  
14          Department on agreements regarding the detail of  
15          Commissioned Corps officers of the Public Health  
16          Service of the Department of Health and Human  
17          Services to the Department, except that components  
18          and offices of the Department shall retain authority  
19          for funding, determination of specific duties, and su-  
20          pervision of such detailed Commissioned Corps offi-  
21          cers; and

22          “(5) perform such other duties relating to such  
23          responsibilities as the Secretary may require.”.

24          (e) TRANSFERS; ABOLISHMENT.—

1           (1) TRANSFERS.—The Secretary of Homeland  
2 Security shall transfer to—

3           (A) the Countering Weapons of Mass De-  
4 struction Office all functions, personnel, budget  
5 authority, and assets of—

6           (i) the Domestic Nuclear Detection  
7 Office, as in existence on the day before  
8 the date of the enactment of this Act; and

9           (ii) the Office of Health Affairs, as in  
10 existence on the day before the date of the  
11 enactment of this Act, except for the func-  
12 tions, personnel, budget authority, and as-  
13 sets of such office necessary to perform the  
14 functions specified in section 710 of the  
15 Homeland Security Act of 2002 (relating  
16 to workforce health and medical support),  
17 as added by this Act; and

18           (B) to the Directorate of Management of  
19 the Department of Homeland Security all func-  
20 tions, personnel, budget authority, and assets of  
21 the Office of Health Affairs, as in existence on  
22 the day before the date of the enactment of this  
23 Act, that are necessary to perform the functions  
24 of such section 710.

1           (2) ABOLISHMENT.—Upon completion of all  
2 transfers pursuant to paragraph (1)—

3           (A) the Domestic Nuclear Detection Office  
4 of the Department of Homeland Security and  
5 the Office of Health Affairs of the Department  
6 of Homeland Security are abolished; and

7           (B) the positions of Assistant Secretary for  
8 Health Affairs and Director for Domestic Nu-  
9 clear Detection are abolished.

10 (f) CONFORMING AMENDMENTS.—

11           (1) OTHER OFFICERS.—Paragraph (4) of sec-  
12 tion 103(d) of the Homeland Security Act of 2002  
13 (6 U.S.C. 113(d)) is amended by striking “A Direc-  
14 tor for Domestic Nuclear Detection” and inserting  
15 “An Assistant Secretary for the Countering Weap-  
16 ons of Mass Destruction Office”.

17           (2) NATIONAL BIOSURVEILLANCE INTEGRATION  
18 CENTER.—Section 316(a) of the Homeland Security  
19 Act of 2002 (6 U.S.C. 195b(a)) is amended by strik-  
20 ing “Secretary shall” and inserting “Secretary, act-  
21 ing through the Assistant Secretary for the Coun-  
22 tering Weapons of Mass Destruction Office, shall”.

23           (3) INTERNATIONAL COOPERATION.—Section  
24 317(f) of the Homeland Security Act of 2002 (6  
25 U.S.C. 195c(f)) is amended by striking “the Chief

1 Medical Officer,” and inserting “the Assistant Sec-  
2 retary for the Countering Weapons of Mass Destruc-  
3 tion Office,”.

4 (4) FUNCTIONS TRANSFERRED.—Section  
5 505(b) of the Homeland Security Act of 2002 (6  
6 U.S.C. 315(b)) is amended—

7 (A) by striking paragraph (4);

8 (B) by redesignating paragraph (5) as  
9 paragraph (4); and

10 (C) in paragraph (4), as so redesignated,  
11 by striking “through (4)” and inserting  
12 “through (3)”.

13 (5) COORDINATION OF DEPARTMENT OF HOME-  
14 LAND SECURITY EFFORTS RELATED TO FOOD, AGRI-  
15 CULTURE, AND VETERINARY DEFENSE AGAINST  
16 TERRORISM.—Section 528(a) of the Homeland Secu-  
17 rity Act of 2002 (6 U.S.C. 321q(a)) is amended by  
18 striking “Health Affairs,” and inserting “the Coun-  
19 tering Weapons of Mass Destruction Office,”.

20 (g) DEPARTMENT OF HOMELAND SECURITY CHEM-  
21 ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR AC-  
22 TIVITIES.—Not later than one year after the date of enact-  
23 ment of this Act and once every year thereafter, the Sec-  
24 retary of Homeland Security shall provide a briefing and  
25 report to the appropriate congressional committees (as de-

1 fined in section 2 of the Homeland Security Act of 2002  
2 (6 U.S.C. 101) on—

3 (1) the organization and management of the  
4 chemical, biological, radiological, and nuclear activi-  
5 ties of the Department of Homeland Security, in-  
6 cluding research and development activities, and the  
7 location of each activity under the organizational  
8 structure of the Countering Weapons of Mass De-  
9 struction Office;

10 (2) a comprehensive inventory of chemical, bio-  
11 logical, radiological, and nuclear activities, including  
12 research and development activities, of the Depart-  
13 ment of Homeland Security, highlighting areas of  
14 collaboration between components, coordination with  
15 other agencies, and the effectiveness and accomplish-  
16 ments of consolidated chemical, biological, radio-  
17 logical, and nuclear activities of the Department of  
18 Homeland Security, including research and develop-  
19 ment activities;

20 (3) information relating to how the organiza-  
21 tional structure of the Countering Weapons of Mass  
22 Destruction Office will enhance the development of  
23 chemical, biological, radiological, and nuclear prior-  
24 ities and capabilities across the Department of  
25 Homeland Security;



1 (4) a discussion of any resulting cost savings  
2 and efficiencies gained through activities described  
3 in paragraphs (1) and (2); and

4 (5) recommendations for any necessary statu-  
5 tory changes, or, if no statutory changes are nec-  
6 essary, an explanation of why no statutory or orga-  
7 nizational changes are necessary.

8 (h) CLERICAL AMENDMENTS.—The table of contents  
9 in section 1(b) of the Homeland Security Act of 2002 is  
10 amended—

11 (1) by inserting after the item relating to sec-  
12 tion 709 the following:

“Sec. 710. Workforce health and medical support.”;

13 and

14 (2) by striking the item relating to title XIX  
15 (including items relating to section 1901 through  
16 section 1907) and inserting the following:

“TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION  
OFFICE

“Sec. 1900. Definitions.

“Subtitle A—Countering Weapons of Mass Destruction Office

“Sec. 1901. Countering Weapons of Mass Destruction Office.

“Subtitle B—Mission of the Office

“Sec. 1921. Mission of the Office.

“Sec. 1922. Relationship to other department entities and Federal agencies.

“Sec. 1923. Responsibilities.

“Sec. 1924. Hiring authority.

“Sec. 1925. Testing authority.

“Sec. 1926. Contracting and grant making authorities.

“Sec. 1927. Joint annual interagency review of global nuclear detection archi-  
tecture.

“Sec. 1928. Securing the Cities program.

“Subtitle C—Chief Medical Officer

“Sec. 1931. Chief Medical Officer.”.

