

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8610
OFFERED BY MRS. DEMINGS OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

5 (b) TABLE OF CONTENTS.—The table of contents for
6 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 Ad-
visory Committee; departmental biodefense strategy.

Sec. 202. Biodefense review and strategy.

Sec. 203. Sunset repealed.

Sec. 204. Comptroller General review.

**7 TITLE I—OFFICE OF HEALTH
8 SECURITY**

9 SEC. 101. OFFICE OF HEALTH SECURITY.

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

1 (1) in section 103 (6 U.S.C. 113)—

2 (A) in subsection (a)(2), by striking “As-
3 sistant Secretary for Health Affairs, the Assist-
4 ant Secretary for Legislative Affairs,” and in-
5 serting “Assistant Secretary for Legislative Af-
6 fairs”; and

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

9 “(6) A Chief Medical Officer.”;

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

11 **“TITLE XXIII—OFFICE OF**
12 **HEALTH SECURITY”;**

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

17 (4) in section 2301, as so redesignated and
18 transferred—

19 (A) by amending the section heading to
20 read as follows: **“OFFICE OF HEALTH SECU-**
21 **RITY”;**

22 (B) by amending subsection (a) to read as
23 follows:

24 “(a) IN GENERAL.—There is in the Department an
25 Office of Health Security.”;

1 (C) by amending subsection (b) to read as
2 follows:

3 “(b) HEAD OF OFFICE OF HEALTH SECURITY.—

4 “(1) IN GENERAL.—The Office of Health Secu-
5 rity shall be headed by a Chief Medical Officer (in
6 this title referred to as the ‘Chief Medical Officer’),
7 who shall be at the level of Assistant Secretary with-
8 in the Department.

9 “(2) QUALIFICATIONS; DUTIES.—The Chief
10 Medical Officer shall—

11 “(A) be appointed by the President pursu-
12 ant to section 103(d);

13 “(B) be a licensed physician possessing a
14 demonstrated ability in and knowledge of medi-
15 cine and public health; and

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

17 (D) in subsection (c)—

18 (i) in the matter preceding paragraph
19 (1), by striking “medical issues related to
20 natural disasters, acts of terrorism, and
21 other man-made disasters, including—”
22 and inserting “medical, public health, and
23 workforce health and safety matters, in-
24 cluding issues related to—”;

1 (ii) in paragraph (1), by striking “the
2 Secretary, the Administrator of the Fed-
3 eral Emergency Management Agency, the
4 Assistant Secretary, and other Department
5 officials” and inserting “the Secretary and
6 all other Department officials”;

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

9 (iv) by redesignating paragraph (5) as
10 paragraph (10); and

11 (v) by inserting after paragraph (4)
12 the following new paragraphs:

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

14 “(A) direct patient care; and

15 “(B) the organization, management, and
16 staffing of component operations that deliver
17 direct patient care;

18 “(6) advising the Secretary and the head of
19 each component of the Department that delivers di-
20 rect patient care regarding—

21 “(A) knowledge and skill standards for
22 medical personnel and the assessment of such
23 knowledge and skill;

24 “(B) the collection, storage, and oversight
25 of medical records; and

1 “(C) contracts for the delivery of direct pa-
2 tient care, other medical services, and medical
3 supplies;

4 “(7) advising the head of each component of
5 the Department that delivers direct patient care re-
6 garding the recruitment and appointment of a com-
7 ponent chief medical officer, or, as the case may be,
8 the employee who functions in the capacity of a com-
9 ponent chief medical officer;

10 “(8) with respect to any psychological health
11 counseling or assistance program of the Department,
12 including such a program of a law enforcement,
13 operational, or support component of the Depart-
14 ment, advising the head of each such component
15 with such a program regarding—

16 “(A) ensuring such program includes safe-
17 guards against adverse action, including auto-
18 matic referrals for a fitness for duty examina-
19 tion, by such component with respect to any
20 employee solely because such employee self-
21 identifies a need for psychological health coun-
22 seling or assistance or receives such counseling
23 or assistance;

24 “(B) increasing the availability and num-
25 ber of local psychological health professionals

