

115TH CONGRESS
2D SESSION

H. R. 6198

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

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.

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

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

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

5 **“Subtitle A—Countering Weapons**
6 **of Mass Destruction Office**

7 **“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUC-**
8 **TION OFFICE.**

9 “(a) ESTABLISHMENT.—There is established in the
10 Department a Countering Weapons of Mass Destruction
11 Office.

12 “(b) ASSISTANT SECRETARY.—The Office shall be
13 headed by an Assistant Secretary for the Countering
14 Weapons of Mass Destruction Office, who shall be ap-
15 pointed by the President.

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

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

20 “(2) coordinating efforts to counter weapons of
21 mass destruction.

22 “(d) DETAILS.—The Secretary may request that the
23 Secretary of Defense, the Secretary of Energy, the Sec-
24 retary of State, the Attorney General, the Nuclear Regu-
25 latory Commission, and the directors of other Federal

1 agencies, including elements of the intelligence commu-
2 nity, provide for the reimbursable detail of personnel with
3 relevant expertise to the Office.”;

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

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

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

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

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

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

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

8 (4) by striking section 1905;

9 (5) by redesignating sections 1902, 1903, 1904,
10 1906, and 1907 as sections 1923, 1924, 1925, 1926,
11 and 1927, respectively, and transferring such sec-
12 tions to appear after section 1922, as added by
13 paragraph (3);

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

15 (A) in the section heading by striking
16 “**MISSION OF OFFICE**” and inserting “**RE-**
17 **SPONSIBILITIES**”; and

18 (B) in subsection (a)(11), by striking “Do-
19 mestic Nuclear Detection Office” and inserting
20 “Office”;

21 (7) in section 1925, as so redesignated, in sub-
22 section (a), in the first sentence, by striking “section
23 1902” and inserting “section 1923”;

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

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by striking “Director for Domestic
4 Nuclear Detection” and inserting “Assist-
5 ant Secretary”; and

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

9 (B) in paragraph (2), by striking “para-
10 graphs (6) and (7) of section 1902(a)” and in-
11 sserting “section 1923”;

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

13 (A) in subsection (a)(1)(C), in the matter
14 preceding clause (i), by striking “Director of
15 the Domestic Nuclear Detection Office” and in-
16 sserting “Assistant Secretary”; and

17 (B) in subsection (c), by striking “section
18 1902” and inserting “section 1923”; and

19 (10) by inserting after section 1927, as so re-
20 designating, the following new section:

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

22 “(a) ESTABLISHMENT.—The Secretary, through the
23 Assistant Secretary for the Countering Weapons of Mass
24 Destruction Office, shall establish the ‘Securing the Cities’
25 (‘STC’) program to enhance the ability of the United

1 States to detect and prevent terrorist attacks and other
2 high consequence events utilizing nuclear or other radio-
3 logical materials that pose a high risk to homeland secu-
4 rity in high-risk urban areas. Through the STC program
5 the Secretary shall—

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

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

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

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

24 “(5) communicate with, and promote sharing of
25 information about the presence or detection of nu-

1 clear or other radiological materials among appro-
2 priate Federal, State, local, Tribal, and territorial
3 governments, in a manner that ensures transparency
4 with the jurisdictions served by such program;

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

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

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

16 “(c) CONGRESSIONAL NOTIFICATION.—The Sec-
17 retary shall notify the Committee on Homeland Security
18 and the Committee on Appropriations of the House of
19 Representatives and the Committee on Homeland Security
20 and Governmental Affairs and the Committee on Appro-
21 priations of the Senate not later than 3 days before the
22 designation of a new jurisdiction in accordance with sub-
23 section (b) or any other change to participating jurisdic-
24 tions.”.

25 (b) REFERENCES AND CONSTRUCTION.—

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

4 (A) the Domestic Nuclear Detection Office
5 shall be deemed to be a reference to the Coun-
6 tering Weapons of Mass Destruction Office; and

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

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

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

25 (c) CHIEF MEDICAL OFFICER.—

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

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

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

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

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

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

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

22 “(1) serving as the principal advisor on medical
23 and public health issues to the Secretary, the Ad-
24 ministrator of the Federal Emergency Management

1 Agency, the Assistant Secretary, and other Depart-
2 ment officials;

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

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

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

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

19 (3) CLERICAL AMENDMENT.—The table of con-
20 tents in section 1(b) of the Homeland Security Act
21 of 2002 is amended by striking the item relating to
22 section 516.

