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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Countering Weapons of Mass Destruction Act of 2018”.
SEC. 2. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

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

(1) in the title heading, by striking “DOMESTIC NUCLEAR DETECTION OFFICE” and inserting “COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE”;

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

“SEC. 1900. DEFINITIONS.

“In this title:

“(1) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

“(2) OFFICE.—The term ‘Office’ means the Countering Weapons of Mass Destruction Office established under section 1901(a).

“(3) WEAPON OF MASS DESTRUCTION.—The term ‘weapon of mass destruction’ has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).
“Subtitle A—Countering Weapons of Mass Destruction Office

“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

“(a) Establishment.—There is established in the Department a Countering Weapons of Mass Destruction Office.

“(b) Assistant Secretary.—The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

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

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

“(2) coordinating efforts to counter weapons of mass destruction.”;

(3) by adding at the end the following:

“Subtitle B—Mission of the Office

“SEC. 1921. MISSION OF THE OFFICE.

“The Office shall be responsible for coordinating with other Federal efforts and developing departmental strategy and policy to plan, detect, and protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical, biological, radio-
logical, or nuclear materials, devices, or agents in the
United States and to protect against an attack using such
materials, devices, or agents against the people, territory,
or interests of the United States.

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

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

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

(4) by striking section 1905;

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

(6) in section 1923, as so redesignated, in the section heading by striking “MISSION OF OFFICE” and inserting “RESPONSIBILITIES”; and

(7) by inserting after section 1927, as so redesignated, the following new section:

“SEC. 1928. SECURING THE CITIES PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall establish the ‘Securing the Cities’ (‘STC’) program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas. Through the STC program the Secretary shall—

“(1) assist State, local, tribal, and territorial governments in designing and implementing, or enhancing existing, architectures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

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

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

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

“(5) communicate with, and promote sharing of information about the presence or detection of nuclear or other radiological materials among appropriate Federal, State, local, tribal, and territorial governments, in a manner that ensures transparency with the jurisdictions served by such program;

“(6) provide augmenting resources, as appropriate, to enable State, local, tribal, and territorial governments to sustain and refresh their capabilities developed under the STC program; and

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

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

“(c) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than three days before the designation of a new jurisdiction in accordance with subsection (b) or any other change to participating jurisdictions.”.

(b) REFERENCES AND CONSTRUCTION.—

(1) IN GENERAL.—For purposes of sections 1923 through 1927 of the Homeland Security Act of 2002, as so redesignated by subsection (a), any reference to—

(A) the Domestic Nuclear Detection Office shall be deemed to be a reference to the Countering Weapons of Mass Destruction Office; and

(B) the Director for Domestic Nuclear Detection shall be deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

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

(3) AUTHORITY.—The authority of the Director of the Domestic Nuclear Detection Office to make grants is transferred to the Assistant Secretary for the Countering Weapons of Mass Destruction, and such authority shall be construed to include grants for all purposes of title XIX of the Homeland Security Act of 2002, as amended by this Act.

(c) CHIEF MEDICAL OFFICER.—


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

“Subtitle C—Chief Medical Officer

“SEC. 1931. CHIEF MEDICAL OFFICER.

“(a) IN GENERAL.—There is in the Office a Chief Medical Officer, who shall be appointed by the President. The Chief Medical Officer shall report to the Assistant Secretary.
“(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health.

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

“(1) serving as the principal advisor on medical and public health issues to the Secretary, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials;

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

“(3) as appropriate, providing medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on operational medical issues;

“(4) coordinating with Federal, State, local, and tribal governments, the medical community, and others within and outside the Department, including the Centers for Disease Control and Prevention of the Department of Health and Human Services,
with respect to medical and public health matters; and

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

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 516.

(d) WORKFORCE HEALTH AND MEDICAL SUPPORT.—

(1) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

“SEC. 710. WORKFORCE HEALTH AND MEDICAL SUPPORT.

“(a) IN GENERAL.—The Under Secretary for Management shall be responsible for workforce-focused health and medical activities of the Department. The Under Secretary for Management may further delegate these responsibilities, as appropriate.

“(b) RESPONSIBILITIES.—The Under Secretary for Management, in coordination with the Chief Medical Officer, shall—
“(1) provide oversight and coordinate the medical and health activities of the Department for the
human and animal personnel of the Department;
“(2) establish medical, health, veterinary, and occupational health exposure policy, guidance, strategies, and initiatives for the human and animal personnel of the Department;
“(3) as deemed appropriate by the Under Secretary, provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on occupational medical and public health issues;
“(4) serve as the primary representative for the Department on agreements regarding the detail of Commissioned Corps officers of the Public Health Service of the Department of Health and Human Services to the Department, except that components and offices of the Department shall retain authority for funding, determination of specific duties, and supervision of such detailed Commissioned Corps officers; and
“(5) perform such other duties relating to such responsibilities as the Secretary may require.”.

(c) TRANSFERS; ABOLISHMENT.—
(1) TRANSFERS.—The Secretary of Homeland Security shall transfer to the Countering Weapons of Mass Destruction Office all personnel, budget authority, and assets of—

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

(B) the Office of Health Affairs, as in existence on the day before the date of the enactment of this Act.

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

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

(B) the positions of Assistant Secretary for Health Affairs and Director for Domestic Nuclear Detection are abolished.

(f) CONFORMING AMENDMENTS.—

(1) OTHER OFFICERS.—Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended—

(A) by striking paragraph (4); and
(B) by redesignating paragraph (5) as paragraph (4).

(2) NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.—Section 316(a) of the Homeland Security Act of 2002 (6 U.S.C. 195b(a)) is amended by striking “Secretary shall” and inserting “Secretary, acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall”.

(3) INTERNATIONAL COOPERATION.—Section 317(f) of the Homeland Security Act of 2002 (6 U.S.C. 195c(f)) is amended by striking “the Chief Medical Officer,” and inserting “the Assistant Secretary for the Countering Weapons of Mass Destruction Office,”.

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

(A) by striking paragraph (4);

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

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

(5) COORDINATION OF DEPARTMENT OF HOMELAND SECURITY EFFORTS RELATED TO FOOD, AGRICULTURE, AND WATER.

(g) DEPARTMENT OF HOMELAND SECURITY CHEMICAL, BIOLOGICAL, RADILOGICAL, AND NUCLEAR ACTIVITIES.—Not later than one year after the date of enactment of this Act and once every year thereafter, the Secretary of Homeland Security shall provide a briefing and report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) on—

(1) the organization and management of the chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities, and the location of each activity under the organizational structure of the Countering Weapons of Mass Destruction Office;

(2) a comprehensive inventory of chemical, biological, radiological, and nuclear activities, including research and development activities, of the Department of Homeland Security, highlighting areas of collaboration between components, coordination with
other agencies, and the effectiveness and accomplish-
ments of consolidated chemical, biological, radio-
logical, and nuclear activities of the Department of
Homeland Security, including research and develop-
ment activities;

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

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

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

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

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

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

and
(2) by striking the item relating to title XIX (including items relating to section 1901 through 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


"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 architecture.
"Sec. 1928. Securing the Cities program.

"Subtitle C—Chief Medical Officer

"Sec. 1931. Chief Medical Officer.”.