1 with experience providing psychological support
2 services to personnel;

3 “(C) establishing a behavioral health cur-
4 rriculum for employees at the beginning of their
5 careers to provide resources early regarding the
6 importance of psychological health;

7 “(D) establishing periodic management
8 training on crisis intervention and such compo-
9 nent’s psychological health counseling or assist-
10 ance program;

11 “(E) improving any associated existing em-
12 ployee peer support programs, including by
13 making additional training and resources avail-
14 able for peer support personnel in the work-
15 place across such component;

16 “(F) developing and implementing a vol-
17 untary alcohol treatment program that includes
18 a safe harbor for employees who seek treat-
19 ment;

20 “(G) prioritizing, as appropriate, expertise
21 in the provision of psychological health coun-
22 seling and assistance for certain populations of
23 the workforce, such as employees serving in po-
24 sitions within law enforcement, to help improve

1 outcomes for such employees receiving such
2 counseling or assistance; and

3 “(H) including collaborating and
4 partnering with key employee stakeholders and,
5 for those components with employees with an
6 exclusive representative, the exclusive represent-
7 ative with respect to such a program;

8 “(9) in consultation with the Chief Information
9 Officer of the Department—

10 “(A) identifying methods and technologies
11 for managing, updating, and overseeing patient
12 records; and

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

17 (E) by adding at the end the following new
18 subsections:

19 “(d) ASSISTANCE AND AGREEMENTS.—In further-
20 ance of this section, the Chief Medical Officer, at the di-
21 rection of the Secretary, may—

22 “(1) provide technical assistance, training, in-
23 formation, and distribute funds through grants and
24 cooperative agreements to State, local, Tribal, and

1 territorial governments, and nongovernmental orga-
2 nizations;

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

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

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

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

19 “(2) DUTIES.—The Privacy Officer of the Of-
20 fice of Health Security shall—

21 “(A) report directly to the Chief Medical
22 Officer;

23 “(B) coordinate with and, as requested,
24 support the activities of the Privacy Officer ap-
25 pointed under section 222; and

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

5 “(f) ANNUAL REPORT.—Not later than one year
6 after the date of the enactment of this subsection and an-
7 nually thereafter, the Chief Medical Officer shall submit
8 to Congress a report on the activities of the Office of
9 Health Security for the immediately preceding year.”;

10 (5) by redesignating section 710 (6 U.S.C. 350)
11 as section 2302 and transferring such section to ap-
12 pear after section 2301;

13 (6) in section 2302, as so redesignated and
14 transferred—

15 (A) in subsection (a), by striking “Under
16 Secretary of Management” each place such
17 term appears and inserting “Chief Medical Offi-
18 cer”;

19 (B) in subsection (b)—

20 (i) in the matter preceding paragraph
21 (1), by striking “Under Secretary for Man-
22 agement, in coordination with the Chief
23 Medical Officer,” and inserting “Chief
24 Medical Officer”;

1 (ii) in paragraph (3), by striking “as
2 deemed appropriate by the Under Sec-
3 retary,”;

4 (7) by redesignating section 528 (6 U.S.C.
5 321q) as section 2303 and transferring such section
6 to appear after section 2302; and

7 (8) in subsection (a) of section 2303, as so re-
8 designed and transferred, by striking “Assistant
9 Secretary for the Countering Weapons of Mass De-
10 struction Office” and inserting “Chief Medical Offi-
11 cer”.

12 (b) MEDICAL COUNTERMEASURES PROGRAM.—The
13 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)
14 is amended by redesignating section 1932 (6 U.S.C. 597a)
15 as section 2304 and transferring such section, as so red-
16 igned, to appear after section 2303 of title XXIII.

17 (c) TRANSITION AND TRANSFERS.—

18 (1) IN GENERAL.—The individual appointed
19 pursuant to section 1931(a) of the Homeland Secu-
20 rity Act of 2002 (6 U.S.C. 597) (as such section ap-
21 peared on the day before the date of the enactment
22 of this Act) of the Department of Homeland Secu-
23 rity and serving as the Chief Medical Officer of the
24 Department of Homeland Security on the day before
25 such date of enactment, shall continue to serve as

1 the Chief Medical Officer of the Department after
2 such date without the need for reappointment.

