

Suspend the Rules and Pass the Bill, H.R. 6198, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 6198

To amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2018

Mr. DONOVAN (for himself and Mr. MCCAUL) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, 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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. COUNTERING WEAPONS OF MASS DESTRUCTION**
2 **OFFICE.**

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

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

9 (2) by striking section 1901 and inserting the
10 following:

11 **“SEC. 1900. DEFINITIONS.**

12 “In this title:

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

16 “(2) INTELLIGENCE COMMUNITY.—The term
17 ‘intelligence community’ has the meaning given such
18 term in section 3(4) of the National Security Act of
19 1947 (50 U.S.C. 3003(4)).

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

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

1 **“Subtitle A—Countering Weapons**
2 **of Mass Destruction Office**

3 **“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUC-**
4 **TION OFFICE.**

5 “(a) ESTABLISHMENT.—There is established in the
6 Department a Countering Weapons of Mass Destruction
7 Office.

8 “(b) ASSISTANT SECRETARY.—The Office shall be
9 headed by an Assistant Secretary for the Countering
10 Weapons of Mass Destruction Office, who shall be ap-
11 pointed by the President.

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

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

16 “(2) coordinating efforts to counter weapons of
17 mass destruction.

18 “(d) DETAILS.—The Secretary may request that the
19 Secretary of Defense, the Secretary of Energy, the Sec-
20 retary of State, the Attorney General, the Nuclear Regu-
21 latory Commission, and the directors of other Federal
22 agencies, including elements of the intelligence commu-
23 nity, provide for the reimbursable detail of personnel with
24 relevant expertise to the Office.”;

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

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

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

3 “The Office shall be responsible for coordinating with
4 other Federal efforts and developing departmental strat-
5 egy and policy to plan for, detect, and protect against the
6 importation, possession, storage, transportation, develop-
7 ment, or use of unauthorized chemical, biological, radio-
8 logical, or nuclear materials, devices, or agents in the
9 United States and to protect against an attack using such
10 materials, devices, or agents against the people, territory,
11 or interests of the United States.

12 **“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**
13 **TIES AND FEDERAL AGENCIES.**

14 “(a) IN GENERAL.—The authority of the Assistant
15 Secretary under this title shall neither affect nor diminish
16 the authority or the responsibility of any officer of the De-
17 partment or of any officer of any other department or
18 agency of the United States with respect to the command,
19 control, or direction of the functions, personnel, funds, as-
20 sets, and liabilities of any entity within the Department
21 or any Federal department or agency.

22 “(b) FEDERAL EMERGENCY MANAGEMENT AGEN-
23 CY.—Nothing in this title or any other provision of law
24 may be construed to affect or reduce the responsibilities
25 of the Federal Emergency Management Agency or the Ad-

1 administrator of the Agency, including the diversion of any
2 asset, function, or mission of the Agency or the Adminis-
3 trator of the Agency.”;

4 (4) by striking section 1905;

5 (5) by redesignating sections 1902, 1903, 1904,
6 1906, and 1907 as sections 1923, 1924, 1925, 1926,
7 and 1927, respectively, and transferring such sec-
8 tions to appear after section 1922, as added by
9 paragraph (3);

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

11 (A) in the section heading by striking
12 “**MISSION OF OFFICE**” and inserting “**RE-**
13 **SPONSIBILITIES**”; and

14 (B) in subsection (a)(11), by striking “Do-
15 mestic Nuclear Detection Office” and inserting
16 “Office”;

17 (7) in section 1925, as so redesignated, in sub-
18 section (a), in the first sentence, by striking “section
19 1902” and inserting “section 1923”;

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

21 (A) in the matter preceding paragraph

22 (1)—

23 (i) by striking “Director for Domestic
24 Nuclear Detection” and inserting “Assist-
25 ant Secretary”; and

1 (ii) by striking “paragraphs (6) and
2 (7) of section 1902(a)” and inserting “sec-
3 tion 1923”; and

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

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

8 (A) in subsection (a)(1)(C), in the matter
9 preceding clause (i), by striking “Director of
10 the Domestic Nuclear Detection Office” and in-
11 serting “Assistant Secretary”; and

12 (B) in subsection (c), by striking “section
13 1902” and inserting “section 1923”; and

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

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

17 “(a) ESTABLISHMENT.—The Secretary, through the
18 Assistant Secretary for the Countering Weapons of Mass
19 Destruction Office, shall establish the ‘Securing the Cities’
20 (‘STC’) program to enhance the ability of the United
21 States to detect and prevent terrorist attacks and other
22 high consequence events utilizing nuclear or other radio-
23 logical materials that pose a high risk to homeland secu-
24 rity in high-risk urban areas. Through the STC program
25 the Secretary shall—

1 “(1) assist State, local, Tribal, and territorial
2 governments in designing and implementing, or en-
3 hancing existing, architectures for coordinated and
4 integrated detection and interdiction of nuclear or
5 other radiological materials that are out of regu-
6 latory control;

