

Calendar No. 268118TH CONGRESS
1ST SESSION**S. 1798****[Report No. 118-124]**

To establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2023

Mr. PETERS (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 11, 2023

Reported by Mr. PETERS, with an amendment

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

A BILL

To establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Offices of Countering Weapons of Mass Destruction and
 4 Health Security Act of 2023”.

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—COUNTERING WEAPONS OF MASS DESTRUCTION
 OFFICE**

Sec. 101. Countering Weapons of Mass Destruction Office.

Sec. 102. Rule of construction.

TITLE II—OFFICE OF HEALTH SECURITY

Sec. 201. Office of Health Security.

Sec. 202. Confidentiality of medical quality assurance records.

Sec. 203. Technical and conforming amendments.

7 **TITLE I—COUNTERING WEAP-**
 8 **ONS OF MASS DESTRUCTION**
 9 **OFFICE**

10 **SEC. 101. COUNTERING WEAPONS OF MASS DESTRUCTION**
 11 **OFFICE.**

12 (a) **HOMELAND SECURITY ACT OF 2002.**—Title XIX
 13 of the Homeland Security Act of 2002 (6 U.S.C. 590 et
 14 seq.) is amended—

15 (1) in section 1901 (6 U.S.C. 591)—

16 (A) in subsection (c), by striking para-
 17 graphs (1) and (2) and inserting the following:

18 “(1) matters and strategies pertaining to—

19 “(A) weapons of mass destruction; and

1 “(B) non-medical aspects of chemical, bio-
2 logical, radiological, nuclear, and other related
3 emerging threats;

4 “(2) coordinating the efforts of the Department
5 to counter—

6 “(A) weapons of mass destruction; and

7 “(B) non-medical aspects of chemical, bio-
8 logical, radiological, nuclear, and other related
9 emerging threats; and

10 “(3) enhancing the ability of Federal, State,
11 local, and Tribal partners to prevent, detect, protect
12 against, and mitigate the impacts of terrorist at-
13 tacks in the United States to counter—

14 “(A) weapons of mass destruction; and

15 “(B) non-medical aspects of use of unau-
16 thorized chemical, biological, radiological, and
17 nuclear materials, devices, or agents and other
18 related emerging threats.”; and

19 (B) by striking subsection (e);

20 (2) by amending section 1921 (6 U.S.C. 591g)
21 to read as follows:

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

23 **“The Office shall be responsible for—**

1 “(1) coordinating the efforts of the Department
2 and with other Federal departments and agencies to
3 counter—

4 “(A) weapons of mass destruction; and

5 “(B) chemical, biological, radiological, nu-
6 clear, and other related emerging threats; and

7 “(2) enhancing the ability of Federal, State,
8 local, and Tribal partners to prevent, detect, protect
9 against, and mitigate the impacts of attacks using—

10 “(A) weapons of mass destruction against
11 the United States; and

12 “(B) unauthorized chemical, biological, ra-
13 diological, nuclear materials, devices, or agents
14 and other related emerging threats against the
15 United States.”;

16 (3) in section 1922 (6 U.S.C. 591h)—

17 (A) by striking subsection (b); and

18 (B) by redesignating subsection (c) as sub-
19 section (b);

20 (4) in section 1923 (6 U.S.C. 592)—

21 (A) by redesignating subsections (a) and
22 (b) as subsections (b) and (d), respectively;

23 (B) by inserting before subsection (b), as
24 so redesignated, the following:

25 “(a) OFFICE RESPONSIBILITIES.—

1 “(1) IN GENERAL.—For the purposes of coordi-
2 nating the efforts of the Department to counter
3 weapons of mass destruction and chemical, biologi-
4 cal, radiological, nuclear, and other related emerging
5 threats, the Office shall—

6 “(A) provide expertise and guidance to De-
7 partment leadership and components on non-
8 medical aspects of chemical, biological, radio-
9 logical, nuclear, and other related emerging
10 threats, subject to the research, development,
11 testing, and evaluation coordination require-
12 ment described in subparagraph (G);

13 “(B) in coordination with the Office for
14 Strategy, Policy, and Plans, lead development
15 of policies and strategies to counter weapons of
16 mass destruction and chemical, biological, radi-
17 ological, nuclear, and other related emerging
18 threats on behalf of the Department;

19 “(C) identify, assess, and prioritize capa-
20 bility gaps relating to the strategic and mission
21 objectives of the Department for weapons of
22 mass destruction and chemical, biological, radi-
23 ological, nuclear, and other related emerging
24 threats;

1 “(D) in coordination with the Office of In-
2 telligence and Analysis; support components of
3 the Department, and Federal, State, local, and
4 Tribal partners by providing intelligence and in-
5 formation analysis and reports on weapons of
6 mass destruction and chemical, biological, radi-
7 ological, nuclear, and other related emerging
8 threats;

9 “(E) in consultation with the Science and
10 Technology Directorate, assess risk to the
11 United States from weapons of mass destruc-
12 tion and chemical, biological, radiological, nu-
13 clear, and other related emerging threats;

14 “(F) lead development and prioritization of
15 Department requirements to counter weapons
16 of mass destruction and chemical, biological, ra-
17 diological, nuclear, and other related emerging
18 threats; subject to the research, development,
19 testing; and evaluation coordination require-
20 ment described in subparagraph (G), which re-
21 quirements shall be—

22 “(i) developed in coordination with
23 end users; and

1 “(ii) reviewed by the Joint Require-
2 ments Council, as directed by the Sec-
3 retary;

4 “(G) in coordination with the Science and
5 Technology Directorate, direct, fund, and co-
6 ordinate capability development activities to
7 counter weapons of mass destruction and chem-
8 ical, biological, radiological, nuclear, and other
9 related emerging threats research, development,
10 test, and evaluation matters, including research,
11 development, testing, and evaluation expertise,
12 threat characterization, technology maturation,
13 prototyping, and technology transition;

14 “(H) acquire, procure, and deploy capabili-
15 ties to counter weapons of mass destruction and
16 chemical, biological, radiological, nuclear, and
17 other related emerging threats, and serve as the
18 lead advisor of the Department on component
19 acquisition, procurement, and deployment of
20 counter-weapons of mass destruction capabili-
21 ties;

22 “(I) in coordination with the Office of
23 Health Security, support components of the De-
24 partment, and Federal, State, local, and Tribal
25 partners on chemical, biological, radiological,

1 nuclear, and other related emerging threats
2 health matters;

3 “(J) provide expertise on weapons of mass
4 destruction and non-medical aspects of chem-
5 ical, biological, radiological, nuclear, and other
6 related emerging threats to Departmental and
7 Federal partners to support engagements and
8 efforts with international partners subject to
9 the research, development, testing, and evalua-
10 tion coordination requirement under subpara-
11 graph (G); and

12 “(K) carry out any other duties assigned
13 to the Office by the Secretary.

14 “(2) DETECTION AND REPORTING.—For pur-
15 poses of the detection and reporting responsibilities
16 of the Office for weapons of mass destruction and
17 chemical, biological, radiological, nuclear, and other
18 related emerging threats, the Office shall—

19 “(A) in coordination with end users, in-
20 cluding State, local, and Tribal partners, as ap-
21 propriate—

22 “(i) carry out a program to test and
23 evaluate technology, in consultation with
24 the Science and Technology Directorate, to
25 detect and report on weapons of mass de-

1 struction and chemical, biological, radio-
2 logical, nuclear, and other related emerging
3 threats, in coordination with other Federal
4 agencies, as appropriate, and establish per-
5 formance metrics to evaluate the effective-
6 ness of individual detectors and detection
7 systems in detecting those weapons of
8 mass destruction or chemical, biological,
9 radiological, nuclear, or other related
10 emerging threats—

11 “(I) under realistic operational
12 and environmental conditions; and

13 “(II) against realistic adversary
14 tactics and countermeasures;

15 “(B) in coordination with end users, con-
16 duct, support, coordinate, and encourage a
17 transformational program of research and de-
18 velopment to generate and improve technologies
19 to detect, protect against, and report on the il-
20 licit entry, transport, assembly, or potential use
21 within the United States of weapons of mass
22 destruction and chemical, biological, radio-
23 logical, nuclear, and other related emerging
24 threats, and coordinate with the Under Sec-
25 retary for Science and Technology on research

1 and development efforts relevant to the mission
2 of the Office and the Under Secretary for
3 Science and Technology;

4 “(C) before carrying out operational test-
5 ing under subparagraph (A), develop a testing
6 and evaluation plan that articulates the require-
7 ments for the user and describes how these ca-
8 pability needs will be tested in developmental
9 test and evaluation and operational test and
10 evaluation;

11 “(D) as appropriate, develop, acquire, and
12 deploy equipment to detect and report on weap-
13 ons of mass destruction and chemical, biologi-
14 cal, radiological, nuclear, and other related
15 emerging threats in support of Federal, State,
16 local, and Tribal governments;

17 “(E) support and enhance the effective
18 sharing and use of appropriate information on
19 weapons of mass destruction and chemical, bio-
20 logical, radiological, nuclear, and other related
21 emerging threats generated by elements of the
22 intelligence community (as defined in section 3
23 of the National Security Act of 1947 (50
24 U.S.C. 3003)), law enforcement agencies, other
25 Federal agencies, State, local, and Tribal gov-

1 ernments, and foreign governments, as well as
 2 provide appropriate information to those enti-
 3 ties;

4 “(F) consult, as appropriate, with relevant
 5 Departmental components and offices, the De-
 6 partment of Health and Human Services, and
 7 other Federal partners, on weapons of mass de-
 8 struction and non-medical aspects of chemical,
 9 biological, radiological, nuclear, and other re-
 10 lated emerging threats and efforts to mitigate,
 11 prepare, and respond to all threats in support
 12 of the State, local, and Tribal communities; and

13 “(G) perform other duties as assigned by
 14 the Secretary.”;

15 (C) in subsection (b), as so redesignated—

16 (i) in the subsection heading, by strik-
 17 ing “MISSION” and inserting “RADIO-
 18 LOGICAL AND NUCLEAR RESPONSIBIL-
 19 ITIES”;

20 (ii) in paragraph (1)—

21 (I) by inserting “deploy,” after
 22 “acquire,”; and

23 (II) by striking “deployment”
 24 and inserting “operations”;

1 (iii) by striking paragraphs (6)
2 through (10);

3 (iv) redesignating paragraphs (11)
4 and (12) as paragraphs (6) and (7), re-
5 spectively;

6 (v) in paragraph (6), as so redesign-
7 ated—

8 (I) by striking subparagraph (B);

9 (II) by striking “activities—”
10 and all that follows through “to en-
11 sure” and inserting “activities to en-
12 sure”; and

13 (III) by striking “attacks; and”
14 and inserting “attacks;”

15 (vi) in paragraph (7)(C)(v), as so re-
16 designated—

17 (I) in the matter preceding sub-
18 clause (I), by inserting “except as oth-
19 erwise provided,” before “require”;
20 and

21 (II) in subclause (II)—

22 (aa) in the matter preceding
23 item (aa), by striking “death or
24 disability” and inserting “death,
25 disability, or a finding of good

1 cause as determined by the As-
 2 sistant Secretary (including ex-
 3 treme hardship, extreme need, or
 4 the needs of the Office) and for
 5 which the Assistant Secretary
 6 may grant a waiver of the repay-
 7 ment obligation"; and

8 (bb) in item (bb), by adding
 9 "and" at the end;

10 (vii) by striking paragraph (13); and

11 (viii) by redesignating paragraph (14)

12 as paragraph (8); and

13 (D) by inserting after subsection (b), as so
 14 redesignated, the following:

15 "~~(e) CHEMICAL AND BIOLOGICAL RESPONSIBIL-~~
 16 ~~ITIES.—The Office—~~

17 "~~(1) shall be responsible for coordinating with~~
 18 ~~other Federal efforts to enhance the ability of Fed-~~
 19 ~~eral, State, local, and Tribal governments to prevent,~~
 20 ~~detect, mitigate, and protect against the importa-~~
 21 ~~tion, possession, storage, transportation, develop-~~
 22 ~~ment, or use of unauthorized chemical and biological~~
 23 ~~materials, devices, or agents against the United~~
 24 ~~States; and~~

25 "~~(2) shall—~~

1 “(A) serve as a primary entity responsible
2 for the efforts of the Department to develop,
3 acquire, deploy, and support the operations of a
4 national biological detection system and im-
5 prove that system over time;

6 “(B) enhance the chemical and biological
7 detection efforts of Federal, State, local, and
8 Tribal governments and provide guidance, tools,
9 and training to help ensure a managed, coordi-
10 nated response; and

11 “(C) collaborate with the Department of
12 Health and Human Services, the Office of
13 Health Security of the Department, the Defense
14 Advanced Research Projects Agency, and the
15 National Aeronautics and Space Administra-
16 tion, and other relevant Federal stakeholders,
17 and receive input from industry, academia, and
18 the national laboratories on chemical and bio-
19 logical surveillance efforts.”;