3 (2) SAVING CLAUSE.—The rule of construction
4 set forth in section 2(hh) of the Presidential Ap-
5 pointment Efficiency and Streamlining Act of 2011
6 (Public Law 112–166, 5 U.S.C. 3132 note) shall not
7 apply to the Chief Medical Officer of the Depart-
8 ment of Homeland Security (including the incum-
9 bent who holds the position on the day before the
10 date of the enactment of this Act), and such officer
11 shall be a Senior Executive Service position (as that
12 term is defined in section 3132(a) of title 5, United
13 States Code) and receive the rate of basic pay for
14 level IV of the Executive Schedule (in accordance
15 with section 5315 of such title).

16 (3) TRANSFER.—The Secretary of Homeland
17 Security shall transfer to the Chief Medical Officer
18 all functions, personnel, budget authority, and assets
19 of—

20 (A) the Under Secretary for Management,
21 relating to workforce health and medical sup-
22 port;

23 (B) the Assistant Secretary for the Coun-
24 tering Weapons of Mass Destruction Office, re-
25 lating to the Chief Medical Officer (including

1 the Medical Operations Directorate of the
2 Countering Weapons of Mass Destruction Of-
3 fice); and

4 (C) the Assistant Secretary for the Coun-
5 tering Weapons of Mass Destruction Office,
6 with respect to food, agriculture, and veterinary
7 defense programs of such Office,

8 as in existence on the day before the date of the en-
9 actment of this Act.

10 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

11 The Homeland Security Act of 2002 is amended—

12 (1) by redesignating section 529 (6 U.S.C.
13 321r) as section 528;

14 (2) in section 704(3)(4) (6 U.S.C. 344(e)(4)),
15 by striking “section 711(a)” and inserting “section
16 710(a)”;

17 (3) by redesignating sections 711 (6 U.S.C.
18 351), 712 (6 U.S.C. 352), and 713 (6 U.S.C. 353)
19 as sections 710, 711, and 712, respectively; and

20 (4) in title XIX, by striking the enumerator and
21 heading of subtitle C.

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

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

4 (2) by redesignating the item relating to section
5 529 as the item relating to section 528;

6 (3) by striking the item relating to section 710
7 (as in existence on the day before the date of the en-
8 actment of this Act);

9 (4) by redesignating the items relating to sec-
10 tions 711, 712, and 713 as the items relating to sec-
11 tions 710, 711, and 712, respectively;

12 (5) by inserting after the item relating to sec-
13 tion 1900 the following new item:

“Sec. 1900A. Rule of construction.”;

14 (6) by inserting after the item relating to sec-
15 tion 1928 the following new item:

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

16 (7) by striking the items relating to subtitle C
17 of title XIX (as in existence on the day before the
18 date of the enactment of this Act); and

19 (8) by adding at the end the following new
20 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 in-
11 serting 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 Cyber-
16 security and Infrastructure Security Agency or title
17 XXI.”;

18 (2) in subtitle A, in section 1901(c) (6 U.S.C.
19 591(c))—

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

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

1 “(1) serve as the Secretary’s principal advisor
2 on 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
9 to 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
3 all that follows through “interests of the United
4 States.” and inserting the following: “The Of-
5 fice 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-med-
9 ical aspects of chemical, biological, radiological, and
10 nuclear 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.
20 592(a))—

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

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

1 “(13) serve as the primary entity within the
2 Department responsible for developing, acquiring,
3 deploying, supporting, and operating a national bio-
4 surveillance system in support of Federal, State,
5 local, 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
23 performance metrics to evaluate the effectiveness of
24 individual detectors and detection systems in detect-
25 ing 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
7 territorial partners, and in coordination with the
8 Science and Technology Directorate, trans-
9 formational research and development efforts to gen-
10 erate new technologies to detect, protect against,
11 and report on the illicit entry across the United
12 States borders, or the transport, assembly, or use
13 within the United States of chemical, biological, ra-
14 diological, and nuclear weapons or unauthorized ma-
15 terial;

