

111th CONGRESS
1st Session
H. R. 549

To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 15, 2009

Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Bombing Prevention Act of 2009'.

SEC. 2. BOMBING PREVENTION.

(a) In General- Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

SEC. 210F. OFFICE FOR BOMBING PREVENTION.

(a) In General- The Secretary shall establish within the Protective Security Coordination Division of the Office of Infrastructure Protection of the Department an Office for Bombing Prevention (in this section referred to as 'the Office').

(b) Responsibilities- The Office shall have the primary responsibility for enhancing the ability, and coordinating the efforts, of the United States to deter, detect, prevent, protect against, and respond to terrorist explosive attacks in the United States, including by--

(1) serving as the lead agency of the Department for ensuring that programs designed to counter terrorist explosive attacks in the United States function together efficiently to meet the evolving threat from explosives and improvised explosive devices;

- `(2) coordinating national and intergovernmental bombing prevention activities to ensure those activities work toward achieving common national goals;
- `(3) conducting analysis of the capabilities and requirements necessary for Federal, State, local, and tribal governments to deter, prevent, detect, protect against, and assist in any response to terrorist explosive attacks in the United States by--
 - `(A) maintaining a national analysis database on the capabilities of bomb squads, explosive detection canine teams, tactics teams, and public safety dive teams; and
 - `(B) applying the analysis derived from the database described in subparagraph (A) in--
 - `(i) evaluating progress toward closing identified gaps relating to national strategic goals and standards; and
 - `(ii) informing decisions relating to homeland security policy, assistance, training, research, development efforts, testing and evaluation, and related requirements;
- `(4) promoting secure information sharing of sensitive material and promoting security awareness, including by--
 - `(A) operating and maintaining a secure information sharing system that allows the sharing of critical information relating to terrorist explosive attack tactics, techniques, and procedures;
 - `(B) educating the public and private sectors about explosive precursor chemicals;
 - `(C) working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, prevent, detect, protect, and respond to terrorist explosive attacks in the United States; and
 - `(D) executing national public awareness and vigilance campaigns relating to terrorist explosive threats, preventing explosive attacks, and activities and measures underway to safeguard the United States;
- `(5) assisting State, local, and tribal governments in developing multi-jurisdictional improvised explosive devices security plans for high-risk jurisdictions;
- `(6) helping to ensure, in coordination with the Under Secretary for Science and Technology and the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, local, and tribal governments to deter, prevent, detect, protect, and respond to terrorist explosive attacks in the United States;
- `(7) coordinating the efforts of the Department relating to, and assisting departments and agencies of Federal, State, local, and tribal governments, and private sector business in, developing and implementing national explosives detection training, certification, and performance standards;

`(8) ensuring the implementation of any recommendations in the national strategy required under section 210G, including developing, maintaining, and tracking progress toward achieving objectives to reduce the vulnerability of the United States to terrorist explosive attacks;

`(9) developing, in coordination with the Administrator of the Federal Emergency Management Agency, programmatic guidance and permitted uses for bombing prevention activities funded by homeland security assistance administered by the Department; and

`(10) establishing and executing a public awareness campaign to inform the general public and private sector businesses on ways they can deter, detect, prevent, protect against, and respond to terrorist explosive attacks in the United States, that--

`(A) utilizes a broad spectrum of both mainstream and specialty print, radio, television outlets, and the Internet;

`(B) utilizes small and disadvantaged businesses, as defined under the Small Business Act (15 U.S.C. 631 et seq.); and

`(C) ensures that the public awareness messages under the campaign reach and are understandable to underserved populations, including--

`(i) persons with physical and mental disabilities, health problems, visual impairments, hearing impairments, limited English proficiency, and literacy barriers;

`(ii) socially and economically disadvantaged households and communities;

`(iii) the elderly; and

`(iv) children.

`(c) Limitation on Statutory Construction- Nothing in this section shall be construed to affect the authority of the Administrator of the Federal Emergency Management Agency, or the Attorney General of the United States.

`(d) Authorization of Appropriations-

`(1) IN GENERAL- There are authorized to be appropriated to carry out this section--

`(A) \$10,000,000 for fiscal year 2010;

`(B) \$25,000,000 for each of fiscal years 2011 through 2013; and

`(C) such sums as may be necessary for each subsequent fiscal year.

`(2) AVAILABILITY- Amounts made available pursuant to paragraph (1) are authorized to remain available until expended.

`(e) Enhancement of Explosives Detection Canine Resources and Capabilities- To enhance the Nation's explosives detection canine resources and capabilities the Secretary of Homeland Security shall, by partnering with other Federal, State, local, and tribal agencies, nonprofit organizations, universities including historically black colleges and universities and minority serving institutions, and the private sector--

`(1) within 270 days after the date of the enactment of this subsection--

- (A) develop a pilot program that includes a domestic breeding program for purpose-bred explosives detection canines; and
 - (B) increase the current number of capability assessments of explosives detection canine units to identify common challenges and gaps in canine explosives detection, to provide for effective domestic preparedness and collective response to terrorism, and to inform grant guidance and priorities, consistent with national capabilities database efforts;
- (2) continue development of a scientifically based training curriculum to enhance consensus-based national training and certification standards to provide for effective domestic preparedness and collective response to terrorism through the effective use of explosives detection canines for explosives detection canines; and
- (3) continue engagement in explosives detection canine research and development activities through partnerships with the Science and Technology Directorate and the Technical Support Working Group.