20 (5) in section 1924 (6 U.S.C. 593), by striking
21 “section 11011 of the Strom Thurmond National
22 Defense Authorization Act for Fiscal Year 1999 (5
23 U.S.C. 3104 note).” and inserting “section 4092 of
24 title 10, United States Code, except that the author-
25 ity shall be limited to facilitate the recruitment of

1 experts in the chemical, biological, radiological, or
 2 nuclear specialties.”;

3 ~~(6) in section 1927(a)(1)(C) (6 U.S.C.~~
 4 ~~596a(a)(1)(C))—~~

5 (A) in clause (i), by striking “required
 6 under section 1036 of the National Defense Au-
 7 thorization Act for Fiscal Year 2010”;

8 (B) in clause (ii), by striking “and” at the
 9 end;

10 (C) in clause (iii), by striking the period at
 11 the end and inserting “; and”; and

12 (D) by adding at the end the following:

13 “(iv) includes any other information
 14 regarding national technical nuclear
 15 forensics activities carried out under sec-
 16 tion 1923.”;

17 ~~(7) in section 1928 (6 U.S.C. 596b)—~~

18 (A) in subsection (a), by striking “high-
 19 risk urban areas” and inserting “jurisdictions
 20 designated under subsection (e)”;

21 (B) in subsection (e)(1), by striking “from
 22 among high-risk urban areas under section
 23 2003” and inserting “based on the capability
 24 and capacity of the jurisdiction, as well as the
 25 relative threat, vulnerability, and consequences

1 from terrorist attacks and other high-con-
 2 sequence events utilizing nuclear or other radio-
 3 logical materials”;

4 (C) by striking subsection (d) and insert-
 5 ing the following:

6 “(d) REPORT.—Not later than 2 years after the date
 7 of enactment of the Offices of Countering Weapons of
 8 Mass Destruction and Health Security Act of 2023, the
 9 Secretary shall submit to the appropriate congressional
 10 committees an update on the STC program.”;

11 (8) by adding at the end the following:

12 **“SEC. 1929. ACCOUNTABILITY.**

13 “(a) DEPARTMENTWIDE STRATEGY.—

14 “(1) IN GENERAL.—Not later than 180 days
 15 after the date of enactment of Offices of Countering
 16 Weapons of Mass Destruction and Health Security
 17 Act of 2023, and every 4 years thereafter, the Sec-
 18 retary shall create a Departmentwide strategy and
 19 implementation plan to counter weapons of mass de-
 20 struction and chemical, biological, radiological, nu-
 21 clear, and other related emerging threats, which
 22 should—

23 “(A) have clearly identified authorities,
 24 specified roles, objectives, benchmarks, account-
 25 ability, and timelines;

1 “(B) incorporate the perspectives of non-
2 Federal and private sector partners; and

3 “(C) articulate how the Department will
4 contribute to relevant national-level strategies
5 and work with other Federal agencies.

6 “(2) CONSIDERATION.—The Secretary shall ap-
7 propriately consider weapons of mass destruction
8 and chemical, biological, radiological, nuclear, and
9 other related emerging threats when creating the
10 strategy and implementation plan required under
11 paragraph (1).

12 “(3) REPORT.—The Office shall submit to the
13 appropriate congressional committees a report on
14 the updated Departmentwide strategy and imple-
15 mentation plan required under paragraph (1).

16 “(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND
17 STRATEGY.—

18 “(1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of the Offices of Counter-
20 ing Weapons of Mass Destruction and Health Se-
21 curity Act of 2023, the Secretary, in consultation
22 with appropriate stakeholders representing Federal,
23 State, local, Tribal, academic, private sector, and
24 nongovernmental entities, shall conduct a Depart-

1 mentwide review of biodefense activities and strate-
2 gies.

3 “(2) REVIEW.—The review required under
4 paragraph (1) shall—

5 “(A) identify with specificity the biodefense
6 lines of effort of the Department, including re-
7 lating to biodefense roles, responsibilities, and
8 capabilities of components and offices of the
9 Department;

10 “(B) assess how such components and of-
11 fices coordinate internally and with public and
12 private partners in the biodefense enterprise;

13 “(C) identify any policy, resource, capa-
14 bility, or other gaps in the Department’s ability
15 to assess, prevent, protect against, and respond
16 to biological threats; and

17 “(D) identify any organizational changes
18 or reforms necessary for the Department to ef-
19 fectively execute its biodefense mission and role,
20 including with respect to public and private
21 partners in the biodefense enterprise.

22 “(3) STRATEGY.—Not later than 1 year after
23 completion of the review required under paragraph
24 (1), the Secretary shall issue a biodefense strategy
25 for the Department that—

1 “(A) is informed by such review and is
2 aligned with section 1086 of the National De-
3 fense Authorization Act for Fiscal Year 2017 (6
4 U.S.C. 104; relating to the development of a
5 national biodefense strategy and associated im-
6 plementation plan, including a review and as-
7 sessment of biodefense policies, practices, pro-
8 grams, and initiatives) or any successor strat-
9 egy; and

10 “(B) shall—

11 “(i) describe the biodefense mission
12 and role of the Department, as well as how
13 such mission and role relates to the bio-
14 defense lines of effort of the Department;

15 “(ii) clarify, as necessary, biodefense
16 roles, responsibilities, and capabilities of
17 the components and offices of the Depart-
18 ment involved in the biodefense lines of ef-
19 fort of the Department;

20 “(iii) establish how biodefense lines of
21 effort of the Department are to be coordi-
22 nated within the Department;

23 “(iv) establish how the Department
24 engages with public and private partners in
25 the biodefense enterprise, including other

1 Federal agencies, national laboratories and
2 sites, and State, local, and Tribal entities,
3 with specificity regarding the frequency
4 and nature of such engagement by Depart-
5 ment components and offices with State,
6 local, and Tribal entities; and

7 “(v) include information relating to—

8 “(I) milestones and performance
9 metrics that are specific to the bio-
10 defense mission and role of the De-
11 partment described in clause (i); and

12 “(II) implementation of any oper-
13 ational changes necessary to carry out
14 clauses (iii) and (iv).

15 “(4) PERIODIC UPDATE.—Beginning not later
16 than 5 years after the issuance of the biodefense
17 strategy and implementation plans required under
18 paragraph (3), and not less often than once every 5
19 years thereafter, the Secretary shall review and up-
20 date, as necessary, such strategy and plans.

21 “(5) CONGRESSIONAL OVERSIGHT.—Not later
22 than 30 days after the issuance of the biodefense
23 strategy and implementation plans required under
24 paragraph (3), the Secretary shall brief the Com-
25 mittee on Homeland Security and Governmental Af-

1 fairs of the Senate and the Committee on Homeland
2 Security of the House of Representatives regarding
3 such strategy and plans.

4 “(c) EMPLOYEE MORALE.—Not later than 180 days
5 after the date of enactment of the Offices of Countering
6 Weapons of Mass Destruction and Health Security Act of
7 2023, the Office shall submit to and brief the appropriate
8 congressional committees on a strategy and plan to con-
9 tinuously improve morale within the Office.

10 “(d) COMPTROLLER GENERAL.—Not later than 1
11 year after the date of enactment of the Offices of Coun-
12 tering Weapons of Mass Destruction and Health Security
13 Act of 2023, the Comptroller General of the United States
14 shall conduct a review of and brief the appropriate con-
15 gressional committees on—

16 “(1) the efforts of the Office to prioritize the
17 programs and activities that carry out the mission of
18 the Office, including research and development;

19 “(2) the consistency and effectiveness of stake-
20 holder coordination across the mission of the De-
21 partment, including operational and support compo-
22 nents of the Department and State and local enti-
23 ties; and

24 “(3) the efforts of the Office to manage and co-
25 ordinate the lifecycle of research and development

1 within the Office and with other components of the
2 Department, including the Science and Technology
3 Directorate.

4 “(e) NATIONAL ACADEMIES OF SCIENCES, ENGI-
5 NEERING, AND MEDICINE.—

6 “(1) STUDY.—The Secretary shall enter into an
7 agreement with the National Academies of Sciences,
8 Engineering, and Medicine to conduct a consensus
9 study and report to the Secretary and the appro-
10 priate congressional committees on—

11 “(A) the role of the Department in pre-
12 paring, detecting, and responding to biological
13 and health security threats to the homeland;

14 “(B) recommendations to improve depart-
15 mental biosurveillance efforts against biological
16 threats, including any relevant biological detec-
17 tion methods and technologies; and

18 “(C) the feasibility of different techno-
19 logical advances for biodetection compared to
20 the cost, risk reduction, and timeliness of those
21 advances.

22 “(2) BRIEFING.—Not later than 1 year after
23 the date on which the Secretary receives the report
24 required under paragraph (1), the Secretary shall
25 brief the appropriate congressional committees on—

1 “(A) the implementation of the rec-
2 ommendations included in the report; and

3 “(B) the status of biological detection at
4 the Department, and, if applicable, timelines for
5 the transition to updated technology.

6 “(f) **ADVISORY COUNCIL.**—

7 “(1) **ESTABLISHMENT.**—Not later than 180
8 days after the date of enactment of the Offices of
9 Countering Weapons of Mass Destruction and
10 Health Security Act of 2023, the Secretary shall es-
11 tablish an advisory body to advise on the ongoing co-
12 ordination of the efforts of the Department to
13 counter weapons of mass destruction and chemical,
14 biological, radiological, nuclear, and other related
15 emerging threats, to be known as the Advisory
16 Council for Countering Weapons of Mass Destruc-
17 tion (in this subsection referred to as the ‘Advisory
18 Council’).

19 “(2) **MEMBERSHIP.**—The members of the Advi-
20 sory Council shall—

21 “(A) be appointed by the Assistant Sec-
22 retary; and

23 “(B) to the extent practicable, represent a
24 geographic (including urban and rural) and
25 substantive cross section of officials; from

1 State, local, and Tribal governments, academia,
2 the private sector, national laboratories, and
3 nongovernmental organizations, including, as
4 appropriate—

5 “(i) members selected from the emer-
6 gency management field and emergency re-
7 sponse providers;

8 “(ii) State, local, and Tribal govern-
9 ment officials;

10 “(iii) experts in the public and private
11 sectors with expertise in chemical, biologi-
12 cal, radiological, and nuclear materials, de-
13 vices, or agents;

14 “(iv) representatives from the national
15 laboratories; and

16 “(v) such other individuals as the As-
17 sistant Secretary determines to be appro-
18 priate.

19 “(3) RESPONSIBILITIES.— The Advisory Coun-
20 cil shall—

21 “(A) advise the Assistant Secretary on all
22 aspects of countering weapons of mass destruc-
23 tion and chemical, biological, radiological, nu-
24 clear, and other related emerging threats;

1 “(B) incorporate State, local, and Tribal
2 government, national laboratories, and private
3 sector input in the development of the strategy
4 and implementation plan of the Department for
5 countering weapons of mass destruction and
6 chemical, biological, radiological, nuclear, and
7 other related emerging threats; and

8 “(C) provide advice on performance cri-
9 teria for a national biological detection system
10 and review the testing protocol for biological de-
11 tection prototypes.

12 “(4) CONSULTATION.—To ensure input from
13 and coordination with State, local, and Tribal gov-
14 ernments, the Assistant Secretary shall regularly
15 consult and work with the Advisory Council on the
16 administration of Federal assistance provided by the
17 Department, including with respect to the develop-
18 ment of requirements of Office programs, as appro-
19 priate.

20 “(5) VOLUNTARY SERVICE.—The members of
21 the Advisory Council shall serve on the Advisory
22 Council on a voluntary basis.

23 “(6) FACA.—The Federal Advisory Committee
24 Act (5 U.S.C. App.) shall not apply to the Advisory
25 Council.”

1 (b) COUNTERING WEAPONS OF MASS DESTRUCTION
 2 ACT OF 2018.—Section 2 of the Countering Weapons of
 3 Mass Destruction Act of 2018 (Public Law 115–387; 132
 4 Stat. 5162) is amended—

5 (1) in subsection (b)(2) (6 U.S.C. 591 note), by
 6 striking “1927” and inserting “1926”; and

7 (2) in subsection (g) (6 U.S.C. 591 note)—

8 (A) in the matter preceding paragraph (1),
 9 by striking “one year after the date of the en-
 10 actment of this Act, and annually thereafter,”
 11 and inserting “June 30 of each year;” and

12 (B) in paragraph (2), by striking “Secu-
 13 rity, including research and development activi-
 14 ties” and inserting “Security”.

15 (c) SECURITY AND ACCOUNTABILITY FOR EVERY
 16 PORT ACT OF 2006.—The Security and Accountability for
 17 Every Port Act of 2006 (6 U.S.C. 901 et seq.) is amend-
 18 ed—

19 (1) in section 1(b) (Public Law 109–347; 120
 20 Stat 1884), by striking the item relating to section
 21 502; and

22 (2) by striking section 502 (6 U.S.C. 592a).

23 **SEC. 102. RULE OF CONSTRUCTION.**

24 Nothing in this Act or the amendments made by this
 25 Act may be construed as modifying any existing authority

1 under any provision of law not expressly amended by this
2 Act.