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

1 ernments, as well as provide appropriate information
2 to such entities;”;

3 (C) in section 1924 (6 U.S.C. 593)—

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

13 (ii) by striking the second sentence;

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

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

24 (ii) by amending subsection (d) to
25 read as follows:

1 “(d) REPORT.—Not later than two years after the
2 date of enactment of the Health Security and Countering
3 Weapons of Mass Destruction, the Secretary shall submit
4 to the Committee on Homeland Security of the House of
5 Representatives and the Committee on Homeland Security
6 and Governmental Affairs of the Senate a report regard-
7 ing the STC program.”; and

8 (E) by adding at the end the following new
9 section:

10 **“SEC. 1929. COUNTERING WEAPONS OF MASS DESTRUC-**
11 **TION ADVISORY COMMITTEE.**

12 “(a) ESTABLISHMENT.—There is established in the
13 Office a Countering Weapons of Mass Destruction Advi-
14 sory Committee (in this section referred to as the ‘Advi-
15 sory Committee’). The Advisory Committee shall make
16 recommendations with respect to the activities of the Of-
17 fice.

18 “(b) MEMBERSHIP.—The Assistant Secretary shall
19 appoint not more than 18 individuals to serve as members
20 of the Advisory Committee. Such individuals shall rep-
21 resent, to the extent practicable, a geographic (including
22 urban and rural) and substantive cross section of officials
23 from State, local, and Tribal governments, academia, the
24 private sector, and nongovernmental organizations. The
25 Assistant Secretary shall seek to ensure one-third of the

1 members are selected from the emergency management
2 field and emergency response providers and State, local,
3 and Tribal government officials. The Assistant Secretary
4 shall seek to ensure the remaining members are—

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

8 “(2) representatives from the national labora-
9 tories; and

10 “(3) such other individuals as the Assistant
11 Secretary determines appropriate.

12 “(c) RESPONSIBILITIES.—The Advisory Committee
13 shall—

14 “(1) advise the Assistant Secretary on all as-
15 pects of countering weapons of mass destruction;

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

21 “(3) establish performance criteria for a na-
22 tional biological detection system and review any as-
23 sociated testing protocols for biological detection
24 prototypes.

1 “(d) CONSULTATION.—The Assistant Secretary shall
2 regularly consult and work with the Advisory Committee
3 regarding the Office’s activities, including with respect to
4 activities associated with the administration of Federal as-
5 sistance provided by the Department, and the development
6 of requirements for countering weapons of mass destruc-
7 tion programs.

8 “(e) VOLUNTARY SERVICE AND TERMS.—The mem-
9 bers of the Advisory Committee shall serve on the Advisory
10 Committee on a voluntary basis. Members of may serve
11 for up to three consecutive years, but a member appointed
12 to fill a vacancy occurring before the expiration of the
13 term for which such member’s predecessor was appointed
14 may be appointed for the remainder of such term.

15 “(f) FACA.—The Federal Advisory Committee Act
16 (5 U.S.C. App.) shall not apply to the Advisory Com-
17 mittee.”.

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

19 (a) IN GENERAL.—Title V of the Homeland Security
20 Act of 2002 (6 U.S.C. 311 et seq.) is amended by inserting
21 after section 515 (6 U.S.C. 321d) the following new sec-
22 tion:

1 **“SEC. 516. DEPARTMENT-WIDE BIODEFENSE REVIEW AND**
2 **STRATEGY.**

3 “(a) IN GENERAL.—Not later than 180 days after
4 the date of the enactment of this section, the Secretary,
5 in consultation with appropriate stakeholders representing
6 Federal, State, Tribal, territorial, academic, private sec-
7 tor, and nongovernmental entities, shall conduct a Depart-
8 ment-wide review of biodefense activities and strategies.