7 “(2) support the development of a region-wide
8 operating capability to detect and report on nuclear
9 and other radioactive materials out of regulatory
10 control;

11 “(3) provide resources to enhance detection,
12 analysis, communication, and coordination to better
13 integrate into Federal operations State, local, Tribal,
14 and territorial assets;

15 “(4) facilitate alarm adjudication and provide
16 subject matter expertise and technical assistance on
17 concepts of operations, training, exercises, and alarm
18 response protocols;

19 “(5) communicate with, and promote sharing of
20 information about the presence or detection of nu-
21 clear or other radiological materials among appro-
22 priate Federal, State, local, Tribal, and territorial
23 governments, in a manner that ensures transparency
24 with the jurisdictions served by such program;

1 “(6) provide augmenting resources, as appro-
2 priate, to enable State, local, Tribal, and territorial
3 governments to sustain and refresh their capabilities
4 developed under the STC program; and

5 “(7) provide any other assistance the Secretary
6 determines appropriate.

7 “(b) DESIGNATION OF JURISDICTIONS.—In carrying
8 out the STC program under subsection (a), the Secretary
9 shall designate jurisdictions from among high-risk urban
10 areas under section 2003, and other cities and regions,
11 as appropriate.

12 “(c) CONGRESSIONAL NOTIFICATION.—The Sec-
13 retary shall notify the Committee on Homeland Security
14 and the Committee on Appropriations of the House of
15 Representatives and the Committee on Homeland Security
16 and Governmental Affairs and the Committee on Appro-
17 priations of the Senate not later than three days before
18 the designation of a new jurisdiction in accordance with
19 subsection (b) or any other change to participating juris-
20 dictions.”.

21 (b) REFERENCES AND CONSTRUCTION.—

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

1 (A) the Domestic Nuclear Detection Office
2 shall be deemed to be a reference to the Coun-
3 tering Weapons of Mass Destruction Office; and

4 (B) the Director for Domestic Nuclear De-
5 tection shall be deemed to be a reference to the
6 Assistant Secretary for the Countering Weap-
7 ons of Mass Destruction Office.

8 (2) CONSTRUCTION.—Sections 1923 through
9 1927 of the Homeland Security Act of 2002, as so
10 redesignated by subsection (a), shall be construed to
11 cover the chemical and biological responsibilities of
12 the Assistant Secretary for the Countering Weapons
13 of Mass Destruction Office.

14 (3) AUTHORITY.—The authority of the Director
15 of the Domestic Nuclear Detection Office to make
16 grants or enter into cooperative agreements is trans-
17 ferred to the Assistant Secretary for the Countering
18 Weapons of Mass Destruction Office, and such au-
19 thority shall be construed to include grants for all
20 purposes of title XIX of the Homeland Security Act
21 of 2002, as amended by this Act.

22 (c) CHIEF MEDICAL OFFICER.—

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

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

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

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

7 “(a) IN GENERAL.—There is in the Office a Chief
8 Medical Officer, who shall be appointed by the President.
9 The Chief Medical Officer shall report to the Assistant
10 Secretary.

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

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

19 “(1) serving as the principal advisor on medical
20 and public health issues to the Secretary, the Ad-
21 ministrators of the Federal Emergency Management
22 Agency, the Assistant Secretary, and other Depart-
23 ment officials;

24 “(2) providing operational medical support to
25 all components of the Department;

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

5 “(4) coordinating with Federal, State, local,
6 and Tribal governments, the medical community,
7 and others within and outside the Department, in-
8 cluding the Centers for Disease Control and Preven-
9 tion and the Office of the Assistant Secretary for
10 Preparedness and Response of the Department of
11 Health and Human Services, with respect to medical
12 and public health matters; and

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

15 (3) CLERICAL AMENDMENT.—The table of con-
16 tents in section 1(b) of the Homeland Security Act
17 of 2002 is amended by striking the item relating to
18 section 516.

19 (d) WORKFORCE HEALTH AND MEDICAL SUP-
20 PORT.—Title VII of the Homeland Security Act of 2002
21 (6 U.S.C. 341 et seq.) is amended by adding at the end
22 the following new section:

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

24 “(a) IN GENERAL.—The Under Secretary for Man-
25 agement shall be responsible for workforce-focused health

1 and medical activities of the Department. The Under Sec-
2 retary for Management may further delegate these respon-
3 sibilities, as appropriate.