SEC. 210G. NATIONAL STRATEGY.

- (a) In General- The Secretary shall develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the United States.
- (b) Development- Not later than 90 days after the date of the enactment of this section, the Secretary shall develop the national strategy required under subsection (a).
- (c) Reporting- Not later than six months after the date of the submission of the report regarding each quadrennial homeland security review conducted under section 707, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the national strategy required under subsection (a), which shall include recommendations, if any, for deterring, preventing, detecting, protecting against, and responding to terrorist attacks in the United States using explosives or improvised explosive devices, including any such recommendations relating to coordinating the efforts of Federal, State, local, and tribal governments, emergency response providers, and the private sector.'
- (b) Technical and Conforming Amendment- The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 210E the following new items:
- Sec. 210F. Office for Bombing Prevention.
 - Sec. 210G. National strategy.'

SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND TRANSFER.

- (a) In General- Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new sections:

SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.

(a) In General- The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, the Attorney General, the Secretary of Defense, and the head of any other relevant Federal department or agency, shall ensure coordination and information sharing regarding nonmilitary research, development, testing, and evaluation activities of the Federal Government relating to the detection and prevention of, protection against, and response to terrorist attacks in the United States using explosives or improvised explosive devices, and the development of tools and technologies necessary to neutralize and disable explosive devices.

(b) Leveraging Military Research- The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, shall coordinate with the Secretary of Defense and the head of any other relevant Federal department or agency to ensure that, to the maximum extent possible, military policies and procedures, and research, development, testing, and evaluation activities relating to the detection and prevention of, protection against, and response to terrorist attacks using explosives or improvised explosive devices, and the development of tools and technologies necessary to neutralize and disable explosive devices, are adapted to nonmilitary uses.

SEC. 319. TECHNOLOGY TRANSFER.

(a) In General- The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, shall establish a technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by Federal, State, and local governmental agencies, emergency response providers, and the private sector to deter, prevent, detect, protect, and respond to terrorist attacks in the United States using explosives or improvised explosive devices.

(b) Program- The activities under the program established under subsection (a) shall include--

(1) applying the analysis conducted under section 210F(b)(3) of the capabilities and requirements of bomb squad, explosive detection canine teams, tactical teams, and public safety dive teams of Federal, State, and local governments, to determine the training and technology requirements for Federal, State, and local governments, emergency response providers, and the private sector;

(2) identifying available technologies designed to deter, prevent, detect, protect, or respond to terrorist attacks using explosives or improvised explosive devices that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other

Federal agencies, the private sector, foreign governments, or international organizations;

`(3) reviewing whether a technology described in paragraph (2) may be useful in assisting Federal, State, or local governments, emergency response providers, or the private sector in detecting, deterring, preventing, or responding to terrorist attacks using explosives or improvised explosive devices; and

`(4) communicating to Federal, State, and local governments, emergency response providers, and the private sector the availability of any technology described in paragraph (2), including providing the specifications of any such technology, indicating whether any such technology satisfies appropriate standards, and identifying grants, if any, available from the Department to purchase any such technology.

`(c) Working Group- To facilitate the transfer of military technologies, the Secretary, acting through the Under Secretary for Science and Technology, in coordination with the Secretary of Defense, and in a manner consistent with protection of sensitive sources and methods, shall establish a working group to advise and assist in the identification of military technologies designed to deter, prevent, detect, protect, or respond to terrorist explosive attacks that are in the process of being developed, or are developed, by the Department of Defense or the private sector.'

(b) Technical and Conforming Amendment- The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 317 the following new items:

`Sec. 318. Explosives research and development.

`Sec. 319. Technology transfer.'

SEC. 4. GAO STUDY OF EXPLOSIVES DETECTION CANINE TEAMS.

Section 1307(f) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 395) is amended by striking `utilization' and all that follows through the end of the sentence and inserting `utilization of explosives detection canine teams, by the Transportation Security Administration and all other agencies of the Department of Homeland Security that utilize explosives detection canines, to strengthen security and the capacity of explosive detection canine detection teams of the Department.'

SEC. 5. REPORT ON CANINE PROCUREMENT ACTIVITIES.

The Secretary of Homeland Security shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate by not later than 180 days after the date of the enactment of this Act examining the administration of canine procurement activities by the Department of Homeland Security to deter, prevent, detect, and protect against terrorist explosive attacks in the United States,

that includes consideration of the feasibility of reducing the price paid for the procurement of untrained canines, including by utilizing an expanded pool of breeds, procuring canines from domestic breeders, and acquiring canines from animal shelters, rescue societies, and other not-for-profit entities.