3 **TITLE II—OFFICE OF HEALTH**
4 **SECURITY**

5 **SEC. 201. OFFICE OF HEALTH SECURITY.**

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

8 (1) in section 103 (6 U.S.C. 113)—

9 (A) in subsection (a)(2)—

10 (i) by striking “the Assistant Sec-
11 retary for Health Affairs,”; and

12 (ii) by striking “Affairs, or” and in-
13 serting “Affairs or”; and

14 (B) in subsection (d), by adding at the end
15 the following:

16 “(6) A Chief Medical Officer.”;

17 (2) by adding at the end the following:

18 **“TITLE XXIII—OFFICE OF**
19 **HEALTH SECURITY”;**

20 (3) by redesignating section 1931 (6 U.S.C.
21 597) as section 2301 and transferring such section
22 to appear after the heading for title XXIII, as added
23 by paragraph (2);

24 (4) in section 2301, as so redesignated—

1 (A) in the section heading, by striking
 2 ~~“CHIEF MEDICAL OFFICER”~~ and inserting
 3 ~~“OFFICE OF HEALTH SECURITY”~~;

4 (B) by striking subsections (a) and (b) and
 5 inserting the following:

6 “(a) ~~IN GENERAL.~~—There is established in the De-
 7 partment an Office of Health Security.

8 “(b) ~~HEAD OF OFFICE OF HEALTH SECURITY.~~—The
 9 Office of Health Security shall be headed by a chief med-
 10 ical officer, who shall—

11 “(1) be the Assistant Secretary for Health Se-
 12 curity and the Chief Medical Officer of the Depart-
 13 ment;

14 “(2) be a licensed physician possessing a dem-
 15 onstrated ability in and knowledge of medicine and
 16 public health;

17 “(3) be appointed by the President; and

18 ~~“(4) report directly to the Secretary.”~~;

19 (C) in subsection (c)—

20 (i) in the matter preceding paragraph
 21 (1), by striking “medical issues related to
 22 natural disasters, acts of terrorism, and
 23 other man-made disasters” and inserting
 24 “medical activities of the Department and

1 all workforce-focused health and safety ac-
2 tivities of the Department”;

3 (ii) in paragraph (1), by striking “,
4 the Administrator of the Federal Emer-
5 gency Management Agency, the Assistant
6 Secretary, and other Department officials”
7 and inserting “and all other Department
8 officials”;

9 (iii) in paragraph (4), by striking
10 “and” at the end;

11 (iv) by redesignating paragraph (5) as
12 paragraph (13); and

13 (v) by inserting after paragraph (4)
14 the following:

15 “(5) overseeing all medical activities of the De-
16 partment, including the delivery, advisement, and
17 support of direct patient care and the organization,
18 management, and staffing of component operations
19 that deliver direct patient care;

20 “(6) advising the head of each component of
21 the Department that delivers direct patient care re-
22 garding the recruitment and appointment of a com-
23 ponent chief medical officer and deputy chief med-
24 ical officer or the employee who functions in the ca-

1 capacity of chief medical officer and deputy chief med-
2 ical officer;

3 ~~“(7) advising the Secretary and the head of~~
4 each component of the Department that delivers di-
5 rect patient care regarding knowledge and skill
6 standards for medical personnel and the assessment
7 of that knowledge and skill;

8 ~~“(8) in coordination with the Chief Privacy Of-~~
9 ficer of the Department and the Chief Information
10 Officer of the Department, advising the Secretary
11 and the head of each component of the Department
12 that delivers patient care regarding the collection,
13 storage, and oversight of medical records;

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,
17 operational, or support component of the Depart-
18 ment, advising the head of each such component
19 with such a 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
24 employee solely because such employee self-
25 identifies a need for psychological health coun-

1 seling or assistance or receives such counseling
2 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
17 making additional training and resources avail-
18 able for peer support personnel in the work-
19 place 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 treat-
23 ment;

24 “(G) prioritizing, as appropriate, expertise
25 in the provision of psychological health coun-

1 seling and assistance for certain populations of
2 the workforce, such as employees serving in po-
3 sitions within law enforcement, to help improve
4 outcomes for those employees receiving that
5 counseling or assistance; and

6 “~~(H)~~ including, when appropriate, collabo-
7 rating and partnering with key employee stake-
8 holders and, for those components with employ-
9 ees with an exclusive representative, the exclu-
10 sive representative with respect to such a pro-
11 gram;

12 “~~(10)~~ in consultation with the Chief Informa-
13 tion Officer of the Department—

14 “~~(A)~~ identifying methods and technologies
15 for managing, updating, and overseeing patient
16 records; and

17 “~~(B)~~ setting standards for technology used
18 by the components of the Department regarding
19 the collection, storage, and oversight of medical
20 records;

21 “~~(11)~~ advising the Secretary and the head of
22 each component of the Department that delivers di-
23 rect patient care regarding contracts for the delivery
24 of direct patient care, other medical services, and
25 medical supplies;

1 “(12) coordinating with the Countering Weap-
 2 ons of Mass Destruction Office and other compo-
 3 nents of the Department as directed by the Sec-
 4 retary, Federal agencies including the Department
 5 of Agriculture, the Department of Health and
 6 Human Services, the Department of State, and the
 7 Department of Transportation, State, local, and
 8 Tribal governments, and the medical community;
 9 and”;

10 (D) by adding at the end the following:

11 “(d) ASSISTANCE AND AGREEMENTS.—The Sec-
 12 retary, acting through the Chief Medical Officer, in sup-
 13 port of the medical activities of the Department, may—

14 “(1) provide technical assistance, training, and
 15 information to State, local, and Tribal governments
 16 and nongovernmental organizations;

17 “(2) enter into agreements with other Federal
 18 agencies; and

19 “(3) accept services from personnel of compo-
 20 nents of the Department and other Federal agencies
 21 on a reimbursable or nonreimbursable basis.

22 “(e) OFFICE OF HEALTH SECURITY PRIVACY OFFI-
 23 CER.—There shall be a Privacy Officer in the Office of
 24 Health Security with primary responsibility for privacy
 25 policy and compliance within the Office, who shall—

1 “(1) report directly to the Chief Medical Offi-
2 cer; and

3 “(2) ensure privacy protections are integrated
4 into all Office of Health Security activities, subject
5 to the review and approval of the Chief Privacy Offi-
6 cer of the Department to the extent consistent with
7 the authority of the Chief Privacy Officer of the De-
8 partment under section 222.

9 “(f) ACCOUNTABILITY.—

10 “(1) STRATEGY AND IMPLEMENTATION
11 PLAN.—Not later than 180 days after the date of
12 enactment of this section, and every 4 years there-
13 after, the Secretary shall create a Departmentwide
14 strategy and implementation plan to address medical
15 activities of, and the workforce health and safety
16 matters under the purview of, the Department.

17 “(2) BRIEFING.—Not later than 90 days after
18 the date of enactment of this section, the Secretary
19 shall brief the appropriate congressional committees
20 on the organizational transformations of the Office
21 of Health Security, including how best practices
22 were used in the creation of the Office of Health Se-
23 curity.”;

1 (5) by redesignating section 710 (6 U.S.C. 350)
2 as section 2302 and transferring such section to ap-
3 pear after section 2301, as so redesignated;

4 (6) in section 2302, as so redesignated—

5 (A) in the section heading, by striking
6 “**MEDICAL SUPPORT**” and inserting “**SAFE-**
7 **TY**”;

8 (B) in subsection (a), by striking “Under
9 Secretary for Management” each place that
10 term appears and inserting “Chief Medical Offi-
11 cer”; and

12 (C) in subsection (b)—

13 (i) in the matter preceding paragraph
14 (1), by striking “Under Secretary for Man-
15 agement, in coordination with the Chief
16 Medical Officer,” and inserting “Chief
17 Medical Officer”; and

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

21 (7) by redesignating section 528 (6 U.S.C.
22 321q) as section 2303 and transferring such section
23 to appear after section 2302, as so redesignated;

24 (8) in section 2303, as so redesignated—

1 (A) in subsection (a), by striking “Assist-
2 ant Secretary for the Countering Weapons of
3 Mass Destruction Office” and inserting “Chief
4 Medical Officer”; and

5 (B) in subsection (b)—

6 (i) in paragraph (1), by striking
7 “Homeland Security Presidential Directive
8 9-Defense of the United States Agriculture
9 and Food” and inserting “National Secu-
10 rity Memorandum 16—Strengthening the
11 Security and Resilience of the United
12 States Food and Agriculture”; and

13 (ii) in paragraph (6), by inserting
14 “the Department of Agriculture and
15 other” before “appropriate”;

16 (9) by redesignating section 1932 (6 U.S.C.
17 597a) as section 2304 and transferring such section
18 to appear after section 2303, as so redesignated;

19 (10) in section 2304(f)(2)(B), as so redesi-
20 gnated, by striking “Office of the Assistant Secretary
21 for Preparedness and Response” and inserting “Ad-
22 ministration for Strategic Preparedness and Re-
23 sponse”; and

24 (11) by inserting after section 2304, as so re-
25 designated, the following:

1 **“SEC. 2305. RULES OF CONSTRUCTION.**

2 “Nothing in this title shall be construed to—

3 “(1) override or otherwise affect the require-
4 ments described in section 888;

5 “(2) require the advice of the Chief Medical Of-
6 ficer on the appointment of Coast Guard officers or
7 the officer from the Public Health Service of the De-
8 partment of Health and Human Services assigned to
9 the Coast Guard;

10 “(3) provide the Chief Medical Officer with au-
11 thority to take any action that would diminish the
12 interoperability of the Coast Guard medical system
13 with the medical systems of the other branches of
14 the Armed Forces of the United States; or

15 “(4) affect or diminish the authority of the Sec-
16 retary of Health and Human Services or to grant to
17 the Chief Medical Officer any authority that is vest-
18 ed in, or delegated to, the Secretary of Health and
19 Human Services.”.

20 (b) **TRANSITION AND TRANSFERS.—**

21 (1) **TRANSITION.—**The individual appointed
22 pursuant to section 1931 of the Homeland Security
23 Act of 2002 (6 U.S.C. 597) of the Department of
24 Homeland Security, as in effect on the day before
25 the date of enactment of this Act, and serving as the
26 Chief Medical Officer of the Department of Home-

1 land Security on the day before the date of enact-
2 ment of this Act, shall continue to serve as the Chief
3 Medical Officer of the Department on and after the
4 date of enactment of this Act without the need for
5 reappointment.

6 (2) TRANSFER.—The Secretary of Homeland
7 Security shall transfer to the Chief Medical Officer
8 of the Department of Homeland Security—

9 (A) all functions, personnel, budget author-
10 ity, and assets of the Under Secretary for Man-
11 agement relating to workforce health and safe-
12 ty, as in existence on the day before the date
13 of enactment of this Act;

14 (B) all functions, personnel, budget au-
15 thority, and assets of the Assistant Secretary
16 for the Countering Weapons of Mass Destruc-
17 tion Office relating to the Chief Medical Officer,
18 including the Medical Operations Directorate of
19 the Countering Weapons of Mass Destruction
20 Office, as in existence on the day before the
21 date of enactment of this Act; and

22 (C) all functions, personnel, budget author-
23 ity, and assets of the Assistant Secretary for
24 the Countering Weapons of Mass Destruction
25 Office associated with the efforts pertaining to

1 the program coordination activities relating to
 2 defending the food, agriculture, and veterinary
 3 defenses of the Office, as in existence on the
 4 day before the date of enactment of this Act.

5 **SEC. 202. CONFIDENTIALITY OF MEDICAL QUALITY ASSUR-**
 6 **ANCE RECORDS.**

7 Title XXIII of the Homeland Security Act of 2002,
 8 as added by this Act, is amended by adding at the end
 9 the following:

10 **“SEC. 2306. CONFIDENTIALITY OF MEDICAL QUALITY AS-**
 11 **SURANCE RECORDS.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) HEALTH CARE PROVIDER.—The term
 14 ‘health care provider’ means an individual who—

15 “(A) is—

16 “(i) an employee of the Department;

17 “(ii) a detailee to the Department
 18 from another Federal agency;

19 “(iii) a personal services contractor of
 20 the Department; or

21 “(iv) hired under a contract for serv-
 22 ices;

23 “(B) performs health care services as part
 24 of duties of the individual in that capacity; and

1 “(C) has a current, valid, and unrestricted
2 license or certification—

3 “(i) that is issued by a State, the Dis-
4 trict of Columbia, or a commonwealth, ter-
5 ritory, or possession of the United States;
6 and

7 “(ii) that is for the practice of medi-
8 cine, osteopathic medicine, dentistry, nurs-
9 ing, emergency medical services, or another
10 health profession.

11 “(2) MEDICAL QUALITY ASSURANCE PRO-
12 GRAM.—The term ‘medical quality assurance pro-
13 gram’ means any activity carried out on or after the
14 date of enactment of this section by the Department
15 to assess the quality of medical care, including ac-
16 tivities conducted by individuals, committees, or
17 other review bodies responsible for quality assurance,
18 credentials, infection control, incident reporting, the
19 delivery, advisement, and support of direct patient
20 care and assessment (including treatment proce-
21 dures, blood, drugs, and therapeutics), medical
22 records, health resources management review, and
23 identification and prevention of medical, mental
24 health, or dental incidents and risks.

