



COMMITTEE ON HOMELAND SECURITY

The Health Security and Countering Weapons of Mass Destruction Act (H.R. 8610)

As Introduced by Reps. Demings, Thompson, Underwood & Clarke

Given the complexity of the risk landscape, protecting the nation against chemical, biological, radiological, and nuclear (CBRN) threats remains a critical national security priority. On December 21, 2018, the “Countering Weapons of Mass Destruction Act of 2018” (CWMD Act) became law, authorizing the creation of CWMD to streamline the Department of Homeland Security’s efforts to counter these threats.¹ The CWMD Act combined two predecessor offices— *the Domestic Nuclear Detection Office (DNDO) which focused on countering nuclear and radiological threats and the Office of Health Affairs (OHA) which was overseen by the Department’s Chief Medical Officer (CMO)*—into CWMD. CWMD has encountered some challenges in expanding legacy programs and morale and, as an office, is at risk of being ramped down unless it gets reauthorized.² The “Health Security and Countering Weapons of Mass Destruction Act” would eliminate the sunset on CWMD, clarify its responsibilities, and drive improvements to its operations.

Additionally, it would make enhancements to the Department’s handling of medical, public health, and workforce health and safety matters. The Covid-19 pandemic has brought to light the need to improve the Department’s programs and policies in this space. In response, the CMO has sought to improve the Department’s public health and workforce safety efforts. In just the last couple of years, the CMO has supported the Covid-19 vaccination of the DHS workforce, established domestic public health measures to address the Ukraine-Russia conflict, provided medical advice and support on caring for individuals taken into custody on the Southwest border, and assisted agents and Emergency Medical Technicians with health protocols.³ With the importance of public health across the DHS mission, DHS Secretary Alejandro Mayorkas has elevated the CMO operation to a distinct office to better advise the Secretary and support medical, public health, and workforce health and safety efforts across the Department. On July 19, 2022, DHS announced the creation of an Office of Health Security (OHS);⁴ the “Health Security

¹ Public Law No: [115-387](#).

² GAO-22-104498, Countering Weapons of Mass Destruction: DHS Could Improve Its Acquisition of Key Technology and Coordination with Partners, April 19, 2022, <https://www.gao.gov/products/gao-22-104498>; Government Accountability Office, GAO-22-106133, Countering Weapons of Mass Destruction: DHS Office Has Opportunities to Improve Partner Services and Employee Morale, July 19, 2022, <https://www.gao.gov/products/gao-22-106133>

³ U.S. Senate Committee on Homeland Security & Governmental Affairs, *Addressing Weapons of Mass Destruction and Health Security Threats to the Homeland*, July 19, 2022, <https://www.hsgac.senate.gov/hearings/addressing-weapons-of-mass-destruction-and-health-security-threats-to-the-homeland>

⁴ The FY22 Appropriations bill (P.L. 117-103) waived the reorganization prohibition (6 U.S.C. 452 § 872) for the limited purposes of establishing OHS.

and Countering Weapons of Mass Destruction Act” would authorize the office in law and clarify what roles and responsibilities are retained within CWMD.⁵

The ***Health Security and Countering Weapons of Mass Destruction Act*** will:

- Establish the new Office of Health Security to advise the Department on medical, public health, and workforce health and safety matters;
- Repeal the sunset clause on the CWMD office and clarify CWMD’s role in leading the Department’s efforts to counter CBRN threats;
- Establish a CWMD Advisory Council and increase oversight through a Government Accountability Office (GAO) review; and
- Require a biodefense review and establish a Departmental biodefense strategy.

⁵ Public Law No: Public Law [117-103](#).