

# Union Calendar No. 469

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8610

**[Report No. 117-650, Part I]**

To amend the Homeland Security Act of 2002 to authorize the Office of Health Security, make technical corrections to the authorization of the Countering Weapons of Mass Destruction Office, establish a Countering Weapons of Mass Destruction Advisory Committee, establish a departmental biodefense strategy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2022

Mrs. DEMINGS (for herself, Mr. THOMPSON of Mississippi, Ms. CLARKE of New York, and Ms. UNDERWOOD) 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

DECEMBER 20, 2022

Additional sponsor: Mrs. MILLER-MEEKS

DECEMBER 20, 2022

Reported from the Committee on Homeland Security with an amendment

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

DECEMBER 20, 2022

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 29, 2022]

# **A BILL**

To amend the Homeland Security Act of 2002 to authorize the Office of Health Security, make technical corrections to the authorization of the Countering Weapons of Mass Destruction Office, establish a Countering Weapons of Mass Destruction Advisory Committee, establish a departmental biodefense strategy, 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; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
5 *“Health Security and Countering Weapons of Mass De-*  
6 *struction Act”.*

7        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
8 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—OFFICE OF HEALTH SECURITY*

*Sec. 101. Office of Health Security.*

*TITLE II—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE*

*Sec. 201. Technical corrections; Countering Weapons of Mass Destruction Advi-*  
*sory Committee; departmental biodefense strategy.*

*Sec. 202. Biodefense review and strategy.*

*Sec. 203. Sunset repealed.*

*Sec. 204. Comptroller General review.*

9        **TITLE I—OFFICE OF HEALTH**  
10                                    **SECURITY**

11    **SEC. 101. OFFICE OF HEALTH SECURITY.**

12        (a) *ESTABLISHMENT.*—*The Homeland Security Act of*  
13 *2002 (6 U.S.C. 101 et seq.) is amended—*

14                    (1) *in section 103 (6 U.S.C. 113)—*

15                            (A) *in subsection (a)(2), by striking “Assist-*  
16 *ant Secretary for Health Affairs, the Assistant*  
17 *Secretary for Legislative Affairs,” and inserting*  
18 *“Assistant Secretary for Legislative Affairs”;*  
19 *and*

1                   (B) in subsection (d), by adding at the end  
2                   the following new paragraph:

3                   “(6) A Chief Medical Officer.”;

4                   (2) by adding at the end the following new title:

5                   **“TITLE XXIII—OFFICE OF**  
6                   **HEALTH SECURITY”;**

7                   (3) by redesignating section 1931 (6 U.S.C. 597)  
8                   as section 2301 and transferring such section, as so  
9                   redesignated, to appear after the heading for title  
10                  XXIII, as added by paragraph (2);

11                  (4) in section 2301, as so redesignated and  
12                  transferred—

13                   (A) by amending the section heading to  
14                   read as follows: **“OFFICE OF HEALTH SECU-**  
15                   **RITY”;**

16                   (B) by amending subsection (a) to read as  
17                   follows:

18                   “(a) *IN GENERAL.*—*There is in the Department an Of-*  
19                   *fice of Health Security.*”;

20                   (C) by amending subsection (b) to read as  
21                   follows:

22                   “(b) *HEAD OF OFFICE OF HEALTH SECURITY.*—

23                   “(1) *IN GENERAL.*—*The Office of Health Secu-*  
24                   *urity shall be headed by a Chief Medical Officer (in*  
25                   *this title referred to as the ‘Chief Medical Officer’),*

1       *who shall be at the level of Assistant Secretary within*  
2       *the Department.*

3               “(2) *QUALIFICATIONS; DUTIES.—The Chief Med-*  
4       *ical Officer shall—*

5                       “(A) *be appointed by the President pursu-*  
6       *ant to section 103(d);*

7                       “(B) *be a licensed physician possessing a*  
8       *demonstrated ability in and knowledge of medi-*  
9       *cine and public health; and*

10                      “(C) *report directly to the Secretary.”;*

11                      “(D) *in subsection (c)—*

12                               *(i) in the matter preceding paragraph*  
13       *(1), by striking “medical issues related to*  
14       *natural disasters, acts of terrorism, and*  
15       *other man-made disasters, including—”*  
16       *and inserting “medical, public health, and*  
17       *workforce health and safety matters, includ-*  
18       *ing issues related to—”;*