9 “(b) REVIEW.—The review required under subsection
10 (a) shall—

11 “(1) identify with specificity the biodefense
12 lines of effort of the Department, including relating
13 to biodefense roles, responsibilities, and capabilities
14 of components and offices of the Department;

15 “(2) assess how such components and offices
16 coordinate internally and with public and private
17 partners in the biodefense enterprise;

18 “(3) identify any policy, resource, capability, or
19 other gaps in the Department’s ability to assess,
20 prevent, protect against, and respond to biological
21 threats; and

22 “(4) identify any organizational changes or re-
23 forms necessary for the Department to effectively
24 execute its biodefense mission and role, including
25 with respect to public and private partners in the
26 biodefense enterprise.

1 “(c) STRATEGY.—Not later than one year after com-
2 pletion of the review required under subsection (a), the
3 Secretary shall issue a biodefense strategy for the Depart-
4 ment that is informed by such review and is aligned with
5 section 1086 of the National Defense Authorization Act
6 for Fiscal Year 2017 (6 U.S.C. 104; relating to the devel-
7 opment of a national biodefense strategy and associated
8 implementation plan, including a review and assessment
9 of biodefense policies, practices, programs, and initiatives)
10 or successor strategy. Such strategy shall—

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

14 “(2) clarify, as necessary, biodefense roles, re-
15 sponsibilities, and capabilities of the Department’s
16 components and offices involved in the biodefense
17 lines of effort of the Department;

18 “(3) establish how biodefense lines of effort of
19 the Department are to be coordinated within the De-
20 partment;

21 “(4) establish how the Department engages
22 with public and private partners in the biodefense
23 enterprise, including other Federal agencies, na-
24 tional laboratories and sites, and State, local, Tribal,
25 and territorial entities, with specificity regarding the

1 frequency and nature of such engagement by De-
2 partment components and offices with State, local,
3 Tribal and territorial entities; and

4 “(5) include information relating to—

5 “(A) milestones and performance metrics
6 that are specific to the Department’s biodefense
7 mission and role described in paragraph (1);
8 and

9 “(B) implementation of any operational
10 changes necessary to carry out paragraphs (3)
11 and (4).

12 “(d) PERIODIC UPDATE.—Beginning not later than
13 five years after the issuance of the strategy and implemen-
14 tation plans required under subsection (c) and not less
15 often than once every five years thereafter, the Secretary
16 shall review and update, as necessary, such strategy and
17 plans.”.

18 (b) CONGRESSIONAL OVERSIGHT.—Not later than 30
19 days after the issuance of the biodefense strategy and im-
20 plementation plans for the Department of Homeland Se-
21 curity required under section 516(c) of the Homeland Se-
22 curity Act of 2002, as added by subsection (a), the Sec-
23 retary of Homeland Security shall brief the Committee on
24 Homeland Security of the House of Representatives and

1 the Committee on Homeland Security and Governmental
2 Affairs of the Senate regarding such strategy and plans.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 515 the following new item:

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

7 **SEC. 203. SUNSET REPEALED.**

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

10 **SEC. 204. COMPTROLLER GENERAL REVIEW.**

11 Not later than one year after the date of the enact-
12 ment of this Act, the Comptroller General of the United
13 States shall report to the Committee on Homeland Secu-
14 rity of the House of Representatives and the Committee
15 on Homeland Security and Governmental Affairs of the
16 Senate regarding the implementation of section 516 of the
17 Homeland Security Act of 2002, as added by section 202,
18 including information relating to the following:

19 (1) The Office’s efforts to prioritize its pro-
20 grams and activities to conduct the Office’s mission
21 to safeguard against chemical, biological, radio-
22 logical, and nuclear threats.

23 (2) The consistency and effectiveness of the Of-
24 fice’s efforts at coordinating with State, local, Trib-

1 al, and territorial entities and international partners
2 across its mission areas.

3 (3) The Office's efforts to manage the lifecycle
4 of research and development within the Office and
5 with other operational and support components of
6 the Department of Homeland Security, including the
7 Science and Technology Directorate.

8 (4) Any actions by the Office to measure
9 progress in addressing employee engagement and
10 improving employee morale across the Office.

11 (5) The extent and effectiveness of the Office's
12 coordination with other operational and support
13 components, including the Science and Technology
14 Directorate, of the Department regarding research
15 and development projects.