1 “(3) MEDICAL QUALITY ASSURANCE RECORD
2 OF THE DEPARTMENT.—The term ‘medical quality
3 assurance record of the Department’ means the pro-
4 ceedings, records (including patient records that the
5 Department creates and maintains as part of a sys-
6 tem of records), minutes, and reports that—

7 “(A) emanate from quality assurance pro-
8 gram activities described in paragraph (2); and

9 “(B) are produced or compiled by the De-
10 partment as part of a medical quality assurance
11 program.

12 “(b) CONFIDENTIALITY OF RECORDS.—A medical
13 quality assurance record of the Department that is created
14 as part of a medical quality assurance program—

15 “(1) is confidential and privileged; and

16 “(2) except as provided in subsection (d), may
17 not be disclosed to any person or entity.

18 “(c) PROHIBITION ON DISCLOSURE AND TESTI-
19 MONY.—Except as otherwise provided in this section—

20 “(1) no part of any medical quality assurance
21 record of the Department may be subject to dis-
22 covery or admitted into evidence in any judicial or
23 administrative proceeding; and

24 “(2) an individual who reviews or creates a
25 medical quality assurance record of the Department

1 or who participates in any proceeding that reviews
2 or creates a medical quality assurance record of the
3 Department may not be permitted or required to
4 testify in any judicial or administrative proceeding
5 with respect to such record or with respect to any
6 finding, recommendation, evaluation, opinion, or ac-
7 tion taken by such individual in connection with
8 such record.

9 “(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

10 “(1) IN GENERAL.—Subject to paragraph (2), a
11 medical quality assurance record of the Department
12 may be disclosed, and a person described in sub-
13 section (c)(2) may give testimony in connection with
14 the record, only as follows:

15 “(A) To a Federal agency or private orga-
16 nization, if such medical quality assurance
17 record of the Department or testimony is need-
18 ed by the Federal agency or private organiza-
19 tion to—

20 “(i) perform licensing or accreditation
21 functions related to Department health
22 care facilities, a facility affiliated with the
23 Department, or any other location author-
24 ized by the Secretary for the performance
25 of health care services; or

1 ~~“(ii) perform monitoring, required by~~
2 ~~law, of Department health care facilities, a~~
3 ~~facility affiliated with the Department, or~~
4 ~~any other location authorized by the Sec-~~
5 ~~retary for the performance of health care~~
6 ~~services.~~

7 ~~“(B) To an administrative or judicial pro-~~
8 ~~ceeding concerning an adverse action related to~~
9 ~~the credentialing of or health care provided by~~
10 ~~a present or former health care provider by the~~
11 ~~Department.~~

12 ~~“(C) To a governmental board or agency~~
13 ~~or to a professional health care society or orga-~~
14 ~~nization, if such medical quality assurance~~
15 ~~record of the Department or testimony is need-~~
16 ~~ed by the board, agency, society, or organiza-~~
17 ~~tion to perform licensing, credentialing, or the~~
18 ~~monitoring of professional standards with re-~~
19 ~~spect to any health care provider who is or was~~
20 ~~a health care provider for the Department.~~

21 ~~“(D) To a hospital, medical center, or~~
22 ~~other institution that provides health care serv-~~
23 ~~ices, if such medical quality assurance record of~~
24 ~~the Department or testimony is needed by such~~
25 ~~institution to assess the professional qualifica-~~

1 tions of any health care provider who is or was
2 a health care provider for the Department and
3 who has applied for or been granted authority
4 or employment to provide health care services
5 in or on behalf of the institution.

6 “(E) To an employee, a detailee, or a con-
7 tractor of the Department who has a need for
8 such medical quality assurance record of the
9 Department or testimony to perform official du-
10 ties or duties within the scope of their contract.

11 “(F) To a criminal or civil law enforce-
12 ment agency or instrumentality charged under
13 applicable law with the protection of the public
14 health or safety, if a qualified representative of
15 the agency or instrumentality makes a written
16 request that such medical quality assurance
17 record of the Department or testimony be pro-
18 vided for a purpose authorized by law.

19 “(G) In an administrative or judicial pro-
20 ceeding commenced by a criminal or civil law
21 enforcement agency or instrumentality de-
22 scribed in subparagraph (F), but only with re-
23 spect to the subject of the proceeding.

24 “(2) PERSONALLY IDENTIFIABLE INFORMA-
25 TION.—

1 “(A) IN GENERAL.—With the exception of
2 the subject of a quality assurance action, per-
3 sonally identifiable information of any person
4 receiving health care services from the Depart-
5 ment or of any other person associated with the
6 Department for purposes of a medical quality
7 assurance program that is disclosed in a med-
8 ical quality assurance record of the Department
9 shall be deleted from that record before any dis-
10 closure of the record is made outside the De-
11 partment.

12 “(B) APPLICATION.—The requirement
13 under subparagraph (A) shall not apply to the
14 release of information that is permissible under
15 section 552a of title 5, United States Code
16 (commonly known as the ‘Privacy Act of
17 1974’).

18 “(c) DISCLOSURE FOR CERTAIN PURPOSES.—Noth-
19 ing in this section shall be construed—

20 “(1) to authorize or require the withholding
21 from any person or entity de-identified aggregate
22 statistical information regarding the results of med-
23 ical quality assurance programs, under de-identifica-
24 tion standards developed by the Secretary in con-
25 sultation with the Secretary of Health and Human

1 Services, as appropriate, that is released in a man-
2 ner in accordance with all other applicable legal re-
3 quirements; or

4 “(2) to authorize the withholding of any med-
5 ical quality assurance record of the Department
6 from a committee of either House of Congress, any
7 joint committee of Congress, or the Comptroller
8 General of the United States if the record pertains
9 to any matter within their respective jurisdictions.

10 “(f) PROHIBITION ON DISCLOSURE OF INFORMA-
11 TION, RECORD, OR TESTIMONY.—A person or entity hav-
12 ing possession of or access to a medical quality assurance
13 record of the Department or testimony described in this
14 section may not disclose the contents of the record or testi-
15 mony in any manner or for any purpose except as provided
16 in this section.

17 “(g) EXEMPTION FROM FREEDOM OF INFORMATION
18 ACT.—A medical quality assurance record of the Depart-
19 ment shall be exempt from disclosure under section
20 552(b)(3) of title 5, United States Code.

21 “(h) LIMITATION ON CIVIL LIABILITY.—A person
22 who participates in the review or creation of, or provides
23 information to a person or body that reviews or creates,
24 a medical quality assurance record of the Department
25 shall not be civilly liable under this section for that partici-

1 pation or for providing that information if the participa-
2 tion or provision of information was—

3 “(1) provided in good faith based on prevailing
4 professional standards at the time the medical qual-
5 ity assurance program activity took place; and

6 “(2) made in accordance with any other appli-
7 cable legal requirement, including Federal privacy
8 laws and regulations.

9 “(i) APPLICATION TO INFORMATION IN CERTAIN
10 OTHER RECORDS.—Nothing in this section shall be con-
11 strued as limiting access to the information in a record
12 created and maintained outside a medical quality assur-
13 ance program, including the medical record of a patient,
14 on the grounds that the information was presented during
15 meetings of a review body that are part of a medical qual-
16 ity assurance program.

17 “(j) PENALTY.—Any person who willfully discloses a
18 medical quality assurance record of the Department other
19 than as provided in this section, knowing that the record
20 is a medical quality assurance record of the Department
21 shall be fined not more than \$3,000 in the case of a first
22 offense and not more than \$20,000 in the case of a subse-
23 quent offense.

24 “(k) RELATIONSHIP TO COAST GUARD.—The re-
25 quirements of this section shall not apply to any medical

1 quality assurance record of the Department that is created
2 by or for the Coast Guard as part of a medical quality
3 assurance program.

4 “(l) CONTINUED PROTECTION.—Disclosure under
5 subsection (d) does not permit redisclosure except to the
6 extent the further disclosure is authorized under sub-
7 section (d) or is otherwise authorized to be disclosed under
8 this section.

9 “(m) RELATIONSHIP TO OTHER LAW.—This section
10 shall continue in force and effect, except as otherwise spe-
11 cifically provided in any Federal law enacted after the date
12 of enactment of this Act.

13 “(n) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to supersede the requirements of—

15 “(1) the Health Insurance Portability and Ac-
16 countability Act of 1996 (Public Law 104–191; 110
17 Stat. 1936) and its implementing regulations;

18 “(2) the Health Information Technology for
19 Economic and Clinical Health Act (42 U.S.C. 17931
20 et seq.) and its implementing regulations; or

21 “(3) sections 921 through 926 of the Public
22 Health Service Act (42 U.S.C. 299b–21 through
23 299b–26) and their implementing regulations.”.

1 **SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.**

2 The Homeland Security Act of 2002 (6 U.S.C. 101
3 et seq.) is amended—

4 (1) in the table of contents in section 1(b)
5 (Public Law 107–296; 116 Stat. 2135)—

6 (A) by striking the items relating to sec-
7 tions 528 and 529 and inserting the following:

“Sec. 528. Transfer of equipment during a public health emergency.”;

8 (B) by striking the items relating to sec-
9 tions 710, 711, 712, and 713 and inserting the
10 following:

“Sec. 710. Employee engagement.

“Sec. 711. Annual employee award program.

“Sec. 712. Acquisition professional career program.”;

11 (C) by inserting after the item relating to
12 section 1928 the following:

“Sec. 1929. Accountability.”;

13 (D) by striking the items relating to sub-
14 title C of title XIX and sections 1931 and
15 1932; and

16 (E) by adding at the end the following:

“TITLE XXIII—OFFICE OF HEALTH SECURITY

“Sec. 2301. Office of Health Security.

“Sec. 2302. Workforce health and safety.

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

“Sec. 2304. Medical countermeasures.

“Sec. 2305. Rules of construction.

“Sec. 2306. Confidentiality of medical quality assurance records.”;

17 (2) by redesignating section 529 (6 U.S.C.
18 321r) as section 528;

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

4 ~~(4)~~ by redesignating sections 711, 712, and 713
 5 as sections 710, 711, and 712, respectively;

6 ~~(5)~~ in section 1923(d)(3) (6 U.S.C.
 7 592(d)(3))—

8 (A) in the paragraph heading, by striking
 9 “HAWAIIAN NATIVE-SERVING” and inserting
 10 “NATIVE HAWAIIAN-SERVING”; and

11 (B) by striking “Hawaiian native-serving”
 12 and inserting “Native Hawaiian-serving”; and

13 ~~(6)~~ by striking the subtitle heading for subtitle
 14 C of title XIX.

15 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

16 (a) *SHORT TITLE.*—*This Act may be cited as the “Of-*
 17 *fices of Countering Weapons of Mass Destruction and*
 18 *Health Security Act of 2023”.*

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

Sec. 1. Short title; table of contents.

TITLE I—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Sec. 101. Countering Weapons of Mass Destruction Office.

Sec. 102. Rule of construction.

TITLE II—OFFICE OF HEALTH SECURITY

Sec. 201. Office of Health Security.

Sec. 202. Confidentiality of medical quality assurance records.

Sec. 203. Technical and conforming amendments.

