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117TH CONGRESS
2^D SESSION

H. R. 6873

[Report No. 117-]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2022

Mr. MALINOWSKI (for himself and Mr. CRAWFORD) introduced the following bill; which was referred to the Committee on Homeland Security

MARCH --, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 28, 2022]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Bombing Prevention Act*
5 *of 2022”.*

6 **SEC. 2. OFFICE FOR BOMBING PREVENTION.**

7 *(a) IN GENERAL.—Title XXII of the Homeland Secu-*
8 *rity Act of 2002 (6 U.S.C. 651 et seq.) is amended by add-*
9 *ing at the end the following new subtitle:*

10 **“Subtitle D—Bombing Prevention**

11 **“SEC. 2241. OFFICE FOR BOMBING PREVENTION.**

12 *“(a) ESTABLISHMENT.—There is established within*
13 *the Department an Office for Bombing Prevention (in this*
14 *section referred to as the ‘Office’).*

15 *“(b) ACTIVITIES.—The Office shall have the primary*
16 *responsibility within the Department for enhancing the*
17 *ability and coordinating the efforts of the United States to*
18 *deter, detect, prevent, protect against, mitigate, and respond*
19 *to terrorist explosive threats and attacks in the United*
20 *States, including by carrying out the following:*

21 *“(1) Advising the Secretary on matters related to*
22 *terrorist explosive threats and attacks in the United*
23 *States.*

24 *“(2) Coordinating the efforts of the Department*
25 *to counter terrorist explosive threats and attacks in*

1 *the United States, including by carrying out the fol-*
2 *lowing:*

3 *“(A) Developing, in coordination with the*
4 *Under Secretary for Strategy, Policy, and Plans,*
5 *the Department’s strategy against terrorist ex-*
6 *plosives threats and attacks, including efforts to*
7 *support the security and preparedness of critical*
8 *infrastructure and the public sector and private*
9 *sector.*

10 *“(B) Leading the prioritization of the De-*
11 *partment’s efforts against terrorist explosive*
12 *threats and attacks, including preparedness and*
13 *operational requirements.*

14 *“(C) Ensuring, in coordination with the*
15 *Under Secretary for Science and Technology and*
16 *the Administrator of the Federal Emergency*
17 *Management Agency, the identification, evalua-*
18 *tion, and availability of effective technology ap-*
19 *plications through field pilot testing and acquisi-*
20 *tion of such technology applications by the pub-*
21 *lic sector to deter, detect, prevent, protect*
22 *against, mitigate, and respond to terrorist explo-*
23 *sive threats and attacks in the United States.*

24 *“(D) Providing advice and recommenda-*
25 *tions to the Administrator of the Federal Emer-*

1 *gency Management Agency regarding the effec-*
2 *tive use of grants authorized under section 2002.*

3 *“(E) In coordination with the Assistant*
4 *Secretary for Countering Weapons of Mass De-*
5 *struction, aligning Department efforts related to*
6 *terrorist explosive threats and attacks in the*
7 *United States and weapons of mass destruction.*

8 *“(3) Engaging other Federal departments and*
9 *agencies, including Sector Risk Management Agen-*
10 *cies, regarding terrorist explosive threats and attacks*
11 *in the United States.*

12 *“(4) Facilitating information sharing and deci-*
13 *sion support of the public and private sector involved*
14 *in deterrence, detection, prevention, protection*
15 *against, mitigation of, and response to terrorist explo-*
16 *sive threats and attacks in the United States. Such*
17 *sharing and support may include the following:*

18 *“(A) Operating and maintaining a secure*
19 *information sharing system that allows the shar-*
20 *ing of critical information and data relating to*
21 *terrorist explosive attack tactics, techniques, pro-*
22 *cedures, and security capabilities, including in-*
23 *formation and data described in paragraph (6)*
24 *and section 2242.*

1 “(B) Working with international partners,
2 in coordination with the Office for International
3 Affairs of the Department, to develop and share
4 effective practices to deter, prevent, detect, protect
5 against, mitigate, and respond to terrorist explo-
6 sive threats and attacks in the United States.

7 “(5) Promoting security awareness among the
8 public and private sector and the general public re-
9 garding the risks posed by the misuse of explosive pre-
10 cursor chemicals and other bomb-making materials.