19                               *(ii) in paragraph (1), by striking “the*  
20       *Secretary, the Administrator of the Federal*  
21       *Emergency Management Agency, the Assist-*  
22       *ant Secretary, and other Department offi-*  
23       *cial” and inserting “the Secretary and all*  
24       *other Department officials”;*

1                   (iii) in paragraph (4), by striking  
2                   “and” after the semicolon;

3                   (iv) by redesignating paragraph (5) as  
4                   paragraph (11); and

5                   (v) by inserting after paragraph (4)  
6                   the following new paragraphs:

7                   “(5) delivering, advising, and supporting—

8                   “(A) direct patient care; and

9                   “(B) the organization, management, and  
10                  staffing of component operations that deliver di-  
11                  rect patient care;

12                  “(6) advising the Secretary and the head of each  
13                  component of the Department that delivers direct pa-  
14                  tient care regarding—

15                  “(A) knowledge and skill standards for med-  
16                  ical personnel and the assessment of such knowl-  
17                  edge and skill;

18                  “(B) the collection, storage, and oversight of  
19                  medical records; and

20                  “(C) contracts for the delivery of direct pa-  
21                  tient care, other medical services, and medical  
22                  supplies;

23                  “(7) advising the head of each component of the  
24                  Department that delivers direct patient care regard-  
25                  ing the recruitment and appointment of a component

1       *chief medical officer, or, as the case may be, the em-*  
2       *ployee who functions in the capacity of a component*  
3       *chief medical officer;*

4               “(8) *with respect to preparation and response for*  
5       *pandemics, ensuring the protection of the workforce of*  
6       *the Department, with an emphasis on front line work-*  
7       *ers most at risk, through—*

8                       “(A) *health security planning; and*

9                       “(B) *provision of subject matter and plan-*  
10       *ning expertise to the Chief Readiness Support*  
11       *Officer of the Department regarding stockpiling*  
12       *and distribution of supplies, including adequate*  
13       *personal protective equipment;*

14               “(9) *with respect to any psychological health*  
15       *counseling or assistance program of the Department,*  
16       *including such a program of a law enforcement, oper-*  
17       *ational, or support component of the Department, ad-*  
18       *vising the head of each such component with such a*  
19       *program regarding—*

20                       “(A) *ensuring such program includes safe-*  
21       *guards against adverse action, including auto-*  
22       *matic referrals for a fitness for duty examina-*  
23       *tion, by such component with respect to any em-*  
24       *ployee solely because such employee self-identifies*

1           *a need for psychological health counseling or as-*  
2           *stance or receives such counseling or assistance;*

3           “(B) *increasing the availability and num-*  
4           *ber of local psychological health professionals*  
5           *with experience providing psychological support*  
6           *services to personnel;*

7           “(C) *establishing a behavioral health cur-*  
8           *riculum for employees at the beginning of their*  
9           *careers to provide resources early regarding the*  
10          *importance of psychological health;*

11          “(D) *establishing periodic management*  
12          *training on crisis intervention and such compo-*  
13          *nent’s psychological health counseling or assist-*  
14          *ance program;*

15          “(E) *improving any associated existing em-*  
16          *ployee peer support programs, including by mak-*  
17          *ing additional training and resources available*  
18          *for peer support personnel in the workplace*  
19          *across such component;*

20          “(F) *developing and implementing a vol-*  
21          *untary alcohol treatment program that includes*  
22          *a safe harbor for employees who seek treatment;*

23          “(G) *prioritizing, as appropriate, expertise*  
24          *in the provision of psychological health coun-*  
25          *seling and assistance for certain populations of*



1           *the workforce, such as employees serving in posi-*  
2           *tions within law enforcement, to help improve*  
3           *outcomes for such employees receiving such coun-*  
4           *seling or assistance; and*

5           “(H)   *including collaborating and*  
6           *partnering with key employee stakeholders and,*  
7           *for those components with employees with an ex-*  
8           *clusive representative, the exclusive representa-*  
9           *tive with respect to such a program;*

10          “(10) *in consultation with the Chief Information*  
11         *Officer of the Department—*

12           “(A) *identifying methods and technologies*  
13           *for managing, updating, and overseeing patient*  
14           *records; and*