1 **TITLE I—COUNTERING WEAPONS**
2 **OF MASS DESTRUCTION OFFICE**

3 **SEC. 101. COUNTERING WEAPONS OF MASS DESTRUCTION**
4 **OFFICE.**

5 (a) *HOMELAND SECURITY ACT OF 2002.—Title XIX*
6 *of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.)*
7 *is amended—*

8 (1) *in section 1901 (6 U.S.C. 591)—*

9 (A) *in subsection (c), by striking para-*
10 *graphs (1) and (2) and inserting the following:*

11 “(1) *matters and strategies pertaining to—*

12 “(A) *weapons of mass destruction; and*

13 “(B) *non-medical aspects of chemical, bio-*
14 *logical, radiological, nuclear, and other related*
15 *emerging threats;*

16 “(2) *coordinating the efforts of the Department*
17 *to counter—*

18 “(A) *weapons of mass destruction; and*

19 “(B) *non-medical aspects of chemical, bio-*
20 *logical, radiological, nuclear, and other related*
21 *emerging threats; and*

22 “(3) *enhancing the ability of Federal, State,*
23 *local, and Tribal partners to prevent, detect, protect*
24 *against, and mitigate the impacts of terrorist attacks*
25 *in the United States to counter—*

1 “(A) weapons of mass destruction; and

2 “(B) non-medical aspects of use of unau-
3 thorized chemical, biological, radiological, and
4 nuclear materials, devices, or agents and other
5 related emerging threats.”; and

6 (B) by striking subsection (e);

7 (2) by amending section 1921 (6 U.S.C. 591g) to
8 read as follows:

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

10 *“The Office shall be responsible for—*

11 *“(1) coordinating the efforts of the Department*
12 *and with other Federal departments and agencies to*
13 *counter—*

14 *“(A) weapons of mass destruction; and*

15 *“(B) chemical, biological, radiological, nu-*
16 *clear, and other related emerging threats; and*

17 *“(2) enhancing the ability of Federal, State,*
18 *local, and Tribal partners to prevent, detect, protect*
19 *against, and mitigate the impacts of attacks using—*

20 *“(A) weapons of mass destruction against*
21 *the United States; or*

22 *“(B) unauthorized chemical, biological, ra-*
23 *diological, nuclear materials, devices, or agents*
24 *or other related emerging threats against the*
25 *United States.”;*

1 (3) *in section 1922 (6 U.S.C. 591h)—*

2 (A) *by striking subsection (b); and*

3 (B) *by redesignating subsection (c) as sub-*
4 *section (b);*

5 (4) *in section 1923 (6 U.S.C. 592)—*

6 (A) *by redesignating subsections (a) and (b)*
7 *as subsections (b) and (d), respectively;*

8 (B) *by inserting before subsection (b), as so*
9 *redesignated, the following:*

10 “(a) *OFFICE RESPONSIBILITIES.—*

11 “(1) *IN GENERAL.—For the purposes of coordi-*
12 *nating the efforts of the Department to counter weap-*
13 *ons of mass destruction and chemical, biological, ra-*
14 *diological, nuclear, and other related emerging*
15 *threats, the Office shall—*

16 “(A) *provide expertise and guidance to De-*
17 *partment leadership and components on non-*
18 *medical aspects of chemical, biological, radio-*
19 *logical, nuclear, and other related emerging*
20 *threats, subject to the research, development, test-*
21 *ing, and evaluation coordination requirement de-*
22 *scribed in subparagraph (G);*

23 “(B) *in coordination with the Office of*
24 *Strategy, Policy, and Plans, lead development of*
25 *policies and strategies to counter weapons of*

1 *mass destruction and chemical, biological, radio-*
2 *logical, nuclear, and other related emerging*
3 *threats on behalf of the Department;*

4 “(C) identify, assess, and prioritize capa-
5 *bility gaps relating to the strategic and mission*
6 *objectives of the Department for weapons of mass*
7 *destruction and chemical, biological, radio-*
8 *logical, nuclear, and other related emerging*
9 *threats;*

10 “(D) in coordination with the Office of In-
11 *telligence and Analysis, support components of*
12 *the Department, and Federal, State, local, and*
13 *Tribal partners by providing intelligence and in-*
14 *formation analysis and reports on weapons of*
15 *mass destruction and chemical, biological, radio-*
16 *logical, nuclear, and other related emerging*
17 *threats;*

18 “(E) in consultation with the Science and
19 *Technology Directorate, assess risk to the United*
20 *States from weapons of mass destruction and*
21 *chemical, biological, radiological, nuclear, and*
22 *other related emerging threats;*

23 “(F) lead development and prioritization of
24 *Department requirements to counter weapons of*
25 *mass destruction and chemical, biological, radio-*

1 *logical, nuclear, and other related emerging*
2 *threats, subject to the research, development, test-*
3 *ing, and evaluation coordination requirement de-*
4 *scribed in subparagraph (G), which requirements*
5 *shall be—*

6 *“(i) developed in coordination with*
7 *end users; and*

8 *“(ii) reviewed by the Joint Require-*
9 *ments Council, as directed by the Secretary;*

10 *“(G) in coordination with the Science and*
11 *Technology Directorate, direct, fund, and coordi-*
12 *nate capability development activities to counter*
13 *weapons of mass destruction and chemical, bio-*
14 *logical, radiological, nuclear, and other related*
15 *emerging threats research, development, test, and*
16 *evaluation matters, including research, develop-*
17 *ment, testing, and evaluation expertise, threat*
18 *characterization, technology maturation, proto-*
19 *typing, and technology transition;*

20 *“(H) acquire, procure, and deploy capabili-*
21 *ties to counter weapons of mass destruction and*
22 *chemical, biological, radiological, nuclear, and*
23 *other related emerging threats, and serve as the*
24 *lead advisor of the Department on component ac-*

1 *quisition, procurement, and deployment of*
2 *counter-weapons of mass destruction capabilities;*

3 “(I) *in coordination with the Office of*
4 *Health Security, support components of the De-*
5 *partment, and Federal, State, local, and Tribal*
6 *partners on chemical, biological, radiological,*
7 *nuclear, and other related emerging threats*
8 *health matters;*

9 “(J) *provide expertise on weapons of mass*
10 *destruction and non-medical aspects of chemical,*
11 *biological, radiological, nuclear, and other re-*
12 *lated emerging threats to Departmental and Fed-*
13 *eral partners to support engagements and efforts*
14 *with international partners subject to the re-*
15 *search, development, testing, and evaluation co-*
16 *ordination requirement under subparagraph (G);*
17 *and*

18 “(K) *carry out any other duties assigned to*
19 *the Office by the Secretary.*

20 “(2) *DETECTION AND REPORTING.—For purposes*
21 *of the detection and reporting responsibilities of the*
22 *Office for weapons of mass destruction and chemical,*
23 *biological, radiological, nuclear, and other related*
24 *emerging threats, the Office shall—*

1 “(A) in coordination with end users, includ-
2 ing State, local, and Tribal partners, as appro-
3 priate—

4 “(i) carry out a program to test and
5 evaluate technology, in consultation with
6 the Science and Technology Directorate, to
7 detect and report on weapons of mass de-
8 struction and chemical, biological, radio-
9 logical, nuclear, and other related emerging
10 threats, in coordination with other Federal
11 agencies, as appropriate, and establish per-
12 formance metrics to evaluate the effective-
13 ness of individual detectors and detection
14 systems in detecting those weapons of mass
15 destruction or chemical, biological, radio-
16 logical, nuclear, or other related emerging
17 threats—

18 “(I) under realistic operational
19 and environmental conditions; and

20 “(II) against realistic adversary
21 tactics and countermeasures;

22 “(B) in coordination with end users, con-
23 duct, support, coordinate, and encourage a
24 transformational program of research and devel-
25 opment to generate and improve technologies to

1 *detect, protect against, and report on the illicit*
2 *entry, transport, assembly, or potential use with-*
3 *in the United States of weapons of mass destruc-*
4 *tion and chemical, biological, radiological, nu-*
5 *clear, and other related emerging threats, and co-*
6 *ordinate with the Under Secretary for Science*
7 *and Technology on research and development ef-*
8 *forts relevant to the mission of the Office and the*
9 *Under Secretary for Science and Technology;*

10 “(C) before carrying out operational testing
11 under subparagraph (A), develop a testing and
12 evaluation plan that articulates the requirements
13 for the user and describes how these capability
14 needs will be tested in developmental test and
15 evaluation and operational test and evaluation;

16 “(D) as appropriate, develop, acquire, and
17 deploy equipment to detect and report on weap-
18 ons of mass destruction and chemical, biological,
19 radiological, nuclear, and other related emerging
20 threats in support of Federal, State, local, and
21 Tribal governments;

22 “(E) support and enhance the effective shar-
23 ing and use of appropriate information on
24 weapons of mass destruction and chemical, bio-
25 logical, radiological, nuclear, and other related

1 *emerging threats generated by elements of the in-*
2 *telligence community, law enforcement agencies,*
3 *other Federal agencies, State, local, and Tribal*
4 *governments, and foreign governments, as well as*
5 *provide appropriate information to those enti-*
6 *ties;*

7 “(F) consult, as appropriate, with relevant
8 Departmental components and offices, the De-
9 partment of Health and Human Services, and
10 other Federal partners, on weapons of mass de-
11 struction and non-medical aspects of chemical,
12 biological, radiological, nuclear, and other re-
13 lated emerging threats and efforts to mitigate,
14 prepare, and respond to all threats in support of
15 the State, local, and Tribal communities; and

16 “(G) perform other duties as assigned by the
17 Secretary.”;

18 (C) in subsection (b), as so redesignated—

19 (i) in the subsection heading, by strik-
20 ing “MISSION” and inserting “RADIO-
21 LOGICAL AND NUCLEAR RESPONSIBIL-
22 ITIES”;

23 (ii) in paragraph (1)—

24 (I) by inserting “deploy,” after
25 “acquire,”; and

1 (ii) by striking “deployment” and
2 inserting “operation”;

3 (iii) by striking paragraphs (6)
4 through (10);

5 (iv) redesignating paragraphs (11) and
6 (12) as paragraphs (6) and (7), respec-
7 tively;

8 (v) in paragraph (6), as so redesign-
9 ated—

10 (I) by striking subparagraph (B);

11 (II) by striking “activities—”
12 and all that follows through “to en-
13 sure” and inserting “activities to en-
14 sure”; and

15 (III) by striking “attacks; and”
16 and inserting “attacks;”;

17 (vi) in paragraph (7)(C)(v), as so re-
18 designated—

19 (I) in the matter preceding sub-
20 clause (I), by inserting “except as oth-
21 erwise provided,” before “require”; and

22 (II) in subclause (II)—

23 (aa) in the matter preceding
24 item (aa), by striking “death or
25 disability” and inserting “death,

1 *disability, or a finding of good*
2 *cause as determined by the Assist-*
3 *ant Secretary (including extreme*
4 *hardship, extreme need, or the*
5 *needs of the Office) and for which*
6 *the Assistant Secretary may grant*
7 *a waiver of the repayment obliga-*
8 *tion”; and*

9 *(bb) in item (bb), by adding*
10 *“and” at the end;*

11 *(vii) by striking paragraph (13); and*

12 *(viii) by redesignating paragraph (14)*

13 *as paragraph (8); and*

14 *(D) by inserting after subsection (b), as so*
15 *redesignated, the following:*

16 *“(c) CHEMICAL AND BIOLOGICAL RESPONSIBIL-*
17 *ITIES.—The Office—*

18 *“(1) shall be responsible for coordinating with*
19 *other Federal efforts to enhance the ability of Federal,*
20 *State, local, and Tribal governments to prevent, de-*
21 *tect, mitigate, and protect against the importation,*
22 *possession, storage, transportation, development, or*
23 *use of unauthorized chemical and biological mate-*
24 *rials, devices, or agents against the United States;*
25 *and*

1 “(2) shall—

2 “(A) serve as a primary entity responsible
3 for the efforts of the Department to develop, ac-
4 quire, deploy, and support the operations of a
5 national biological detection system and improve
6 that system over time;

7 “(B) enhance the chemical and biological
8 detection efforts of Federal, State, local, and
9 Tribal governments and provide guidance, tools,
10 and training to help ensure a managed, coordi-
11 nated response; and

12 “(C) collaborate with the Department of
13 Health and Human Services, the Office of
14 Health Security of the Department, the Defense
15 Advanced Research Projects Agency, the National
16 Aeronautics and Space Administration, and
17 other relevant Federal stakeholders, and receive
18 input from industry, academia, and the national
19 laboratories on chemical and biological surveil-
20 lance efforts.”;

21 (5) in section 1924 (6 U.S.C. 593), by striking
22 “section 11011 of the Strom Thurmond National De-
23 fense Authorization Act for Fiscal Year 1999 (5
24 U.S.C. 3104 note).” and inserting “section 4092 of
25 title 10, United States Code, except that the authority

1 *shall be limited to facilitate the recruitment of experts*
2 *in the chemical, biological, radiological, or nuclear*
3 *specialties.”;*

4 (6) *in section 1927(a)(1)(C) (6 U.S.C.*
5 *596a(a)(1)(C))—*

6 (A) *in clause (i), by striking “required*
7 *under section 1036 of the National Defense Au-*
8 *thorization Act for Fiscal Year 2010”;*

9 (B) *in clause (ii), by striking “and” at the*
10 *end;*

11 (C) *in clause (iii), by striking the period at*
12 *the end and inserting “; and”;* and

13 (D) *by adding at the end the following:*

14 “(iv) *includes any other information*
15 *regarding national technical nuclear*
16 *forensics activities carried out under section*
17 *1923.”;*

18 (7) *in section 1928 (6 U.S.C. 596b)—*

19 (A) *in subsection (a), by striking “high-risk*
20 *urban areas” and inserting “jurisdictions des-*
21 *ignated under subsection (c)”;*

22 (B) *in subsection (c)(1), by striking “from*
23 *among high-risk urban areas under section*
24 *2003” and inserting “based on the capability*
25 *and capacity of the jurisdiction, as well as the*

1 *relative threat, vulnerability, and consequences*
2 *from terrorist attacks and other high-consequence*
3 *events utilizing nuclear or other radiological ma-*
4 *terials”;* and

5 *(C) by striking subsection (d) and inserting*
6 *the following:*

7 “(d) *REPORT.—Not later than 2 years after the date*
8 *of enactment of the Offices of Countering Weapons of Mass*
9 *Destruction and Health Security Act of 2023, the Secretary*
10 *shall submit to the appropriate congressional committees an*
11 *update on the STC program.”;* and

12 *(8) by inserting after section 1928 (6 U.S.C.*
13 *596b) the following:*

14 **“SEC. 1929. ACCOUNTABILITY.**

15 “(a) *DEPARTMENTWIDE STRATEGY.—*

16 “(1) *IN GENERAL.—Not later than 180 days*
17 *after the date of enactment of Offices of Countering*
18 *Weapons of Mass Destruction and Health Security*
19 *Act of 2023, and every 4 years thereafter, the Sec-*
20 *retary shall create a Departmentwide strategy and*
21 *implementation plan to counter weapons of mass de-*
22 *struction and chemical, biological, radiological, nu-*
23 *clear, and other related emerging threats, which*
24 *should—*

1 “(A) have clearly identified authorities,
2 specified roles, objectives, benchmarks, account-
3 ability, and timelines;

4 “(B) incorporate the perspectives of non-
5 Federal and private sector partners; and

6 “(C) articulate how the Department will
7 contribute to relevant national-level strategies
8 and work with other Federal agencies.