16 (6) The Office's efforts to prioritize its research
17 and development funding, including to address
18 emerging chemical, biological, radiological, and nu-
19 clear threats.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 8610
OFFERED BY Mrs. Miller-Meeks**

Page 4, line 10, strike “paragraph (10)” and insert “paragraph (11)”.

Page 5, beginning line 10, insert the following:

1 “(8) with respect to preparation and response
2 for pandemics, ensuring the protection of the work-
3 force of the Department, with an emphasis on front
4 line workers most at risk, through—
5 “(A) health security planning; and
6 “(B) provision of subject matter and plan-
7 ning expertise to the Chief Readiness Support
8 Officer of the Department regarding stockpiling
9 and distribution of supplies, including adequate
10 personal protective equipment;”.



**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. CORREA OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “DHS Joint Task Force
3 Reauthorization Act of 2022”.

**4 SEC. 2. JOINT TASK FORCES OF THE DEPARTMENT OF
5 HOMELAND SECURITY.**

6 Subsection (b) of section 708 of the Homeland Secu-
7 rity Act of 2002 (6 U.S.C. 348) is amended—

8 (1) by amending paragraph (8) to read as fol-
9 lows:

10 “(8) JOINT TASK FORCE STAFF.—

11 “(A) IN GENERAL.—Each Joint Task
12 Force shall have a staff, composed of personnel
13 from relevant components and offices of the De-
14 partment, to assist the Director of such Joint
15 Task Force in carrying out the mission and re-
16 sponsibilities of such Joint Task Force.

1 “(B) REPORT.—The Secretary shall in-
2 clude in the report submitted under paragraph
3 (6)(F)—

4 “(i) the number of personnel perma-
5 nently assigned to each Joint Task Force
6 by each component and office; and

7 “(ii) the number of personnel assigned
8 on a temporary basis to each Joint Task
9 Force by each component and office.”;

10 (2) in paragraph (9)—

11 (A) in the heading, by inserting “MISSION
12 AND” after “ESTABLISHMENT OF”;

13 (B) by amending subparagraph (A) to read
14 as follows:

15 “(A) using leading practices in perform-
16 ance management and lessons learned by other
17 law enforcement task forces and joint oper-
18 ations, establish—

19 “(i) the mission, strategic goals, and
20 objectives of each Joint Task Force;

21 “(ii) the criteria for terminating each
22 Joint Task Force; and

23 “(iii) outcome-based and other appro-
24 priate performance metrics for evaluating
25 the effectiveness of each Joint Task Force

1 with respect to the mission, strategic goals,
2 and objectives established pursuant to
3 clause (i), including—

4 “(I) targets for each such Joint
5 Task Force to achieve for each of the
6 three years after such establishment;
7 and

8 “(II) a description of the meth-
9 odology used to establish such
10 metrics;”;

11 (C) in subparagraph (B)—

12 (i) by striking “date of the enactment
13 of this section” and insert “date of the en-
14 actment of the DHS Joint Task Forces
15 Reauthorization Act of 2022”;

16 (ii) by inserting “mission, strategic
17 goals, objectives, and” before “metrics”;
18 and

19 (iii) by striking the period at the end
20 and inserting “; and”; and

21 (D) by amending subparagraph (C) to read
22 as follows:

23 “(C) not later than one year after the date
24 of the enactment of the DHS Joint Task
25 Forces Reauthorization Act of 2022 and annu-

1 ally thereafter, submit to the committees speci-
2 fied in subparagraph (B) a report that contains
3 information on the progress in implementing
4 the outcome-based and other appropriate per-
5 formance metrics established pursuant to sub-
6 paragraph (A)(iii).”;

7 (3) in paragraph (11)—

8 (A) in the heading, by inserting “OR TER-
9 MINATION” after “FORMATION”; and

10 (B) by amending subparagraph (A) to read
11 as follows:

12 “(A) IN GENERAL.—Not later than 90
13 days before establishing or terminating a Joint
14 Task Force under this subsection, the Secretary
15 shall submit to the majority leader of the Sen-
16 ate, the minority leader of the Senate, the
17 Speaker of the House of Representatives, the
18 majority leader of the House of Representa-
19 tives, the minority leader of the House of Rep-
20 resentatives, and the Committee on Homeland
21 Security and the Committee on Transportation
22 and Infrastructure of the House of Representa-
23 tives and the Committee on Homeland Security
24 and Governmental Affairs and the Committee
25 on Commerce, Science, and Transportation of

1 the Senate a notification regarding such estab-
2 lishment or termination, as the case may be.
3 The contents of any such notification shall in-
4 clude the following:

5 “(i) The criteria and conditions re-
6 quired to establish or terminate such Joint
7 Task Force.