15           “(B) *setting standards for technology used*  
16           *by components of the Department regarding the*  
17           *collection, storage, and oversight of medical*  
18           *records; and”;* and

19           “(E) *by adding at the end the following new*  
20           *subsections:*

21          “(d) *ASSISTANCE AND AGREEMENTS.—In furtherance*  
22         *of this section, the Chief Medical Officer, at the direction*  
23         *of the Secretary, may—*

24           “(1) *provide technical assistance, training, infor-*  
25           *mation, and distribute funds through grants and co-*

1        *operative agreements to State, local, Tribal, and terri-*  
2        *torial governments, and nongovernmental organiza-*  
3        *tions;*

4            *“(2) enter into agreements with appropriate*  
5        *Federal departments and other executive agencies;*  
6        *and*

7            *“(3) accept services from personnel of compo-*  
8        *nents of the Department and appropriate Federal de-*  
9        *partments and other executive agencies on a reim-*  
10       *bursable or nonreimbursable basis.*

11        *“(e) OFFICE OF HEALTH SECURITY PRIVACY OFFI-*  
12       *CER.—*

13            *“(1) IN GENERAL.—There shall be a Privacy Of-*  
14        *ficer of the Office of Health Security, designated by*  
15        *the Chief Medical Officer in consultation with the*  
16        *Privacy Officer of the Department, with primary re-*  
17        *sponsibility for privacy policy and compliance within*  
18        *the Office and with respect to the carrying out of re-*  
19        *sponsibilities described in subsection (c).*

20            *“(2) DUTIES.—The Privacy Officer of the Office*  
21        *of Health Security shall—*

22            *“(A) report directly to the Chief Medical Of-*  
23        *ficer;*

1           “(B) coordinate with and, as requested, sup-  
2 port the activities of the Privacy Officer ap-  
3 pointed under section 222; and

4           “(C) ensure privacy protections are inte-  
5 grated into all activities of the Office of Health  
6 Security, subject to the review and approval of  
7 the Privacy Officer of the Department.

8           “(f) ANNUAL REPORT.—Not later than one year after  
9 the date of the enactment of this subsection and annually  
10 thereafter, the Chief Medical Officer shall submit to Con-  
11 gress a report on the activities of the Office of Health Secu-  
12 rity for the immediately preceding year.”;

13           (5) by redesignating section 710 (6 U.S.C. 350)  
14 as section 2302 and transferring such section to ap-  
15 pear after section 2301 (as redesignated and trans-  
16 ferred pursuant to paragraph (3));

17           (6) in section 2302, as so redesignated and  
18 transferred—

19           (A) in subsection (a), by striking “Under  
20 Secretary for Management” each place such term  
21 appears and inserting “Chief Medical Officer”;  
22 and

23           (B) in subsection (b)—

24           (i) in the matter preceding paragraph  
25 (1), by striking “Under Secretary for Man-

1                    *agement, in coordination with the Chief*  
2                    *Medical Officer,” and inserting “Chief Med-*  
3                    *ical Officer”;* and

4                    *(ii) in paragraph (3), by striking “as*  
5                    *deemed appropriate by the Under Sec-*  
6                    *retary,”;*

7                    *(7) by redesignating section 528 (6 U.S.C. 321q)*  
8                    *as section 2303 and transferring such section to ap-*  
9                    *pear after section 2302, as so redesignated and trans-*  
10                    *ferred; and*

11                    *(8) in subsection (a) of section 2303, as so rede-*  
12                    *signed and transferred, by striking “Assistant Sec-*  
13                    *retary for the Countering Weapons of Mass Destruc-*  
14                    *tion Office” and inserting “Chief Medical Officer”.*

15                    *(b) MEDICAL COUNTERMEASURES PROGRAM.—The*  
16                    *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is*  
17                    *amended by redesignating section 1932 (6 U.S.C. 597a) as*  
18                    *section 2304 and transferring such section, as so redesi-*  
19                    *gnated, to appear after section 2303 (as redesignated and*  
20                    *transferred pursuant to subsection (a)(7)) of title XXIII.*

21                    *(c) TRANSITION AND TRANSFERS.—*

22                    *(1) IN GENERAL.—The individual appointed*  
23                    *pursuant to section 1931(a) of the Homeland Security*  
24                    *Act of 2002 (6 U.S.C. 597) (as such section appeared*  
25                    *on the day before the date of the enactment of this*