9 “(2) *CONSIDERATION.*—The Secretary shall ap-
10 propriately consider weapons of mass destruction and
11 chemical, biological, radiological, nuclear, and other
12 related emerging threats when creating the strategy
13 and implementation plan required under paragraph
14 (1).

15 “(3) *REPORT.*—The Office shall submit to the
16 appropriate congressional committees a report on the
17 updated Departmentwide strategy and implementa-
18 tion plan required under paragraph (1).

19 “(b) *DEPARTMENTWIDE BIODEFENSE REVIEW AND*
20 *STRATEGY.*—

21 “(1) *IN GENERAL.*—Not later than 180 days
22 after the date of enactment of the Offices of Coun-
23 tering Weapons of Mass Destruction and Health Secu-
24 rity Act of 2023, the Secretary, in consultation with
25 appropriate stakeholders representing Federal, State,

1 *local, Tribal, academic, private sector, and non-*
2 *governmental entities, shall conduct a Department-*
3 *wide review of biodefense activities and strategies.*

4 “(2) *REVIEW.—The review required under para-*
5 *graph (1) shall—*

6 “(A) *identify with specificity the biodefense*
7 *lines of effort of the Department, including bio-*
8 *defense lines of effort relating to biodefense roles,*
9 *responsibilities, and capabilities of components*
10 *and offices of the Department;*

11 “(B) *assess how such components and offices*
12 *coordinate internally and with public and pri-*
13 *vate partners in the biodefense enterprise;*

14 “(C) *identify any policy, resource, capa-*
15 *bility, or other gaps in the Department’s ability*
16 *to assess, prevent, protect against, and respond*
17 *to biological threats;*

18 “(D) *identify any organizational changes or*
19 *reforms necessary for the Department to effec-*
20 *tively execute its biodefense mission and role, in-*
21 *cluding with respect to public and private part-*
22 *ners in the biodefense enterprise; and*

23 “(E) *assess the risk of high-risk gain-of-*
24 *function research to the homeland security of the*

1 *United States and identify the gaps in the re-*
2 *ponse of the Department to that risk.*

3 “(3) *STRATEGY.*—*Not later than 1 year after*
4 *completion of the review required under paragraph*
5 *(1), the Secretary shall issue a biodefense strategy for*
6 *the Department that—*

7 “(A) *is informed by such review and is*
8 *aligned with section 1086 of the National De-*
9 *fense Authorization Act for Fiscal Year 2017 (6*
10 *U.S.C. 104; relating to the development of a na-*
11 *tional biodefense strategy and associated imple-*
12 *mentation plan, including a review and assess-*
13 *ment of biodefense policies, practices, programs,*
14 *and initiatives) or any successor strategy; and*

15 “(B) *shall—*

16 “(i) *describe the biodefense mission and*
17 *role of the Department, as well as how such*
18 *mission and role relates to the biodefense*
19 *lines of effort of the Department;*

20 “(ii) *clarify, as necessary, biodefense*
21 *roles, responsibilities, and capabilities of the*
22 *components and offices of the Department*
23 *involved in the biodefense lines of effort of*
24 *the Department;*

1 “(iii) establish how biodefense lines of
2 effort of the Department are to be coordi-
3 nated within the Department;

4 “(iv) establish how the Department en-
5 gages with public and private partners in
6 the biodefense enterprise, including other
7 Federal agencies, national laboratories and
8 sites, and State, local, and Tribal entities,
9 with specificity regarding the frequency and
10 nature of such engagement by Department
11 components and offices with State, local,
12 and Tribal entities; and

13 “(v) include information relating to—

14 “(I) milestones and performance
15 metrics that are specific to the bio-
16 defense mission and role of the Depart-
17 ment described in clause (i); and

18 “(II) implementation of any oper-
19 ational changes necessary to carry out
20 clauses (iii) and (iv).

21 “(4) PERIODIC UPDATE.—Beginning not later
22 than 5 years after the issuance of the biodefense strat-
23 egy and implementation plans required under para-
24 graph (3), and not less often than once every 5 years

1 *thereafter, the Secretary shall review and update, as*
2 *necessary, such strategy and plans.*

3 “(5) *CONGRESSIONAL OVERSIGHT.*—*Not later*
4 *than 30 days after the issuance of the biodefense strat-*
5 *egy and implementation plans required under para-*
6 *graph (3), the Secretary shall brief the Committee on*
7 *Homeland Security and Governmental Affairs of the*
8 *Senate and the Committee on Homeland Security of*
9 *the House of Representatives regarding such strategy*
10 *and plans.*

11 “(c) *EMPLOYEE MORALE.*—*Not later than 180 days*
12 *after the date of enactment of the Offices of Countering*
13 *Weapons of Mass Destruction and Health Security Act of*
14 *2023, the Office shall submit to and brief the appropriate*
15 *congressional committees on a strategy and plan to continu-*
16 *ously improve morale within the Office.*

17 “(d) *COMPTROLLER GENERAL.*—*Not later than 1 year*
18 *after the date of enactment of the Offices of Countering*
19 *Weapons of Mass Destruction and Health Security Act of*
20 *2023, the Comptroller General of the United States shall*
21 *conduct a review of and brief the appropriate congressional*
22 *committees on—*

23 “(1) *the efforts of the Office to prioritize the pro-*
24 *grams and activities that carry out the mission of the*
25 *Office, including research and development;*

1 “(2) *the consistency and effectiveness of stake-*
2 *holder coordination across the mission of the Office,*
3 *including operational and support components of the*
4 *Department and State and local entities; and*

5 “(3) *the efforts of the Office to manage and co-*
6 *ordinate the lifecycle of research and development*
7 *within the Office and with other components of the*
8 *Department, including the Science and Technology*
9 *Directorate.*

10 “(e) *NATIONAL ACADEMIES OF SCIENCES, ENGINEER-*
11 *ING, AND MEDICINE.—*

12 “(1) *STUDY.—The Secretary shall enter into an*
13 *agreement with the National Academies of Sciences,*
14 *Engineering, and Medicine to conduct a consensus*
15 *study and report to the Secretary and the appropriate*
16 *congressional committees on—*

17 “(A) *the role of the Department in pre-*
18 *paring, detecting, and responding to biological*
19 *and health security threats to the homeland;*

20 “(B) *recommendations to improve depart-*
21 *mental biosurveillance efforts against biological*
22 *threats, including any relevant biological detec-*
23 *tion methods and technologies; and*

1 “(C) *the feasibility of different technological*
2 *advances for biodetection compared to the cost,*
3 *risk reduction, and timeliness of those advances.*

4 “(2) *BRIEFING.—Not later than 1 year after the*
5 *date on which the Secretary receives the report re-*
6 *quired under paragraph (1), the Secretary shall brief*
7 *the appropriate congressional committees on—*

8 “(A) *the implementation of the rec-*
9 *ommendations included in the report; and*

10 “(B) *the status of biological detection at the*
11 *Department, and, if applicable, timelines for the*
12 *transition to updated technology.*

13 “(f) *ADVISORY COUNCIL.—*

14 “(1) *ESTABLISHMENT.—Not later than 180 days*
15 *after the date of enactment of the Offices of Coun-*
16 *tering Weapons of Mass Destruction and Health Secu-*
17 *rity Act of 2023, the Secretary shall establish an ad-*
18 *visory body to advise on the ongoing coordination of*
19 *the efforts of the Department to counter weapons of*
20 *mass destruction and chemical, biological, radio-*
21 *logical, nuclear, and other related emerging threats, to*
22 *be known as the Advisory Council for Countering*
23 *Weapons of Mass Destruction (in this subsection re-*
24 *ferred to as the ‘Advisory Council’).*

1 “(2) *MEMBERSHIP.*—*The members of the Advi-*
2 *sory Council shall—*

3 “(A) *be appointed by the Assistant Sec-*
4 *retary; and*

5 “(B) *to the extent practicable, represent a*
6 *geographic (including urban and rural) and sub-*
7 *stantive cross section of officials from State,*
8 *local, and Tribal governments, academia, the*
9 *private sector, national laboratories, and non-*
10 *governmental organizations, including, as appro-*
11 *priate—*

12 “(i) *members selected from the emer-*
13 *gency management field and emergency re-*
14 *sponse providers;*

15 “(ii) *State, local, and Tribal govern-*
16 *ment officials;*

17 “(iii) *experts in the public and private*
18 *sectors with expertise in chemical, biologi-*
19 *cal, radiological, or nuclear materials, de-*
20 *vices, or agents;*

21 “(iv) *representatives from the national*
22 *laboratories; and*

23 “(v) *such other individuals as the As-*
24 *stant Secretary determines to be appro-*
25 *priate.*

1 “(3) *RESPONSIBILITIES.*— *The Advisory Council*
2 *shall—*

3 “(A) *advise the Assistant Secretary on all*
4 *aspects of countering weapons of mass destruc-*
5 *tion and chemical, biological, radiological, nu-*
6 *clear, and other related emerging threats;*

7 “(B) *incorporate State, local, and Tribal*
8 *government, national laboratories, and private*
9 *sector input in the development of the strategy*
10 *and implementation plan of the Department for*
11 *countering weapons of mass destruction and*
12 *chemical, biological, radiological, nuclear, and*
13 *other related emerging threats; and*

14 “(C) *provide advice on performance criteria*
15 *for a national biological detection system and re-*
16 *view the testing protocol for biological detection*
17 *prototypes.*

18 “(4) *CONSULTATION.*—*To ensure input from and*
19 *coordination with State, local, and Tribal govern-*
20 *ments, the Assistant Secretary shall regularly consult*
21 *and work with the Advisory Council on the adminis-*
22 *tration of Federal assistance provided by the Depart-*
23 *ment, including with respect to the development of re-*
24 *quirements of Office programs, as appropriate.*

1 “(5) *VOLUNTARY SERVICE.*—*The members of the*
2 *Advisory Council shall serve on the Advisory Council*
3 *on a voluntary basis.*

4 “(6) *FACA.*—*Chapter 10 of title 5, United*
5 *States Code, shall not apply to the Advisory Council.*

6 “(7) *QUALIFICATIONS.*—*Each member of the Ad-*
7 *visory Council shall—*

8 “(A) *be impartial in any advice provided to*
9 *the Advisory Council; and*

10 “(B) *not seek to advance any political posi-*
11 *tion or predetermined conclusion as a member of*
12 *the Advisory Council.”.*

13 (b) *COUNTERING WEAPONS OF MASS DESTRUCTION*
14 *ACT OF 2018.*—*Section 2 of the Countering Weapons of*
15 *Mass Destruction Act of 2018 (Public Law 115–387; 132*
16 *Stat. 5162) is amended—*

17 (1) *in subsection (b)(2) (6 U.S.C. 591 note), by*
18 *striking “1927” and inserting “1926”; and*

19 (2) *in subsection (g) (6 U.S.C. 591 note)—*

20 (A) *in the matter preceding paragraph (1),*
21 *by striking “one year after the date of the enact-*
22 *ment of this Act, and annually thereafter,” and*
23 *inserting “June 30 of each year,”; and*

1 (B) in paragraph (2), by striking “Secu-
 2 rity, including research and development activi-
 3 ties” and inserting “Security”.

4 (c) *SECURITY AND ACCOUNTABILITY FOR EVERY PORT*
 5 *ACT OF 2006.*—*The Security and Accountability for Every*
 6 *Port Act of 2006 (Public Law 109–347; 120 Stat 1884) is*
 7 *amended—*

8 (1) in section 1(b), by striking the item relating
 9 to section 502; and

10 (2) by striking section 502 (6 U.S.C. 592a).