4 “(b) RESPONSIBILITIES.—The Under Secretary for
5 Management, in coordination with the Chief Medical Offi-
6 cer, shall—

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

10 “(2) establish medical, health, veterinary, and
11 occupational health exposure policy, guidance, strat-
12 egies, and initiatives for the human and animal per-
13 sonnel of the Department;

14 “(3) as deemed appropriate by the Under Sec-
15 retary, provide medical liaisons to the components of
16 the Department, on a reimbursable basis, to provide
17 subject matter expertise on occupational medical and
18 public health issues;

19 “(4) serve as the primary representative for the
20 Department on agreements regarding the detail of
21 Commissioned Corps officers of the Public Health
22 Service of the Department of Health and Human
23 Services to the Department, except that components
24 and offices of the Department shall retain authority
25 for funding, determination of specific duties, and su-

1 pervision of such detailed Commissioned Corps offi-
2 cers; and

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

5 (e) TRANSFERS; ABOLISHMENT.—

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

8 (A) the Countering Weapons of Mass De-
9 struction Office all functions, personnel, budget
10 authority, and assets of—

11 (i) the Domestic Nuclear Detection
12 Office, as in existence on the day before
13 the date of the enactment of this Act; and

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

23 (B) the Directorate of Management of the
24 Department of Homeland Security all functions,
25 personnel, budget authority, and assets of the

1 Office of Health Affairs, as in existence on the
2 day before the date of the enactment of this
3 Act, that are necessary to perform the functions
4 of such section 710.

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

7 (A) the Domestic Nuclear Detection Office
8 of the Department of Homeland Security and
9 the Office of Health Affairs of the Department
10 of Homeland Security are abolished; and

11 (B) the positions of Assistant Secretary for
12 Health Affairs and Director for Domestic Nu-
13 clear Detection are abolished.

14 (f) CONFORMING AMENDMENTS.—

15 (1) OTHER OFFICERS.—Paragraph (4) of sec-
16 tion 103(d) of the Homeland Security Act of 2002
17 (6 U.S.C. 113(d)) is amended by striking “A Direc-
18 tor for Domestic Nuclear Detection” and inserting
19 “An Assistant Secretary for the Countering Weap-
20 ons of Mass Destruction Office”.

21 (2) NATIONAL BIOSURVEILLANCE INTEGRATION
22 CENTER.—Section 316(a) of the Homeland Security
23 Act of 2002 (6 U.S.C. 195b(a)) is amended by strik-
24 ing “Secretary shall” and inserting “Secretary, act-

1 ing through the Assistant Secretary for the Counter-
2 ing Weapons of Mass Destruction Office, shall”.

3 (3) INTERNATIONAL COOPERATION.—Section
4 317(f) of the Homeland Security Act of 2002 (6
5 U.S.C. 195c(f)) is amended by striking “the Chief
6 Medical Officer,” and inserting “the Assistant Sec-
7 retary for the Countering Weapons of Mass Destruc-
8 tion Office,”.

9 (4) FUNCTIONS TRANSFERRED.—Section
10 505(b) of the Homeland Security Act of 2002 (6
11 U.S.C. 315(b)) is amended—

12 (A) by striking paragraph (4);

13 (B) by redesignating paragraph (5) as
14 paragraph (4); and

15 (C) in paragraph (4), as so redesignated,
16 by striking “through (4)” and inserting
17 “through (3)”.

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

1 (g) DEPARTMENT OF HOMELAND SECURITY CHEM-
2 ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR AC-
3 TIVITIES.—Not later than one year after the date of enact-
4 ment of this Act and once every year thereafter, the Sec-
5 retary of Homeland Security shall provide a briefing and
6 report to the appropriate congressional committees (as de-
7 fined in section 2 of the Homeland Security Act of 2002
8 (6 U.S.C. 101) on—

9 (1) the organization and management of the
10 chemical, biological, radiological, and nuclear activi-
11 ties of the Department of Homeland Security, in-
12 cluding research and development activities, and the
13 location of each activity under the organizational
14 structure of the Countering Weapons of Mass De-
15 struction Office;

16 (2) a comprehensive inventory of chemical, bio-
17 logical, radiological, and nuclear activities, including
18 research and development activities, of the Depart-
19 ment of Homeland Security, highlighting areas of
20 collaboration between components, coordination with
21 other agencies, and the effectiveness and accomplish-
22 ments of consolidated chemical, biological, radio-
23 logical, and nuclear activities of the Department of
24 Homeland Security, including research and develop-
25 ment activities;

1 (3) information relating to how the organiza-
2 tional structure of the Countering Weapons of Mass
3 Destruction Office will enhance the development of
4 chemical, biological, radiological, and nuclear prior-
5 ities and capabilities across the Department of
6 Homeland Security;

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

10 (5) information on how the Assistant Secretary
11 for the Countering Weapons of Mass Destruction
12 Office is coordinating with the Under Secretary of
13 Science and Technology of the Department of
14 Homeland Security on research and development ac-
15 tivities; and

16 (6) recommendations for any necessary statu-
17 tory changes, or, if no statutory changes are nec-
18 essary, an explanation of why no statutory or orga-
19 nizational changes are necessary.

20 (h) CLERICAL AMENDMENTS.—The table of contents
21 in section 1(b) of the Homeland Security Act of 2002 is
22 amended—

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

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

25 and

1 (2) by striking the item relating to title XIX
2 (including items relating to section 1901 through
3 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.”.