1     *Act) of the Department of Homeland Security and*  
2     *serving as the Chief Medical Officer of the Depart-*  
3     *ment of Homeland Security on the day before such*  
4     *date of enactment, shall continue to serve as the Chief*  
5     *Medical Officer of the Department after such date*  
6     *without the need for reappointment.*

7             (2) *SAVING CLAUSE.—The rule of construction*  
8     *set forth in section 2(hh) of the Presidential Appoint-*  
9     *ment Efficiency and Streamlining Act of 2011 (Pub-*  
10    *lic Law 112–166, 5 U.S.C. 3132 note) shall not apply*  
11    *to the Chief Medical Officer of the Department of*  
12    *Homeland Security (including the incumbent who*  
13    *holds the position on the day before the date of the en-*  
14    *actment of this Act), and such officer shall be a Sen-*  
15    *ior Executive Service position (as that term is defined*  
16    *in section 3132(a) of title 5, United States Code) and*  
17    *receive the rate of basic pay for level IV of the Execu-*  
18    *tive Schedule (in accordance with section 5315 of such*  
19    *title).*

20             (3) *TRANSFER.—The Secretary of Homeland Se-*  
21    *curity shall transfer to the Chief Medical Officer all*  
22    *functions, personnel, budget authority, and assets of—*

23                     (A) *the Under Secretary for Management,*  
24                     *relating to workforce health and medical support,*

1           (B) *the Assistant Secretary for the Counter-*  
2           *ing Weapons of Mass Destruction Office, relat-*  
3           *ing to the Chief Medical Officer (including the*  
4           *Medical Operations Directorate of the Coun-*  
5           *tering Weapons of Mass Destruction Office), and*

6           (C) *the Assistant Secretary for the Coun-*  
7           *tering Weapons of Mass Destruction Office, with*  
8           *respect to food, agriculture, and veterinary de-*  
9           *fense programs of such Office,*

10          *as in existence on the day before the date of the enact-*  
11          *ment of this Act.*

12          (d) *TECHNICAL AND CONFORMING AMENDMENTS.—*  
13          *The Homeland Security Act of 2002 is amended—*

14               (1) *by redesignating section 529 (6 U.S.C. 321r)*  
15               *as section 528;*

16               (2) *in section 704(e)(4) (6 U.S.C. 344(e)(4)), by*  
17               *striking “section 711(a)” and inserting “section*  
18               *710(a)”;*

19               (3) *by redesignating sections 711 (6 U.S.C. 351),*  
20               *712 (6 U.S.C. 352), and 713 (6 U.S.C. 353) as sec-*  
21               *tions 710, 711, and 712, respectively; and*

22               (4) *in title XIX, by striking the enumerator and*  
23               *heading of subtitle C.*

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

4           (1) *by striking the item relating to section 528*  
 5 *(as in existence on the day before the date of the en-*  
 6 *actment of this Act);*

7           (2) *by redesignating the item relating to section*  
 8 *529 as the item relating to section 528;*

9           (3) *by striking the item relating to section 710*  
 10 *(as in existence on the day before the date of the en-*  
 11 *actment of this Act);*

12           (4) *by redesignating the items relating to sec-*  
 13 *tions 711, 712, and 713 as the items relating to sec-*  
 14 *tions 710, 711, and 712, respectively;*

15           (5) *by inserting after the item relating to section*  
 16 *1900 the following new item:*

*“Sec. 1900A. Rule of construction.”;*

17           (6) *by inserting after the item relating to section*  
 18 *1928 the following new item:*

*“Sec. 1929. Countering Weapons of Mass Destruction Advisory Committee.”;*

19           (7) *by striking the items relating to subtitle C of*  
 20 *title XIX (as in existence on the day before the date*  
 21 *of the enactment of this Act); and*

22           (8) *by adding at the end the following new items:*

*“TITLE XXIII—OFFICE OF HEALTH SECURITY*

*“Sec. 2301. Office of Health Security.*

*“Sec. 2302. Workforce health and medical support.*

“Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.

“Sec. 2304. Medical countermeasures.”.