11 **SEC. 102. RULE OF CONSTRUCTION.**

12 *Nothing in this title or the amendments made by this*
 13 *title may be construed as modifying any existing authority*
 14 *under any provision of law not expressly amended by this*
 15 *title.*

16 **TITLE II—OFFICE OF HEALTH**
 17 **SECURITY**

18 **SEC. 201. OFFICE OF HEALTH SECURITY.**

19 (a) *ESTABLISHMENT.*—*The Homeland Security Act of*
 20 *2002 (6 U.S.C. 101 et seq.) is amended—*

21 (1) in section 103 (6 U.S.C. 113)—

22 (A) in subsection (a)(2)—

23 (i) by striking “the Assistant Secretary
 24 for Health Affairs,”; and

1 (ii) by striking “Affairs, or” and in-
2 serting “Affairs or”; and

3 (B) in subsection (d), by adding at the end
4 the following:

5 “(6) A Chief Medical Officer.”;

6 (2) by adding at the end the following:

7 **“TITLE XXIII—OFFICE OF**
8 **HEALTH SECURITY”;**

9 (3) by redesignating section 1931 (6 U.S.C. 597)
10 as section 2301 and transferring such section to ap-
11 pear after the heading for title XXIII, as added by
12 paragraph (2);

13 (4) in section 2301, as so redesignated—

14 (A) in the section heading, by striking
15 **“CHIEF MEDICAL OFFICER”** and inserting
16 **“OFFICE OF HEALTH SECURITY”;**

17 (B) by striking subsections (a) and (b) and
18 inserting the following:

19 “(a) *IN GENERAL.*—There is established in the Depart-
20 ment an Office of Health Security.

21 “(b) *HEAD OF OFFICE OF HEALTH SECURITY.*—The
22 Office of Health Security shall be headed by a chief medical
23 officer, who shall—

24 “(1) be the Assistant Secretary for Health Secu-
25 rity and the Chief Medical Officer of the Department;

1 “(2) be a licensed physician possessing a dem-
2 onstrated ability in and knowledge of medicine and
3 public health;

4 “(3) be appointed by the President; and

5 “(4) report directly to the Secretary.”;

6 (C) in subsection (c)—

7 (i) in the matter preceding paragraph
8 (1), by striking “medical issues related to
9 natural disasters, acts of terrorism, and
10 other man-made disasters” and inserting
11 “medical activities of the Department and
12 all workforce-focused health and safety ac-
13 tivities of the Department”;

14 (ii) in paragraph (1), by striking “,
15 the Administrator of the Federal Emergency
16 Management Agency, the Assistant Sec-
17 retary, and other Department officials” and
18 inserting “and all other Department offi-
19 cials”;

20 (iii) in paragraph (4), by striking
21 “and” at the end;

22 (iv) by redesignating paragraph (5) as
23 paragraph (13); and

24 (v) by inserting after paragraph (4)
25 the following:

1 “(5) overseeing all medical activities of the De-
2 partment, including the delivery, advisement, and
3 support of direct patient care and the organization,
4 management, and staffing of component operations
5 that deliver direct patient care;

6 “(6) advising the head of each component of the
7 Department that delivers direct patient care regard-
8 ing the recruitment and appointment of a component
9 chief medical officer and deputy chief medical officer
10 or the employees who function in the capacity of chief
11 medical officer and deputy chief medical officer;

12 “(7) advising the Secretary and the head of each
13 component of the Department that delivers direct pa-
14 tient care regarding knowledge and skill standards for
15 medical personnel and the assessment of that knowl-
16 edge and skill;

17 “(8) in coordination with the Chief Privacy Offi-
18 cer of the Department and the Chief Information Offi-
19 cer of the Department, advising the Secretary and the
20 head of each component of the Department that deliv-
21 ers patient care regarding the collection, storage, and
22 oversight of medical records;

23 “(9) with respect to any psychological health
24 counseling or assistance program of the Department,
25 including such a program of a law enforcement, oper-

1 *ational, or support component of the Department, ad-*
2 *vising the head of each such component with such a*
3 *program regarding—*

4 *“(A) ensuring such program includes safe-*
5 *guards against adverse actions by such compo-*
6 *nent with respect to any employee solely because*
7 *the employee identifies a need for psychological*
8 *health counseling or assistance or receives such*
9 *assistance;*

10 *“(B) ensuring such program includes safe-*
11 *guards regarding automatic referrals for employ-*
12 *ment-related examinations or inquires that are*
13 *based solely on an employee who self identifies a*
14 *need for psychological health counseling or as-*
15 *sistance or receives such counseling or assistance,*
16 *except that such safeguards shall not prevent a*
17 *component referral to evaluate the ability of an*
18 *employee to meet established medical or psycho-*
19 *logical standards by such component or to evalu-*
20 *ate the national security eligibility of the em-*
21 *ployee;*

22 *“(C) increasing the availability and num-*
23 *ber of local psychological health professionals*
24 *with experience providing psychological support*
25 *services to personnel;*

1 “(D) establishing a behavioral health cur-
2 riculum for employees at the beginning of their
3 careers to provide resources early regarding the
4 importance of psychological health;

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

9 “(F) improving any associated existing em-
10 ployee peer support programs, including by mak-
11 ing additional training and resources available
12 for peer support personnel in the workplace
13 across such component;

14 “(G) developing and implementing a vol-
15 untary alcohol treatment program that includes
16 a safe harbor for employees who seek treatment;

17 “(H) prioritizing, as appropriate, expertise
18 in the provision of psychological health coun-
19 seling and assistance for certain populations of
20 the workforce, such as employees serving in posi-
21 tions within law enforcement, to help improve
22 outcomes for those employees receiving that coun-
23 seling or assistance; and

24 “(I) including, when appropriate, collabo-
25 rating and partnering with key employee stake-

1 *holders and, for those components with employees*
2 *with an exclusive representative, the exclusive*
3 *representative with respect to such a program;*

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

6 “(A) *identifying methods and technologies*
7 *for managing, updating, and overseeing patient*
8 *records; and*

9 “(B) *setting standards for technology used*
10 *by the components of the Department regarding*
11 *the collection, storage, and oversight of medical*
12 *records;*

13 “(11) *advising the Secretary and the head of*
14 *each component of the Department that delivers direct*
15 *patient care regarding contracts for the delivery of di-*
16 *rect patient care, other medical services, and medical*
17 *supplies;*

18 “(12) *coordinating with—*

19 “(A) *the Countering Weapons of Mass De-*
20 *struction Office;*

21 “(B) *other components of the Department as*
22 *directed by the Secretary;*

23 “(C) *Federal agencies, including the De-*
24 *partment of Agriculture, the Department of*

1 *Health and Human Services, the Department of*
 2 *State, and the Department of Transportation;*

3 “(D) *State, local, and Tribal governments;*

4 *and*

5 “(E) *the medical community; and*”; and

6 (D) *by adding at the end the following:*

7 “(d) *ASSISTANCE AND AGREEMENTS.—The Secretary,*
 8 *acting through the Chief Medical Officer, in support of the*
 9 *medical activities of the Department, may—*

10 “(1) *provide technical assistance, training, and*
 11 *information to State, local, and Tribal governments*
 12 *and nongovernmental organizations;*

13 “(2) *enter into agreements with other Federal*
 14 *agencies; and*

15 “(3) *accept services from personnel of compo-*
 16 *nents of the Department and other Federal agencies*
 17 *on a reimbursable or nonreimbursable basis.*

18 “(e) *OFFICE OF HEALTH SECURITY PRIVACY OFFI-*
 19 *CER.—There shall be a Privacy Officer in the Office of*
 20 *Health Security with primary responsibility for privacy*
 21 *policy and compliance within the Office, who shall—*

22 “(1) *report directly to the Chief Medical Officer;*
 23 *and*

24 “(2) *ensure privacy protections are integrated*
 25 *into all Office of Health Security activities, subject to*

1 *the review and approval of the Chief Privacy Officer*
 2 *of the Department to the extent consistent with the*
 3 *authority of the Chief Privacy Officer of the Depart-*
 4 *ment under section 222.*

5 “(f) *ACCOUNTABILITY.*—

6 “(1) *STRATEGY AND IMPLEMENTATION PLAN.*—

7 *Not later than 180 days after the date of enactment*
 8 *of this subsection, and every 4 years thereafter, the*
 9 *Secretary shall create a Departmentwide strategy and*
 10 *implementation plan to address medical activities of,*
 11 *and the workforce health and safety matters under the*
 12 *purview of, the Department.*

13 “(2) *BRIEFING.*—*Not later than 90 days after*
 14 *the date of enactment of this subsection, the Secretary*
 15 *shall brief the appropriate congressional committees*
 16 *on the organizational transformations of the Office of*
 17 *Health Security, including how best practices were*
 18 *used in the creation of the Office of Health Security.”;*

19 (5) *by redesignating section 710 (6 U.S.C. 350)*
 20 *as section 2302 and transferring such section to ap-*
 21 *pear after section 2301, as so redesignated;*

22 (6) *in section 2302, as so redesignated—*

23 (A) *in the section heading, by striking*

24 “**MEDICAL SUPPORT**” *and inserting “SAFE-*

25 **TY**”;

1 (B) in subsection (a), by striking “Under
2 Secretary for Management” each place that term
3 appears and inserting “Chief Medical Officer”;
4 and

5 (C) in subsection (b)—

6 (i) in the matter preceding paragraph
7 (1), by striking “Under Secretary for Man-
8 agement, in coordination with the Chief
9 Medical Officer,” and inserting “Chief Med-
10 ical Officer”; and

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

14 (7) by redesignating section 528 (6 U.S.C. 321q)
15 as section 2303 and transferring such section to ap-
16 pear after section 2302, as so redesignated;

17 (8) in section 2303, as so redesignated—

18 (A) in subsection (a), by striking “Assistant
19 Secretary for the Countering Weapons of Mass
20 Destruction Office” and inserting “Chief Medical
21 Officer”; and

22 (B) in subsection (b)—

23 (i) in paragraph (1), by striking
24 “Homeland Security Presidential Directive
25 9—Defense of the United States Agriculture

1 *and Food” and inserting “National Secu-*
2 *urity Memorandum 16—Strengthening the*
3 *Security and Resilience of the United States*
4 *Food and Agriculture”;* and

5 *(ii) in paragraph (6), by inserting*
6 *“the Department of Agriculture and other”*
7 *before “appropriate”;*

8 *(9) by redesignating section 1932 (6 U.S.C.*
9 *597a) as section 2304 and transferring such section*
10 *to appear after section 2303, as so redesignated;*

11 *(10) in section 2304(f)(2)(B), as so redesignated,*
12 *by striking “Office of the Assistant Secretary for Pre-*
13 *paredness and Response” and inserting “Administra-*
14 *tion for Strategic Preparedness and Response”;* and

15 *(11) by inserting after section 2304, as so redesi-*
16 *gnated, the following:*

17 **“SEC. 2305. RULES OF CONSTRUCTION.**

18 *“Nothing in this title shall be construed to—*

19 *“(1) override or otherwise affect the requirements*
20 *described in section 888;*

21 *“(2) require the advice of the Chief Medical Offi-*
22 *cer on the appointment of Coast Guard officers or the*
23 *officer from the Public Health Service of the Depart-*
24 *ment of Health and Human Services assigned to the*
25 *Coast Guard;*

1 “(3) provide the Chief Medical Officer with au-
2 thority to take any action that would diminish the
3 interoperability of the Coast Guard medical system
4 with the medical systems of the other branches of the
5 Armed Forces of the United States; or

6 “(4) affect or diminish the authority of the Sec-
7 retary of Health and Human Services or to grant to
8 the Chief Medical Officer any authority that is vested
9 in, or delegated to, the Secretary of Health and
10 Human Services.”.

11 (b) *TRANSITION AND TRANSFERS.*—

12 (1) *TRANSITION.*—The individual appointed
13 pursuant to section 1931 of the Homeland Security
14 Act of 2002 (6 U.S.C. 597) of the Department of
15 Homeland Security, as in effect on the day before the
16 date of enactment of this Act, and serving as the Chief
17 Medical Officer of the Department of Homeland Secu-
18 rity on the day before the date of enactment of this
19 Act, shall continue to serve as the Chief Medical Offi-
20 cer of the Department on and after the date of enact-
21 ment of this Act without the need for reappointment.

22 (2) *TRANSFER.*—The Secretary of Homeland Se-
23 curity shall transfer to the Chief Medical Officer of
24 the Department of Homeland Security—

1 (A) all functions, personnel, budget author-
2 ity, and assets of the Under Secretary for Man-
3 agement relating to workforce health and safety,
4 as in existence on the day before the date of en-
5 actment of this Act;

6 (B) all functions, personnel, budget author-
7 ity, and assets of the Assistant Secretary for the
8 Countering Weapons of Mass Destruction Office
9 relating to the Chief Medical Officer, including
10 the Medical Operations Directorate of the Coun-
11 tering Weapons of Mass Destruction Office, as in
12 existence on the day before the date of enactment
13 of this Act; and

14 (C) all functions, personnel, budget author-
15 ity, and assets of the Assistant Secretary for the
16 Countering Weapons of Mass Destruction Office
17 associated with the efforts pertaining to the pro-
18 gram coordination activities relating to defend-
19 ing the food, agriculture, and veterinary defenses
20 of the Office, as in existence on the day before the
21 date of enactment of this Act.