8 “(ii) The primary mission, strategic
9 goals, objectives, and plan of operations of
10 such Joint Task Force.

11 “(iii) If such notification is a notifica-
12 tion of termination, information on the ef-
13 fectiveness of such Joint Task Force as
14 measured by the outcome-based perform-
15 ance metrics and other appropriate per-
16 formance metrics established pursuant to
17 paragraph (9)(A)(iii).

18 “(iv) The funding and resources re-
19 quired to establish or terminate such Joint
20 Task Force.

21 “(v) The number of personnel perma-
22 nently assigned to such Joint Task Force
23 from each component and office.

24 “(vi) The number of personnel as-
25 signed on a temporary basis to such Joint

1 Task Force from each component and of-
2 fice.

3 “(vii) If such notification is a notifica-
4 tion of establishment, the anticipated costs
5 of establishing and operating such Joint
6 Task Force.

7 “(viii) If such notification is a notifi-
8 cation of termination, funding allocated in
9 the immediately preceding fiscal year to
10 such Joint Task Force for—

11 “(I) operations notwithstanding
12 such termination; and

13 “(II) activities associated with
14 such termination.

15 “(ix) The anticipated establishment or
16 termination date of such Joint Task Force,
17 as the case may be.”;

18 (4) in paragraph (12)—

19 (A) in subparagraph (A)—

20 (i) by striking “January 31, 2018,
21 and January 31, 2021, the Inspector Gen-
22 eral of the Department” and inserting
23 “one year after the date of the enactment
24 of the DHS Joint Task Forces Reauthor-

1 ization Act of 2022, the Comptroller Gen-
2 eral of the United States”; and

3 (ii) by inserting “an assessment of the
4 effectiveness of the Secretary’s utilization
5 of the authority provided under this section
6 for the purposes set forth in subsection
7 (b)(2) as among the range of options avail-
8 able to the Secretary to conduct joint oper-
9 ations among departmental components
10 and offices and” before “a review of the
11 Joint Task Forces”; and

12 (B) in subparagraph (B)—

13 (i) in the matter preceding clause (i),
14 by striking “reviews” and inserting “re-
15 view”; and

16 (ii) by amending clauses (i) and (ii) to
17 read as follows:

18 “(i) an assessment of methodology
19 utilized to determine whether to establish
20 or terminate each Joint Task Force; and

21 “(ii) an assessment of the effective-
22 ness of oversight over each Joint Task
23 Force with specificity regarding the Sec-
24 retary’s utilization of outcome-based or
25 other appropriate performance metrics es-

1 tablished pursuant to paragraph (9)(A)(iii)
2 to evaluate the effectiveness of each Joint
3 Task Force in measuring progress with re-
4 spect to the mission, strategic goals, and
5 objectives established pursuant to para-
6 graph (9)(A)(i) of such Joint Task
7 Force.”; and
8 (5) in paragraph (13), by striking “2022” and
9 inserting “2024”.



**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3756
OFFERED BY MS. CLARKE OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Department of Home-
3 land Security Climate Change Research Act”.

4 SEC. 2. CLIMATE CHANGE PLANNING, RESEARCH AND DE-
5 VELOPMENT, AND PROTECTION AND PRE-
6 PAREDNESS.

7 (a) IN GENERAL.—Title III of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
9 adding at the end the following new section:

10 “SEC. 323. CLIMATE CHANGE RESEARCH AND DEVELOP-
11 MENT.