1 **TITLE II—COUNTERING WEAP-**  
 2 **ONS OF MASS DESTRUCTION**  
 3 **OFFICE**

4 **SEC. 201. TECHNICAL CORRECTIONS; COUNTERING WEAP-**  
 5 **ONS OF MASS DESTRUCTION ADVISORY COM-**  
 6 **MITTEE; DEPARTMENTAL BIODEFENSE**  
 7 **STRATEGY.**

8 *Title XIX of the Homeland Security Act of 2002 (6*  
 9 *U.S.C. 591 et seq.) is amended—*

10 *(1) in the matter preceding subtitle A, by insert-*  
 11 *ing after section 1900 the following new section:*

12 **“SEC. 1900A. RULE OF CONSTRUCTION.**

13 *“Nothing in this title may be construed as affecting*  
 14 *in any manner or respect the operation of the Chemical*  
 15 *Facility Anti-Terrorism Standards Program of the Cyberse-*  
 16 *curity and Infrastructure Security Agency or title XXI.”;*

17 *(2) in subtitle A, in section 1901(c) (6 U.S.C.*  
 18 *591(c))—*

19 *(A) in the matter preceding paragraph (1),*  
 20 *by striking “serve as the Secretary’s principal*  
 21 *advisor on”;* and

22 *(B) by striking paragraphs (1) and (2) and*  
 23 *inserting the following new paragraphs:*



1           “(1) serve as the Secretary’s principal advisor on  
2           *matters and strategies relating to—*

3                   “(A) *countering weapons of mass destruc-*  
4                   *tion; and*

5                   “(B) *non-medical aspects of chemical, bio-*  
6                   *logical, radiological, and nuclear threats, and*  
7                   *non-conventional emerging terrorism threats;*

8           “(2) *coordinate the efforts of the Department to*  
9           *counter—*

10                   “(A) *weapons of mass destruction;*

11                   “(B) *non-medical aspects of chemical, bio-*  
12                   *logical, radiological, and nuclear threats; and*

13                   “(C) *other related emerging terrorism*  
14                   *threats; and*

15           “(3) *enhance the ability of Federal, State, local,*  
16           *Tribal, and territorial partners to prevent, detect,*  
17           *protect against, and mitigate the impacts of terrorist*  
18           *attacks in the United States involving—*

19                   “(A) *weapons of mass destruction; or*

20                   “(B) *non-medical aspects of chemical, bio-*  
21                   *logical, radiological, and nuclear threats, and*  
22                   *non-conventional emerging terrorism threats.”;*  
23                   *and*

24                   (3) *in subtitle B—*

1           (A) in section 1921 (6 U.S.C. 591g), by  
2 striking “The Office shall be responsible” and all  
3 that follows through “interests of the United  
4 States.” and inserting the following: “The Office  
5 shall be responsible for—

6           “(1) coordinating the Department’s efforts and  
7 with other Federal Departments and agencies to  
8 counter weapons of mass destruction and non-medical  
9 aspects of chemical, biological, radiological, and nu-  
10 clear threats, and non-conventional emerging ter-  
11 rorism threats; and

12           “(2) enhancing the ability of Federal, State,  
13 local, Tribal, and territorial partners to prevent, de-  
14 tect, protect against, and mitigate the impacts of—

15                   “(A) weapons of mass destruction; and

16                   “(B) non-medical aspects of chemical, bio-  
17 logical, radiological, and nuclear threats, and  
18 non-conventional emerging terrorism threats.”;

19           (B) in section 1923(a) (6 U.S.C. 592(a))—

20                   (i) by redesignating paragraphs (13)  
21 and (14) as paragraphs (19) and (20), re-  
22 spectively; and

23                   (ii) by inserting after paragraph (12)  
24 the following new paragraphs:

1           “(13) serve as the primary entity within the De-  
2           partment responsible for developing, acquiring, de-  
3           ploying, supporting, and operating a national bio-  
4           surveillance system in support of Federal, State, local,  
5           Tribal, and territorial governments;

6           “(14) support the enhancement of chemical and  
7           biological detection efforts of Federal, State, local,  
8           Tribal, and territorial governments, and provide  
9           guidance, tools, and training to help ensure a man-  
10          aged, coordinated response among such entities;

11          “(15) collaborate with relevant Federal stake-  
12          holders, and receive input from industry, academia,  
13          and the national laboratories regarding chemical and  
14          biological surveillance efforts;