11 “(6) Providing training, guidance, assessments,
12 and planning assistance to the public and private sec-
13 tor, as appropriate, to help counter the risk of ter-
14 rorist explosive threats and attacks in the United
15 States.

16 “(7) Conducting analysis and planning for the
17 capabilities and requirements necessary for the public
18 and private sector, as appropriate, to deter, detect,
19 prevent, protect against, mitigate, and respond to ter-
20 rorist explosive threats and attacks in the United
21 States by carrying out the following:

22 “(A) Maintaining a database on capabili-
23 ties and requirements, including capabilities and
24 requirements of public safety bomb squads, explo-
25 sive detection canine teams, special tactics

1 *teams, public safety dive teams, and recipients of*
2 *services described in section 2242.*

3 “(B) *Applying the analysis derived from the*
4 *database described in subparagraph (A) with re-*
5 *spect to the following:*

6 “(i) *Evaluating progress toward clos-*
7 *ing identified gaps relating to national*
8 *strategic goals and standards related to de-*
9 *terrering, detecting, preventing, protecting*
10 *against, mitigating, and responding to ter-*
11 *rorist explosive threats and attacks in the*
12 *United States.*

13 “(ii) *Informing decisions relating to*
14 *homeland security policy, assistance, train-*
15 *ing, research, development efforts, testing*
16 *and evaluation, and related requirements*
17 *regarding deterring, detecting, preventing,*
18 *protecting against, mitigating, and re-*
19 *sponding to terrorist explosive threats and*
20 *attacks in the United States.*

21 “(8) *Promoting secure information sharing of*
22 *sensitive material and promoting security awareness,*
23 *including by carrying out the following:*

24 “(A) *Operating and maintaining a secure*
25 *information sharing system that allows the shar-*

1 *ing among and between the public and private*
2 *sector of critical information relating to explo-*
3 *sive attack tactics, techniques, and procedures.*

4 *“(B) Educating the public and private sec-*
5 *tors about explosive precursor chemicals.*

6 *“(C) Working with international partners,*
7 *in coordination with the Office for International*
8 *Affairs of the Department, to develop and share*
9 *effective practices to deter, detect, prevent, protect*
10 *against, mitigate, and respond to terrorist explo-*
11 *sive threats and attacks in the United States.*

12 *“(D) Executing national public awareness*
13 *and vigilance campaigns relating to terrorist ex-*
14 *plosive threats and attacks in the United States,*
15 *preventing explosive attacks, and activities and*
16 *measures underway to safeguard the United*
17 *States.*

18 *“(E) Working with relevant stakeholder or-*
19 *ganizations.*

20 *“(9) Providing any other assistance the Sec-*
21 *retary determines necessary.*

22 **“SEC. 2242. COUNTERING EXPLOSIVE DEVICES TECHNICAL**
23 **ASSISTANCE.**

24 *“(a) ESTABLISHMENT.—Upon request, the Secretary*
25 *shall, to the extent practicable, provide to the public and*

1 *private sector technical assistance services to support the*
2 *security and preparedness of such sectors, as appropriate,*
3 *to counter terrorist explosive threats and attacks that pose*
4 *a risk in certain jurisdictions, including vulnerable and*
5 *disadvantaged communities, to critical infrastructure fa-*
6 *cilities, or to special events, as appropriate.*

7 “(b) *ELEMENTS.—Technical assistance services pro-*
8 *vided pursuant to subsection (a) shall—*

9 “(1) *support the planning and implementation*
10 *of effective measures to deter, detect, prevent, protect*
11 *against, mitigate, and respond to terrorist explosive*
12 *threats and attacks in the United States, including ef-*
13 *fective strategic risk management and emergency op-*
14 *erations plans;*

15 “(2) *support the security of explosive precursor*
16 *chemicals and other bomb-making materials outside of*
17 *regulatory control;*

18 “(3) *support efforts to prepare for and respond*
19 *to bomb threats or other acts involving the malicious*
20 *conveyance of false information concerning terrorist*
21 *explosive threats and attacks in the United States;*

22 “(4) *make available resources to enhance deter-*
23 *rence, prevention, detection, protection, mitigation,*
24 *and response capabilities for terrorist explosive*
25 *threats and attacks in the United States, including*