12 “(a) IN GENERAL.—The Under Secretary for Science
13 and Technology—

14 “(1) shall evaluate existing Federal research re-
15 garding approaches to mitigate the potential or iden-
16 tified effects of climate change on homeland security
17 to identify areas for further research and develop-
18 ment pursuant to paragraph (2) with respect to—

1 “(A) any potential or identified effects of
2 climate change on homeland security;

3 “(B) the degree to which such potential or
4 identified effects are reflected in preparedness
5 and emergency planning and policies, including
6 with respect to preparedness, response to, and
7 recovery from natural disasters; and

8 “(C) the degree to which the Federal fund-
9 ing structure to respond to major disaster dec-
10 larations and emergency declarations is ade-
11 quately structured to address such potential or
12 identified effects; and

13 “(2) may, to the extent practicable, conduct re-
14 search and development on approaches to mitigate
15 the potential or identified effects of climate change
16 on homeland security in response to the evaluation
17 under paragraph (1).

18 “(b) SCOPE.—The scope of the research and develop-
19 ment under subsection (a)(2) shall include the following:

20 “(1) Any potential or identified effects of cli-
21 mate change on homeland security.

22 “(2) The degree to which such potential or
23 identified effects of climate change are reflected in
24 preparedness and emergency planning and policies,

1 including with respect to preparedness, response to,
2 and recovery from natural disasters.

3 “(3) The degree to which the Federal funding
4 structure to respond to major disaster declarations
5 and emergency declarations is adequately structured
6 to address such potential or identified effects.

7 “(c) CONSULTATION AND COORDINATION.—In car-
8 rying out this section, the Under Secretary for Science and
9 Technology shall consult, and may, as appropriate, coordi-
10 nate, with the heads of other relevant agencies and depart-
11 ments of the Federal Government, State, local, Tribal, and
12 territorial governments, and relevant owners and opera-
13 tors of critical infrastructure.

14 “(d) CLIMATE CHANGE DEFINED.—The term ‘cli-
15 mate change’ refers to detectable changes in one or more
16 climate system components that is directly or indirectly
17 attributed to—

18 “(1) human activity; and

19 “(2) altering the composition of the global at-
20 mosphere.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002 is
23 amended by inserting after the item relating to section
24 322 the following new item:

“Sec. 323. Climate change research and development.”.

1 **SEC. 3. REPORT TO CONGRESS.**

2 Not later than one year after the date of the enact-
3 ment of this Act and annually thereafter for three years,
4 the Under Secretary for Science and Technology of the
5 Department of Homeland Security shall submit to the
6 Committee on Homeland Security and the Committee on
7 Science, Space, and Technology of the House of Rep-
8 resentatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a report on any
10 research and development activities carried out pursuant
11 to section 323 of the Homeland Security Act of 2002, as
12 added by this Act.

Amend the title so as to read: “A bill To amend the Homeland Security Act of 2002 to require the Under Secretary for Science and Technology of the Department of Homeland Security to research and evaluate existing Federal research regarding approaches to mitigate the potential or identified effects of climate change on homeland security to identify areas for further research within the Department and authorize, research, and develop approaches to mitigate the consequences of climate change on homeland security, and for other purposes.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3756
OFFERED BY MR. PFLUGER OF TEXAS**

Add at the end of section 3 the following: “Such report shall also include information relating to the environmental impacts on private and public land along the southwest border by aliens unlawfully present in the United States, whether such aliens have threatened wildlife habitats or damaged agricultural producing land, and the total amount of funds expended by Federal, State, and local entities to address environmental damage stemming from illegal immigration.”.



AMENDMENT

**OFFERED BY MS. CLARKE TO THE AMENDMENT
OFFERED BY MR. PFLUGER TO THE AMEND-
MENT IN THE NATURE OF A SUBSTITUTE TO
H.R. 3756**

Strike “relating to the environmental impacts” and all that follows through “environmental damage stemming from illegal immigration” and insert “that may relate to border security operations and infrastructure at the northern and southern borders of the United States, and within each border region, as may relate to private and public lands, agricultural producing lands, sacred sites, wildlife habitats, other environmentally sensitive areas, and migration activity”.