15          “(16) carry out a program to test and evaluate,  
16          in consultation with the Science and Technology Di-  
17          rectorate and, as appropriate, State, local, Tribal,  
18          and territorial partners, and in coordination with  
19          other relevant Federal agencies, technology to detect  
20          and report on chemical, biological, radiological, and  
21          nuclear weapons or unauthorized material for use by  
22          the Department and such partners, and establish per-  
23          formance metrics to evaluate the effectiveness of indi-  
24          vidual detectors and detection systems in detecting  
25          such weapons or material—

1           “(A) under realistic operational and envi-  
2           ronmental conditions; and

3           “(B) against realistic adversary tactics and  
4           countermeasures;

5           “(17) conduct, support, coordinate, and encour-  
6           age, in consultation with State, local, Tribal, and ter-  
7           ritorial partners, and in coordination with the  
8           Science and Technology Directorate, transformational  
9           research and development efforts to generate new tech-  
10          nologies to detect, protect against, and report on the  
11          illicit entry across the United States borders, or the  
12          transport, assembly, or use within the United States  
13          of chemical, biological, radiological, and nuclear  
14          weapons or unauthorized material;

15          “(18) support and enhance the effective sharing  
16          and use of appropriate information regarding chem-  
17          ical, biological, radiological, and nuclear threats and  
18          non-conventional emerging terrorism threats gen-  
19          erated by elements of the intelligence community (as  
20          such term is defined in section 3 of the National Se-  
21          curity Act of 1947 (50 U.S.C. 3003)), law enforce-  
22          ment agencies, other Federal agencies, State, local,  
23          Tribal, and territorial governments, and foreign gov-  
24          ernments, as well as provide appropriate information  
25          to such entities;”;

1           (C) in section 1924 (6 U.S.C. 593)—

2           (i) in the first sentence, by striking  
3           “section 1101 of the Strom Thurmond Na-  
4           tional Defense Authorization Act for Fiscal  
5           Year 1999 (5 U.S.C. 3104 note)” and in-  
6           serting “section 4092 of title 10, United  
7           States Code, except that such authorities  
8           shall be limited to facilitate the recruitment  
9           of experts in the chemical, biological, radio-  
10          logical, or nuclear specialties”; and

11          (ii) by striking the second sentence;

12          (D) in section 1928 (6 U.S.C. 596b)—

13          (i) in subsection (c)(1), by striking  
14          “from among high-risk urban areas under  
15          section 2003” and inserting “based on the  
16          capability and capacity of the jurisdiction,  
17          as well as the relative threat, vulnerability,  
18          and consequences from terrorist attacks and  
19          other high-consequence events utilizing nu-  
20          clear or other radiological materials”; and

21          (ii) by amending subsection (d) to read  
22          as follows:

23          “(d) REPORT.—Not later than two years after the date  
24          of enactment of the Health Security and Countering Weap-  
25          ons of Mass Destruction, the Secretary shall submit to the

1 *Committee on Homeland Security of the House of Rep-*  
2 *resentatives and the Committee on Homeland Security and*  
3 *Governmental Affairs of the Senate a report regarding the*  
4 *STC program.”; and*

5 *(E) by adding at the end the following new*  
6 *section:*

7 **“SEC. 1929. COUNTERING WEAPONS OF MASS DESTRUCTION**  
8 **ADVISORY COMMITTEE.**

9 *“(a) ESTABLISHMENT.—There is established in the Of-*  
10 *fice a Countering Weapons of Mass Destruction Advisory*  
11 *Committee (in this section referred to as the ‘Advisory Com-*  
12 *mittee’). The Advisory Committee shall make recommenda-*  
13 *tions with respect to the activities of the Office.*

14 *“(b) MEMBERSHIP.—The Assistant Secretary shall ap-*  
15 *point not more than 18 individuals to serve as members*  
16 *of the Advisory Committee. Such individuals shall rep-*  
17 *resent, to the extent practicable, a geographic (including*  
18 *urban and rural) and substantive cross section of officials*  
19 *from State, local, and Tribal governments, academia, the*  
20 *private sector, and nongovernmental organizations. The As-*  
21 *stant Secretary shall seek to ensure one-third of the mem-*  
22 *bers are selected from the emergency management field and*  
23 *emergency response providers and State, local, and Tribal*  
24 *government officials. The Assistant Secretary shall seek to*  
25 *ensure the remaining members are—*

1           “(1) individuals from the public or private sec-  
2           tors with expertise in chemical, biological, radio-  
3           logical, or nuclear agents and weapons;

4           “(2) representatives from the national labora-  
5           tories; and

6           “(3) such other individuals as the Assistant Sec-  
7           retary determines appropriate.