1 *coordination and communication, to better integrate*
2 *State, local, Tribal, and territorial and private sector*
3 *capabilities and assets, as appropriate, with Federal*
4 *operations;*

5 “(5) *make available augmenting resources, as*
6 *appropriate, to enable State, local, Tribal, and terri-*
7 *torial governments to sustain and refresh their capa-*
8 *bilities;*

9 “(6) *track performance in meeting the goals and*
10 *associated plans of the provision of such technical as-*
11 *sistance; and*

12 “(7) *include any other assistance the Secretary*
13 *determines necessary.*

14 **“SEC. 2243. RELATIONSHIP TO OTHER DEPARTMENT COM-**
15 **PONENTS AND FEDERAL AGENCIES.**

16 “(a) *IN GENERAL.—The authority of the Secretary*
17 *under this subtitle shall not affect or diminish the authority*
18 *or the responsibility of any officer of any other Federal*
19 *agency with respect to the command, control, or direction*
20 *of the functions, personnel, funds, assets, or liabilities of*
21 *any other such Federal agency.*

22 “(b) *DEPARTMENT COMPONENTS.—Nothing in this*
23 *subtitle or any other provision of law may be construed to*
24 *affect or reduce the responsibilities of—*

1 “(1) *the Countering Weapons of Mass Destruction*
2 *Office or the Assistant Secretary of the Office, in-*
3 *cluding with respect to any asset, function, or mission*
4 *of the Office or the Assistant Secretary, as the case*
5 *may be;*

6 “(2) *the Federal Emergency Management Agency*
7 *or the Administrator of the Agency, including the di-*
8 *version of any asset, function, or mission of the Agen-*
9 *cy or the Administrator as the case may be; or*

10 “(3) *the Transportation Security Administration*
11 *or the Administrator of the Administration, including*
12 *the diversion of any asset, function, or mission of the*
13 *Administration or the Administrator, as the case may*
14 *be.”.*

15 ***(b) STRATEGY AND REPORTS.—***

16 ***(1) STRATEGY.—****Not later than one year after*
17 *the date of the enactment of this Act, the head of the*
18 *Office for Bombing Prevention of the Department of*
19 *Homeland Security (established pursuant to section*
20 *2241 of the Homeland Security Act of 2002, as added*
21 *by subsection (a)), in consultation with the heads of*
22 *other components of the Department and the heads of*
23 *other Federal agencies, as appropriate, shall develop*
24 *a strategy to align the Office’s activities with the*
25 *threat environment and stakeholder needs, and make*

1 *the public and private sector aware of the Office's ca-*
2 *pabilities. Such strategy shall include the following*
3 *elements:*

4 (A) *Information on terrorist explosive*
5 *threats, tactics, and attacks in the United States.*

6 (B) *Information, by region of the United*
7 *States, regarding public and private sector enti-*
8 *ties likely to be targeted by terrorist explosive*
9 *threats and attacks in the United States, includ-*
10 *ing historically black colleges and universities*
11 *and minority serving institutions, places of wor-*
12 *ship, health care facilities, transportation sys-*
13 *tems, commercial facilities, and government fa-*
14 *cilities.*

15 (C) *Guidance on how outreach to owners*
16 *and operators of critical infrastructure (as such*
17 *term is defined in section 1016(e) of Public Law*
18 *107-56 (42 U.S.C. 5195c(e))) in a region should*
19 *be prioritized.*

20 (D) *A catalogue of the services and training*
21 *currently offered by the Office, and a description*
22 *of how such services and trainings assist the*
23 *public and private sector to deter, detect, pre-*
24 *vent, protect against, mitigate, and respond to*

1 *terrorist explosive threats and attacks in the*
2 *United States.*

3 *(E) Long-term objectives of the Office, in-*
4 *cluding future service and training offerings.*

5 *(F) Metrics for measuring the effectiveness*
6 *of services and trainings offered by the Office.*

7 *(G) An assessment of resource requirements*
8 *necessary to implement such strategy.*

9 *(H) A description of how the Office partners*
10 *with other components of the Department and*
11 *other Federal agencies to carry out its mission.*