1 **SEC. 202. CONFIDENTIALITY OF MEDICAL QUALITY ASSUR-**
 2 **ANCE RECORDS.**

3 *Title XXIII of the Homeland Security Act of 2002, as*
 4 *added by this Act, is amended by adding at the end the*
 5 *following:*

6 **“SEC. 2306. CONFIDENTIALITY OF MEDICAL QUALITY AS-**
 7 **SURANCE RECORDS.**

8 *“(a) DEFINITIONS.—In this section:*

9 *“(1) HEALTH CARE PROVIDER.—The term*
 10 *‘health care provider’ means an individual who—*

11 *“(A) is—*

12 *“(i) an employee of the Department;*

13 *“(ii) a detailee to the Department from*
 14 *another Federal agency;*

15 *“(iii) a personal services contractor of*
 16 *the Department; or*

17 *“(iv) hired under a contract for serv-*
 18 *ices with the Department;*

19 *“(B) performs health care services as part of*
 20 *duties of the individual in that capacity; and*

21 *“(C) has a current, valid, and unrestricted*
 22 *license or certification—*

23 *“(i) that is issued by a State; and*

24 *“(ii) that is for the practice of medi-*
 25 *cine, osteopathic medicine, dentistry, nurs-*

1 ing, emergency medical services, or another
2 health profession.

3 “(2) *MEDICAL QUALITY ASSURANCE PROGRAM.*—

4 *The term ‘medical quality assurance program’ means*
5 *any activity carried out on or after the date of enact-*
6 *ment of this section by the Department to assess the*
7 *quality of medical care, including activities conducted*
8 *by individuals, committees, or other review bodies re-*
9 *sponsible for quality assurance, credentials, infection*
10 *control, incident reporting, the delivery, advisement,*
11 *and support of direct patient care and assessment*
12 *(including treatment procedures, blood, drugs, and*
13 *therapeutics), medical records, health resources man-*
14 *agement review, or identification and prevention of*
15 *medical, mental health, or dental incidents and risks.*

16 “(3) *MEDICAL QUALITY ASSURANCE RECORD OF*

17 *THE DEPARTMENT.*—*The term ‘medical quality assur-*
18 *ance record of the Department’ means the pro-*
19 *ceedings, records (including patient records that the*
20 *Department creates and maintains as part of a sys-*
21 *tem of records), minutes, and reports that—*

22 “(A) *emanate from quality assurance pro-*
23 *gram activities described in paragraph (2); and*

1 “(B) are produced or compiled by the De-
2 partment as part of a medical quality assurance
3 program.

4 “(b) *CONFIDENTIALITY OF RECORDS.*—A medical
5 quality assurance record of the Department that is created
6 as part of a medical quality assurance program—

7 “(1) is confidential and privileged; and

8 “(2) except as provided in subsection (d), may
9 not be disclosed to any person or entity.

10 “(c) *PROHIBITION ON DISCLOSURE AND TESTI-*
11 *MONY.*—Except as otherwise provided in this section—

12 “(1) no part of any medical quality assurance
13 record of the Department may be subject to discovery
14 or admitted into evidence in any judicial or adminis-
15 trative proceeding; and

16 “(2) an individual who reviews or creates a med-
17 ical quality assurance record of the Department or
18 who participates in any proceeding that reviews or
19 creates a medical quality assurance record of the De-
20 partment may not be permitted or required to testify
21 in any judicial or administrative proceeding with re-
22 spect to such record or with respect to any finding,
23 recommendation, evaluation, opinion, or action taken
24 by such individual in connection with such record.

25 “(d) *AUTHORIZED DISCLOSURE AND TESTIMONY.*—

1 “(1) *IN GENERAL.*—Subject to paragraph (2), a
2 *medical quality assurance record of the Department*
3 *may be disclosed, and a person described in sub-*
4 *section (c)(2) may give testimony in connection with*
5 *the record, only as follows:*

6 “(A) *To a Federal agency or private orga-*
7 *nization, if such medical quality assurance*
8 *record of the Department or testimony is needed*
9 *by the Federal agency or private organization*
10 *to—*

11 “(i) *perform licensing or accreditation*
12 *functions related to Department health care*
13 *facilities, a facility affiliated with the De-*
14 *partment, or any other location authorized*
15 *by the Secretary for the performance of*
16 *health care services; or*

17 “(ii) *perform monitoring, required by*
18 *law, of Department health care facilities, a*
19 *facility affiliated with the Department, or*
20 *any other location authorized by the Sec-*
21 *retary for the performance of health care*
22 *services.*

23 “(B) *To an administrative or judicial pro-*
24 *ceeding concerning an adverse action related to*
25 *the credentialing of or health care provided by a*

1 *present or former health care provider by the De-*
2 *partment.*

3 “(C) *To a governmental board or agency or*
4 *to a professional health care society or organiza-*
5 *tion, if such medical quality assurance record of*
6 *the Department or testimony is needed by the*
7 *board, agency, society, or organization to per-*
8 *form licensing, credentialing, or the monitoring*
9 *of professional standards with respect to any*
10 *health care provider who is or was a health care*
11 *provider for the Department.*

12 “(D) *To a hospital, medical center, or other*
13 *institution that provides health care services, if*
14 *such medical quality assurance record of the De-*
15 *partment or testimony is needed by such institu-*
16 *tion to assess the professional qualifications of*
17 *any health care provider who is or was a health*
18 *care provider for the Department and who has*
19 *applied for or been granted authority or employ-*
20 *ment to provide health care services in or on be-*
21 *half of the institution.*

22 “(E) *To an employee, a detailee, or a con-*
23 *tractor of the Department who has a need for*
24 *such medical quality assurance record of the De-*
25 *partment or testimony to perform official duties*

1 *or duties within the scope of their employment or*
2 *contract.*

3 *“(F) To a criminal or civil law enforcement*
4 *agency or instrumentality charged under appli-*
5 *cable law with the protection of the public health*
6 *or safety, if a qualified representative of the*
7 *agency or instrumentality makes a written re-*
8 *quest that such medical quality assurance record*
9 *of the Department or testimony be provided for*
10 *a purpose authorized by law.*

11 *“(G) In an administrative or judicial pro-*
12 *ceeding commenced by a criminal or civil law*
13 *enforcement agency or instrumentality described*
14 *in subparagraph (F), but only with respect to*
15 *the subject of the proceeding.*

16 *“(2) PERSONALLY IDENTIFIABLE INFORMA-*
17 *TION.—*

18 *“(A) IN GENERAL.—With the exception of*
19 *the subject of a quality assurance action, person-*
20 *ally identifiable information of any person re-*
21 *ceiving health care services from the Department*
22 *or of any other person associated with the De-*
23 *partment for purposes of a medical quality as-*
24 *surance program that is disclosed in a medical*
25 *quality assurance record of the Department shall*

1 *be deleted from that record before any disclosure*
2 *of the record is made outside the Department.*

3 “(B) *APPLICATION.*—*The requirement under*
4 *subparagraph (A) shall not apply to the release*
5 *of information that is permissible under section*
6 *552a of title 5, United States Code (commonly*
7 *known as the ‘Privacy Act of 1974’).*

8 “(e) *DISCLOSURE FOR CERTAIN PURPOSES.*—*Nothing*
9 *in this section shall be construed—*

10 “(1) *to authorize or require the withholding from*
11 *any person or entity de-identified aggregate statis-*
12 *tical information regarding the results of medical*
13 *quality assurance programs, under de-identification*
14 *standards developed by the Secretary in consultation*
15 *with the Secretary of Health and Human Services, as*
16 *appropriate, that is released in a manner in accord-*
17 *ance with all other applicable legal requirements; or*

18 “(2) *to authorize the withholding of any medical*
19 *quality assurance record of the Department from a*
20 *committee of either House of Congress, any joint com-*
21 *mittee of Congress, or the Comptroller General of the*
22 *United States if the record pertains to any matter*
23 *within their respective jurisdictions.*

24 “(f) *PROHIBITION ON DISCLOSURE OF INFORMATION,*
25 *RECORDS, OR TESTIMONY.*—*A person or entity having pos-*

1 *session of or access to a medical quality assurance record*
 2 *of the Department or testimony described in this section*
 3 *may not disclose the contents of the record or testimony in*
 4 *any manner or for any purpose except as provided in this*
 5 *section.*

6 “(g) *EXEMPTION FROM FREEDOM OF INFORMATION*
 7 *ACT.—A medical quality assurance record of the Depart-*
 8 *ment shall be exempt from disclosure under section*
 9 *552(b)(3) of title 5, United States Code.*

10 “(h) *LIMITATION ON CIVIL LIABILITY.—A person who*
 11 *participates in the review or creation of, or provides infor-*
 12 *mation to a person or body that reviews or creates, a med-*
 13 *ical quality assurance record of the Department shall not*
 14 *be civilly liable under this section for that participation*
 15 *or for providing that information if the participation or*
 16 *provision of information was—*

17 “(1) *provided in good faith based on prevailing*
 18 *professional standards at the time the medical quality*
 19 *assurance program activity took place; and*

20 “(2) *made in accordance with any other applica-*
 21 *ble legal requirement, including Federal privacy laws*
 22 *and regulations.*

23 “(i) *APPLICATION TO INFORMATION IN CERTAIN*
 24 *OTHER RECORDS.—Nothing in this section shall be con-*
 25 *strued as limiting access to the information in a record cre-*

1 *ated and maintained outside a medical quality assurance*
2 *program, including the medical record of a patient, on the*
3 *grounds that the information was presented during meet-*
4 *ings of a review body that are part of a medical quality*
5 *assurance program.*

6 “(j) *PENALTY.*—*Any person who willfully discloses a*
7 *medical quality assurance record of the Department other*
8 *than as provided in this section, knowing that the record*
9 *is a medical quality assurance record of the Department*
10 *shall be fined not more than \$3,000 in the case of a first*
11 *offense and not more than \$20,000 in the case of a subse-*
12 *quent offense.*

13 “(k) *RELATIONSHIP TO COAST GUARD.*—*The require-*
14 *ments of this section shall not apply to any medical quality*
15 *assurance record of the Department that is created by or*
16 *for the Coast Guard as part of a medical quality assurance*
17 *program.*

18 “(l) *CONTINUED PROTECTION.*—*Disclosure under sub-*
19 *section (d) does not permit redisclosure except to the extent*
20 *the further disclosure is authorized under subsection (d) or*
21 *is otherwise authorized to be disclosed under this section.*

22 “(m) *RELATIONSHIP TO OTHER LAW.*—*This section*
23 *shall continue in force and effect, except as otherwise spe-*
24 *cifically provided in any Federal law enacted after the date*
25 *of enactment of this Act.*

1 “(n) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
2 *tion shall be construed to supersede the requirements of—*

3 “(1) *the Health Insurance Portability and Ac-*
4 *countability Act of 1996 (Public Law 104–191; 110*
5 *Stat. 1936) and its implementing regulations;*

6 “(2) *part 1 of subtitle D of title XIII of the*
7 *Health Information Technology for Economic and*
8 *Clinical Health Act (42 U.S.C. 17931 et seq.) and its*
9 *implementing regulations; or*

10 “(3) *sections 921 through 926 of the Public*
11 *Health Service Act (42 U.S.C. 299b–21 through 299b–*
12 *26) and their implementing regulations.”.*

13 **SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.**

14 *The Homeland Security Act of 2002 (6 U.S.C. 101 et*
15 *seq.) is amended—*

16 (1) *in the table of contents in section 1(b) (Pub-*
17 *lic Law 107–296; 116 Stat. 2135)—*

18 (A) *by striking the items relating to sections*
19 *528 and 529 and inserting the following:*

“*Sec. 528. Transfer of equipment during a public health emergency.*”;

20 (B) *by striking the items relating to sections*
21 *710, 711, 712, and 713 and inserting the fol-*
22 *lowing:*

“*Sec. 710. Employee engagement.*

“*Sec. 711. Annual employee award program.*

“*Sec. 712. Acquisition professional career program.*”;

1 (C) by inserting after the item relating to
2 section 1928 the following:

“Sec. 1929. Accountability.”;

3 (D) by striking the items relating to subtitle
4 C of title XIX and sections 1931 and 1932; and
5 (E) by adding at the end the following:

“TITLE XXIII—OFFICE OF HEALTH SECURITY

“Sec. 2301. Office of Health Security.

“Sec. 2302. Workforce health and safety.

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

“Sec. 2304. Medical countermeasures.

“Sec. 2305. Rules of construction.

“Sec. 2306. Confidentiality of medical quality assurance records.”;

6 (2) by redesignating section 529 (6 U.S.C. 321r)
7 as section 528;

8 (3) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by
9 striking “section 711(a)” and inserting “section
10 710(a)”;

11 (4) by redesignating sections 711, 712, and 713
12 as sections 710, 711, and 712, respectively;

13 (5) in section subsection (d)(3) of section
14 1923(d)(3) (6 U.S.C. 592), as so redesignated—

15 (A) in the paragraph heading, by striking
16 “HAWAIIAN NATIVE-SERVING” and inserting
17 “NATIVE HAWAIIAN-SERVING”; and

18 (B) by striking “Hawaiian native-serving”
19 and inserting “Native Hawaiian-serving”; and

- 1 *(6) by striking the subtitle heading for subtitle C*
- 2 *of title XIX.*

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S. 1798

[Report No. 118-124]

A BILL

To establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes.

DECEMBER 11, 2023

Reported with an amendment