23 (d) WORKFORCE HEALTH AND MEDICAL SUP-
24 PORT.—Title VII of the Homeland Security Act of 2002

1 (6 U.S.C. 341 et seq.) is amended by adding at the end
2 the following new section:

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

4 “(a) IN GENERAL.—The Under Secretary for Man-
5 agement shall be responsible for workforce-focused health
6 and medical activities of the Department. The Under Sec-
7 retary for Management may further delegate these respon-
8 sibilities, as appropriate.

9 “(b) RESPONSIBILITIES.—The Under Secretary for
10 Management, in coordination with the Chief Medical Offi-
11 cer, shall—

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

15 “(2) establish medical, health, veterinary, and
16 occupational health exposure policy, guidance, strat-
17 egies, and initiatives for the human and animal per-
18 sonnel of the Department;

19 “(3) as deemed appropriate by the Under Sec-
20 retary, provide medical liaisons to the components of
21 the Department, on a reimbursable basis, to provide
22 subject matter expertise on occupational medical and
23 public health issues;

24 “(4) serve as the primary representative for the
25 Department on agreements regarding the detail of

1 Commissioned Corps officers of the Public Health
2 Service of the Department of Health and Human
3 Services to the Department, except that components
4 and offices of the Department shall retain authority
5 for funding, determination of specific duties, and su-
6 pervision of such detailed Commissioned Corps offi-
7 cers; and

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

10 (e) TRANSFERS; ABOLISHMENT.—

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

13 (A) the Countering Weapons of Mass De-
14 struction Office all functions, personnel, budget
15 authority, and assets of—

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

19 (ii) the Office of Health Affairs, as in
20 existence on the day before the date of the
21 enactment of this Act, except for the func-
22 tions, personnel, budget authority, and as-
23 sets of such office necessary to perform the
24 functions specified in section 710 of the
25 Homeland Security Act of 2002 (relating

1 to workforce health and medical support),
2 as added by this Act; and

3 (B) the Directorate of Management of the
4 Department of Homeland Security all functions,
5 personnel, budget authority, and assets of the
6 Office of Health Affairs, as in existence on the
7 day before the date of the enactment of this
8 Act, that are necessary to perform the functions
9 of such section 710.

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

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

16 (B) the positions of Assistant Secretary for
17 Health Affairs and Director for Domestic Nu-
18 clear Detection are abolished.

19 (f) CONFORMING AMENDMENTS.—

20 (1) OTHER OFFICERS.—Paragraph (4) of sec-
21 tion 103(d) of the Homeland Security Act of 2002
22 (6 U.S.C. 113(d)) is amended by striking “A Direc-
23 tor for Domestic Nuclear Detection” and inserting
24 “An Assistant Secretary for the Countering Weap-
25 ons of Mass Destruction Office”.

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

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

13 (4) FUNCTIONS TRANSFERRED.—Section
14 505(b) of the Homeland Security Act of 2002 (6
15 U.S.C. 315(b)) is amended—

16 (A) by striking paragraph (4);

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

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

22 (5) COORDINATION OF DEPARTMENT OF HOME-
23 LAND SECURITY EFFORTS RELATED TO FOOD, AGRI-
24 CULTURE, AND VETERINARY DEFENSE AGAINST
25 TERRORISM.—Section 528(a) of the Homeland Secu-

1 rity Act of 2002 (6 U.S.C. 321q(a)) is amended by
2 striking “Health Affairs,” and inserting “the Coun-
3 tering Weapons of Mass Destruction Office,”.

4 (g) DEPARTMENT OF HOMELAND SECURITY CHEM-
5 ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR AC-
6 TIVITIES.—Not later than 1 year after the date of enact-
7 ment of this Act and once every year thereafter, the Sec-
8 retary of Homeland Security shall provide a briefing and
9 report to the appropriate congressional committees (as de-
10 fined in section 2 of the Homeland Security Act of 2002
11 (6 U.S.C. 101) on—

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

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

1 logical, and nuclear activities of the Department of
2 Homeland Security, including research and develop-
3 ment activities;

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

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

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

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

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

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

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

3 and

4 (2) by striking the item relating to title XIX
5 (including items relating to section 1901 through
6 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.”.

Passed the House of Representatives September 12,
2018.

Attest:

KAREN L. HAAS,

Clerk.