8           “(c) *RESPONSIBILITIES.*—*The Advisory Committee*  
9 *shall—*

10           “(1) advise the Assistant Secretary on all aspects  
11           of countering weapons of mass destruction;

12           “(2) incorporate State, local, and Tribal govern-  
13           ment, national laboratories, and private sector input  
14           in the development of the strategy and implementa-  
15           tion plan of the Department for countering weapons  
16           of mass destruction; and

17           “(3) establish performance criteria for a national  
18           biological detection system and review any associated  
19           testing protocols for biological detection prototypes.

20           “(d) *CONSULTATION.*—*The Assistant Secretary shall*  
21 *regularly consult and work with the Advisory Committee*  
22 *regarding the Office’s activities, including with respect to*  
23 *activities associated with the administration of Federal as-*  
24 *sistance provided by the Department, and the development*

1 of requirements for countering weapons of mass destruction  
2 programs.

3 “(e) *VOLUNTARY SERVICE AND TERMS.*—The members  
4 of the Advisory Committee shall serve on the Advisory Com-  
5 mittee on a voluntary basis. Members of may serve for up  
6 to three consecutive years, but a member appointed to fill  
7 a vacancy occurring before the expiration of the term for  
8 which such member’s predecessor was appointed may be ap-  
9 pointed for the remainder of such term.

10 “(f) *FACA.*—The Federal Advisory Committee Act (5  
11 U.S.C. App.) shall not apply to the Advisory Committee.”.

12 **SEC. 202. BIODEFENSE REVIEW AND STRATEGY.**

13 (a) *IN GENERAL.*—Title V of the Homeland Security  
14 Act of 2002 (6 U.S.C. 311 et seq.) is amended by inserting  
15 after section 515 (6 U.S.C. 321d) the following new section:

16 **“SEC. 516. DEPARTMENT-WIDE BIODEFENSE REVIEW AND**  
17 **STRATEGY.**

18 “(a) *IN GENERAL.*—Not later than 180 days after the  
19 date of the enactment of this section, the Secretary, in con-  
20 sultation with appropriate stakeholders representing Fed-  
21 eral, State, Tribal, territorial, academic, private sector, and  
22 nongovernmental entities, shall conduct a Department-wide  
23 review of biodefense activities and strategies.

24 “(b) *REVIEW.*—The review required under subsection  
25 (a) shall—



1           “(1) identify with specificity the biodefense lines  
2 of effort of the Department, including relating to bio-  
3 defense roles, responsibilities, and capabilities of com-  
4 ponents and offices of the Department;

5           “(2) assess how such components and offices co-  
6 ordinate internally and with public and private part-  
7 ners in the biodefense enterprise;

8           “(3) identify any policy, resource, capability, or  
9 other gaps in the Department’s ability to assess, pre-  
10 vent, protect against, and respond to biological  
11 threats; and

12           “(4) identify any organizational changes or re-  
13 forms necessary for the Department to effectively exe-  
14 cute its biodefense mission and role, including with  
15 respect to public and private partners in the bio-  
16 defense enterprise.

17           “(c) STRATEGY.—Not later than one year after comple-  
18 tion of the review required under subsection (a), the Sec-  
19 retary shall issue a biodefense strategy for the Department  
20 that is informed by such review and is aligned with section  
21 1086 of the National Defense Authorization Act for Fiscal  
22 Year 2017 (6 U.S.C. 104; relating to the development of  
23 a national biodefense strategy and associated implementa-  
24 tion plan, including a review and assessment of biodefense

1 *policies, practices, programs, and initiatives) or successor*  
2 *strategy. Such strategy shall—*

3           “(1) *describe the Department’s biodefense mis-*  
4 *sion and role, as well as how such relates to the bio-*  
5 *defense lines of effort of the Department;*

6           “(2) *clarify, as necessary, biodefense roles, re-*  
7 *sponsibilities, and capabilities of the Department’s*  
8 *components and offices involved in the biodefense lines*  
9 *of effort of the Department;*