12 *(2) REPORTS.—Not later than one year after the*
13 *date of the enactment of this Act and annually there-*
14 *after, the Secretary of Homeland Security shall sub-*
15 *mit to the Committee on Homeland Security of the*
16 *House of Representatives and the Committee on*
17 *Homeland Security and Governmental Affairs of the*
18 *Senate a report describing the activities of the Office*
19 *for Bombing Prevention of the Department of Home-*
20 *land Security (established pursuant to section 2241 of*
21 *the Homeland Security Act of 2002, as added by sub-*
22 *section (a)). Each such report shall include informa-*
23 *tion on the following:*

24 *(A) Changes to terrorist explosive threats,*
25 *tactics, and attacks in the United States.*

1 (B) *Changes to the types of public and pri-*
2 *vate sector entities likely to be targeted by ter-*
3 *rorist explosive threats and attacks in the United*
4 *States.*

5 (C) *The number of trainings, assessments,*
6 *and other engagements carried out by the Office*
7 *within each region of the United States, includ-*
8 *ing a description of the critical infrastructure*
9 *sector or stakeholder served.*

10 (D) *The number of trainings, assessments,*
11 *or other engagements the Office was asked to con-*
12 *duct but did not, and an explanation relating*
13 *thereto.*

14 (E) *The effectiveness of the trainings, assess-*
15 *ments, or other engagements provided by the Of-*
16 *fice based on the metrics described in paragraph*
17 *(1)(F).*

18 (F) *Any changes or anticipated changes in*
19 *the trainings, assessments, and other engage-*
20 *ments, or any other services, offered by the Of-*
21 *fice, and an explanation relating thereto.*

22 (c) *CLERICAL AMENDMENT.—The table of contents in*
23 *section 1(b) of the Homeland Security Act of 2002 is*
24 *amended by inserting after the item relating to section 2238*
25 *the following new items:*

*“Subtitle D—Bombing Prevention**“Sec. 2241. Office for Bombing Prevention.**“Sec. 2242. Countering explosive devices technical assistance.**“Sec. 2243. Relationship to other Department components and Federal agencies.”.***1 SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT.**

2 *(a) IN GENERAL.—Title III of the Homeland Security*
3 *Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding*
4 *at the end the following new section:*

5 “SEC. 323. EXPLOSIVES RESEARCH AND DEVELOPMENT.

6 *“(a) IN GENERAL.—The Secretary, acting through the*
7 *Under Secretary for Science and Technology, and in coordi-*
8 *nation with the head of the Office for Bombing Prevention*
9 *and the Assistant Secretary for the Countering Weapons of*
10 *Mass Destruction Office, and in consultation with the At-*
11 *torney General, the Secretary of Defense, and the head of*
12 *any other relevant Federal department or agency, including*
13 *Sector Risk Management Agencies, shall ensure coordina-*
14 *tion and information sharing regarding nonmilitary re-*
15 *search, development, testing, and evaluation activities of the*
16 *Federal Government relating to the deterrence, detection,*
17 *prevention, protection against, mitigation of, and response*
18 *to terrorist explosive threats and attacks in the United*
19 *States.*

20 *“(b) LEVERAGING MILITARY RESEARCH.—The Sec-*
21 *retary, acting through the Under Secretary for Science and*
22 *Technology, and in coordination with the head of the Office*
23 *for Bombing Prevention and the Assistant Secretary for the*

1 *Countering of Weapons of Mass Destruction Office, shall*
2 *consult with the Secretary of Defense and the head of any*
3 *other relevant Federal department or agency, including Sec-*
4 *tor Risk Management Agencies, to ensure that, to the max-*
5 *imum extent possible, military policies and procedures, and*
6 *research, development, testing, and evaluation activities re-*
7 *lating to the deterrence, detection, prevention, protection*
8 *against, mitigation of, and response to terrorist explosive*
9 *threats and attacks in the United States are adapted to*
10 *nonmilitary uses.”.*

11 (b) *CLERICAL AMENDMENT.—The table of contents in*
12 *section 1(b) of the Homeland Security Act of 2002 is*
13 *amended by inserting after the item relating to section 322*
14 *the following new item:*

“Sec. 323. Explosives research and development.”.