10           “(3) *establish how biodefense lines of effort of the*  
11 *Department are to be coordinated within the Depart-*  
12 *ment;*

13           “(4) *establish how the Department engages with*  
14 *public and private partners in the biodefense enter-*  
15 *prise, including other Federal agencies, national lab-*  
16 *oratories and sites, and State, local, Tribal, and terri-*  
17 *torial entities, with specificity regarding the fre-*  
18 *quency and nature of such engagement by Depart-*  
19 *ment components and offices with State, local, Tribal*  
20 *and territorial entities; and*

21           “(5) *include information relating to—*

22                   “(A) *milestones and performance metrics*  
23 *that are specific to the Department’s biodefense*  
24 *mission and role described in paragraph (1);*  
25 *and*

1                   “(B) implementation of any operational  
2                   changes necessary to carry out paragraphs (3)  
3                   and (4).

4                   “(d) *PERIODIC UPDATE*.—Beginning not later than  
5 five years after the issuance of the strategy and implementa-  
6 tion plans required under subsection (c) and not less often  
7 than once every five years thereafter, the Secretary shall re-  
8 view and update, as necessary, such strategy and plans.”.

9                   (b) *CONGRESSIONAL OVERSIGHT*.—Not later than 30  
10 days after the issuance of the biodefense strategy and imple-  
11 mentation plans for the Department of Homeland Security  
12 required under section 516(c) of the Homeland Security Act  
13 of 2002, as added by subsection (a), the Secretary of Home-  
14 land Security shall brief the Committee on Homeland Secu-  
15 rity of the House of Representatives and the Committee on  
16 Homeland Security and Governmental Affairs of the Senate  
17 regarding such strategy and plans.

18                   (c) *CLERICAL AMENDMENT*.—The table of contents in  
19 section 1(b) of the Homeland Security Act of 2002 is  
20 amended by inserting after the item relating to section 515  
21 the following new item:

                  “Sec. 516. Department-wide biodefense review and strategy.”.

22 **SEC. 203. SUNSET REPEALED.**

23                   Subsection (e) of section 1901 of the Homeland Secu-  
24 rity Act of 2002 (6 U.S.C. 591) is repealed.

1 **SEC. 204. COMPTROLLER GENERAL REVIEW.**

2 *Not later than one year after the date of the enactment*  
3 *of this Act, the Comptroller General of the United States*  
4 *shall report to the Committee on Homeland Security of the*  
5 *House of Representatives and the Committee on Homeland*  
6 *Security and Governmental Affairs of the Senate regarding*  
7 *the implementation of section 516 of the Homeland Security*  
8 *Act of 2002, as added by section 202, including information*  
9 *relating to the following:*

10 (1) *The Office's efforts to prioritize its programs*  
11 *and activities to conduct the Office's mission to safe-*  
12 *guard against chemical, biological, radiological, and*  
13 *nuclear threats.*

14 (2) *The consistency and effectiveness of the Of-*  
15 *ice's efforts at coordinating with State, local, Tribal,*  
16 *and territorial entities and international partners*  
17 *across its mission areas.*

18 (3) *The Office's efforts to manage the lifecycle of*  
19 *research and development within the Office and with*  
20 *other operational and support components of the De-*  
21 *partment of Homeland Security, including the*  
22 *Science and Technology Directorate.*

23 (4) *Any actions by the Office to measure progress*  
24 *in addressing employee engagement and improving*  
25 *employee morale across the Office.*

1           (5) *The extent and effectiveness of the Office's co-*  
2           *ordination with other operational and support com-*  
3           *ponents, including the Science and Technology Direc-*  
4           *torate, of the Department regarding research and de-*  
5           *velopment projects.*

6           (6) *The Office's efforts to prioritize its research*  
7           *and development funding, including to address emerg-*  
8           *ing chemical, biological, radiological, and nuclear*  
9           *threats.*

Union Calendar No. 469

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 8610**

[Report No. 117-650, Part I]

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## **A BILL**

To amend the Homeland Security Act of 2002 to authorize the Office of Health Security, make technical corrections to the authorization of the Countering Weapons of Mass Destruction Office, establish a Countering Weapons of Mass Destruction Advisory Committee, establish a departmental biodefense strategy, and for other purposes.

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DECEMBER 20, 2022

Reported from the Committee on Homeland Security  
with an amendment

DECEMBER 20, 2022

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed