

Calendar No. 1043110TH CONGRESS
2^D SESSION**S. 2292****[Report No. 110-481]**

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2007

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CRAIG, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 23 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, with an amendment

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

A BILL

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

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.**

2 This Act may be cited as the “National Bombing Pre-
3 vention Act of 2007”.

4 **SEC. 2. BOMBING PREVENTION.**

5 (a) **IN GENERAL.**—Subtitle A of title II of the Home-
6 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
7 ed by adding at the end the following:

8 **“SEC. 210F. OFFICE FOR BOMBING PREVENTION.**

9 “(a) **IN GENERAL.**—There is in the Department an
10 Office for Bombing Prevention (in this section referred to
11 as ‘the Office’) within the Protective Security Coordina-
12 tion Division of the Office of Infrastructure Protection.

13 “(b) **RESPONSIBILITIES.**—The Office shall have the
14 primary responsibility within the Department for enhance-
15 ing the ability, and coordinating the efforts, of the Nation
16 to deter, detect, prevent, protect against, and respond to
17 terrorist explosive attacks, including by—

18 “(1) serving as the lead agency of the Depart-
19 ment for ensuring that programs designed to
20 counter terrorist explosive attacks nationwide, func-
21 tion together efficiently to meet the evolving threat
22 from explosives and improvised explosive devices;

23 “(2) coordinating national and intergovern-
24 mental bombing prevention activities to ensure those
25 activities work toward achieving common national
26 goals;

1 ~~“(3)~~ conducting analysis of the capabilities and
2 requirements necessary for Federal, State, and local
3 governments to deter, prevent, detect, protect
4 against, and assist in any response to terrorist ex-
5 plosive attacks by—

6 ~~“(A)~~ maintaining a national analysis data-
7 base on the capabilities of bomb squads, explo-
8 sive detection canine teams, tactics teams, and
9 public safety dive teams; and

10 ~~“(B)~~ applying the analysis derived from
11 the database described in subparagraph (A)
12 in—

13 ~~“(i)~~ evaluating progress toward clos-
14 ing identified gaps relating to national
15 strategic goals and standards; and

16 ~~“(ii)~~ informing decisions relating to
17 homeland security policy, assistance, train-
18 ing, research, development efforts, and
19 testing and evaluation, and related require-
20 ments;

21 ~~“(4)~~ promoting secure information sharing of
22 sensitive material and promoting security awareness,
23 including by—

24 ~~“(A)~~ operating and maintaining a secure
25 information sharing system that allows the

1 sharing of critical information relating to ter-
2 rorist explosive attack tactics, techniques, and
3 procedures;

4 “(B) educating the public and private sec-
5 tors about explosive precursor chemicals;

6 “(C) working with international partners,
7 in coordination with the Office for International
8 Affairs of the Department, to develop and share
9 effective practices to deter, prevent, detect, pro-
10 tect, and respond to terrorist explosive attacks;
11 and

12 “(D) executing national public awareness
13 and vigilance campaigns relating to terrorist ex-
14 plosive threats, preventing explosive attacks,
15 and activities and measures underway to safe-
16 guard the Nation;

17 “(5) assisting State and local governments in
18 developing multi-jurisdictional improvised explosive
19 devices security plans for high-risk jurisdictions;

20 “(6) helping to ensure, in coordination with the
21 Under Secretary for Science and Technology and the
22 Administrator of the Federal Emergency Manage-
23 ment Agency, the identification and availability of
24 effective technology applications through field pilot
25 testing and acquisition of such technology applica-

1 tions by Federal, State, and local governments to
2 deter, prevent, detect, protect, and respond to ter-
3 rorist explosive attacks;

4 “(7) coordinating the efforts of the Department
5 relating to, and assisting departments and agencies
6 of the Federal, State, local government, and private
7 sector business in, developing and implementing na-
8 tional explosives detection canine training, certifi-
9 cation, and performance standards;

10 “(8) ensuring the implementation of any rec-
11 ommendations contained in the national strategy de-
12 scribed in section 210G, including developing, main-
13 taining, and tracking progress toward achieving ob-
14 jectives to reduce the Nation’s vulnerability to ter-
15 rorist attacks using explosives or improvised explo-
16 sive devices; and

17 “(9) developing, in coordination with the Ad-
18 ministrator of the Federal Emergency Management
19 Agency, programmatic guidance and permitted uses
20 for bombing prevention activities funded by home-
21 land security assistance administered by the Depart-
22 ment.

23 “(e) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—There are authorized to be
25 appropriated to carry out this section—

1 “(A) \$10,000,000 for fiscal year 2008;

2 “(B) \$25,000,000 for each of fiscal years
3 2009 through 2010; and

4 “(C) such sums as are necessary for each
5 fiscal year thereafter.

6 “(2) AVAILABILITY.—Amounts made available
7 pursuant to this subsection shall remain available
8 until expended.

9 **“SEC. 210G. NATIONAL STRATEGY.**

10 “(a) IN GENERAL.—The President shall develop and
11 periodically update a national strategy to prevent and pre-
12 pare for terrorist attacks in the United States using explo-
13 sives or improvised explosive devices.

14 “(b) DEVELOPMENT.—Not later than 90 days after
15 the date of enactment of this section, the President shall
16 develop the national strategy described in subsection (a).

17 “(c) REPORTING.—Not later than 6 months after the
18 date of submission of the report regarding each quadren-
19 nial homeland security review conducted under section
20 707(e), the President shall submit to the Committee on
21 Homeland Security and Governmental Affairs of the Sen-
22 ate and the Committee on Homeland Security of the
23 House of Representatives a report regarding the national
24 strategy described in subsection (a), which shall include
25 recommendations, if any, for deterring, preventing, detect-

1 ing, protecting against, and responding to terrorist attacks
 2 in the United States using explosives or improvised explo-
 3 sive devices, including any such recommendations relating
 4 to coordinating the efforts of Federal, State, local, and
 5 tribal governments, emergency response providers, and the
 6 private sector.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 8 The table of contents in section 1(b) of the Homeland Se-
 9 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
 10 inserting after the item relating to section 210E the fol-
 11 lowing:

“Sec. 210F. Office for Bombing Prevention.
 “Sec. 210G. National strategy.”.

12 **SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND**
 13 **TRANSFER.**

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

17 **“SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.**

18 “(a) IN GENERAL.—The Secretary, acting through
 19 the Under Secretary for Science and Technology, and in
 20 coordination with the Under Secretary for National Pro-
 21 tection and Programs, the Attorney General, the Secretary
 22 of Defense, and the head of any other relevant Federal
 23 department or agency, shall coordinate nonmilitary re-
 24 search, development, testing, and evaluation activities of

1 the Federal Government relating to the detection and pre-
2 vention of, protection against, and response to explosive
3 attacks within the United States, and the development of
4 bomb squad tools and technologies necessary to neutralize
5 and disable explosive devices.

6 “(b) **MILITARY RESEARCH.**—The Secretary, acting
7 through the Under Secretary for Science and Technology,
8 and in coordination with the Under Secretary for National
9 Protection and Programs, shall coordinate with the Sec-
10 retary of Defense and the head of any other relevant Fed-
11 eral department or agency to ensure that, to the maximum
12 extent possible, military information and research, devel-
13 opment, testing, and evaluation activities relating to the
14 detection and prevention of, protection against, and re-
15 sponse to explosive attacks, and the development of tools
16 and technologies necessary to neutralize and disable explo-
17 sive devices, are applied to nonmilitary uses.

18 **“SEC. 319. TECHNOLOGY TRANSFER.**

19 “(a) **IN GENERAL.**—The Secretary, acting through
20 the Under Secretary for Science and Technology, and in
21 coordination with the Under Secretary for National Pro-
22 tection and Programs, shall establish a technology trans-
23 fer program to facilitate the identification, modification,
24 and commercialization of technology and equipment for
25 use by Federal, State, and local governmental agencies,

1 emergency response providers, and the private sector to
2 deter, prevent, detect, protect, and respond to explosive
3 attacks within the United States.

4 “(b) PROGRAM.—The activities under the program
5 established under subsection (a) shall include—

6 “(1) applying the analysis conducted under sec-
7 tion 210F(b)(3) of the capabilities and requirements
8 of bomb squad, explosive detection canine teams,
9 tactical teams, and public safety dive teams of Fed-
10 eral, State, and local governments, to determine the
11 training and technology requirements for Federal,
12 State, and local governments, emergency response
13 providers, and the private sector;

14 “(2) identifying available technologies designed
15 to deter, prevent, detect, protect, or respond to ex-
16 plosive attacks that have been, or are in the process
17 of being, developed, tested, evaluated, or dem-
18 onstrated by the Department, other Federal agen-
19 cies, the private sector, foreign governments, or
20 international organizations;

21 “(3) reviewing whether a technology described
22 in paragraph (2) may be useful in assisting Federal,
23 State, or local governments, emergency response
24 providers, or the private sector in detecting, deter-
25 ring, preventing, or responding to explosive attacks;

1 “(4) communicating to Federal, State, and local
2 governments, emergency response providers, and the
3 private sector the availability of any technology de-
4 scribed in paragraph (2), including providing the
5 specifications of such technology, indicating whether
6 such technology satisfies appropriate standards, and
7 identifying grants, if any, available from the Depart-
8 ment to purchase such technology; and

9 “(5) developing and deploying an electronic
10 countermeasures capability to—

11 “(A) protect high-risk targets and neu-
12 tralize radio controlled improvised explosive de-
13 vices; and

14 “(B) serve as a pilot initiative of the tech-
15 nology transfer program described in para-
16 graphs (1) through (4).

17 “(e) WORKING GROUP.—To facilitate the transfer of
18 military technologies, the Secretary, acting through the
19 Under Secretary for Science and Technology, in coordina-
20 tion with the Secretary of Defense, and in a manner con-
21 sistent with protection of sensitive sources and methods,
22 shall establish a working group to advise and assist in the
23 identification of military technologies designed to deter,
24 prevent, detect, protect, or respond to explosive attacks
25 that are in the process of being developed, or are devel-

1 oped, by the Department of Defense or the private sec-
2 tor.”.

3 (b) ~~TECHNICAL AND CONFORMING AMENDMENT.—~~

4 The table of contents in section 1(b) of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
6 inserting after the item relating to section 317 the fol-
7 lowing:

“Sec. 318. Explosives research and development.

“Sec. 319. Technology transfer.”.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “National Bombing Pre-*
10 *vention Act of 2007”.*

11 **SEC. 2. BOMBING PREVENTION.**

12 (a) *IN GENERAL.—Subtitle A of title II of the Home-*
13 *land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended*
14 *by adding at the end the following:*

15 **“SEC. 210F. OFFICE FOR BOMBING PREVENTION.**

16 “(a) *IN GENERAL.—There is in the Department an Of-*
17 *fice for Bombing Prevention (in this section referred to as*
18 *‘the Office’) within the Office of Infrastructure Protection.*

19 “(b) *RESPONSIBILITIES.—The Office shall have the*
20 *primary responsibility within the Department for enhanc-*
21 *ing the ability, and coordinating the efforts, of the Nation*
22 *to deter, detect, prevent, protect against, and respond to ter-*
23 *rorist explosive attacks, including by—*

1 “(1) serving as the lead agency of the Depart-
2 ment for ensuring that programs designed to counter
3 terrorist explosive attacks nationwide, function to-
4 gether efficiently to meet the evolving threat from ex-
5 plosives and improvised explosive devices;

6 “(2) coordinating, in consultation with the Na-
7 tional Domestic Preparedness Consortium of the De-
8 partment, national and intergovernmental bombing
9 prevention activities to ensure those activities work
10 toward achieving common national goals;

11 “(3) conducting analysis of the capabilities and
12 requirements necessary for State and local govern-
13 ments to deter, prevent, detect, protect against, and
14 assist in any response to terrorist explosive attacks
15 by—

16 “(A) maintaining a national analysis data-
17 base on the capabilities of bomb squads, explosive
18 detection canine teams, tactics teams, and public
19 safety dive teams; and

20 “(B) in consultation with the Attorney Gen-
21 eral, applying the analysis derived from the
22 database described in subparagraph (A) in—

23 “(i) evaluating progress toward closing
24 identified gaps relating to national strategic
25 goals and standards; and

1 “(ii) *informing decisions relating to*
2 *homeland security policy, assistance, train-*
3 *ing, research, development efforts, and test-*
4 *ing and evaluation, and related require-*
5 *ments;*

6 “(4) *promoting secure information sharing of*
7 *sensitive material relating to terrorist explosives and*
8 *promoting security awareness, including by—*

9 “(A) *operating and maintaining a secure*
10 *information sharing system that allows the shar-*
11 *ing of critical information relating to terrorist*
12 *explosive attack tactics, techniques, and proce-*
13 *dures;*

14 “(B) *in consultation with the Attorney Gen-*
15 *eral, educating the public and private sectors*
16 *about explosive precursor chemicals;*

17 “(C) *working with international partners,*
18 *in coordination with the Office for International*
19 *Affairs of the Department and the Attorney Gen-*
20 *eral, to develop and share effective practices to*
21 *deter, prevent, detect, protect, and respond to ter-*
22 *rorist explosive attacks; and*

23 “(D) *executing national public awareness*
24 *and vigilance campaigns relating to terrorist ex-*
25 *plosive threats, preventing explosive attacks, and*

1 *activities and measures underway to safeguard*
2 *the Nation;*

3 “(5) *assisting, in consultation with the Adminis-*
4 *trator of the Federal Emergency Management Agency,*
5 *State and local governments in developing multi-ju-*
6 *risdictional improvised explosive devices security*
7 *plans for high-risk jurisdictions;*

8 “(6) *helping to ensure, in coordination with the*
9 *Under Secretary for Science and Technology and the*
10 *Administrator of the Federal Emergency Management*
11 *Agency, the identification and availability of effective*
12 *technology applications through field pilot testing and*
13 *acquisition of such technology applications by Fed-*
14 *eral, State, and local governments to deter, prevent,*
15 *detect, protect, and respond to terrorist explosive at-*
16 *tacks;*

17 “(7) *coordinating the efforts of the Department*
18 *relating to, and assisting, in consultation with the*
19 *Attorney General, departments and agencies of the*
20 *Federal, State, local government, and private sector*
21 *business in, developing and implementing national*
22 *explosives detection canine training, certification, and*
23 *performance standards;*

24 “(8) *ensuring the implementation of any rec-*
25 *ommendations contained in the national strategy de-*

1 scribed in section 210G, including developing, main-
 2 taining, and tracking progress toward achieving ob-
 3 jectives to reduce the Nation’s vulnerability to ter-
 4 rorist attacks using explosives or improvised explosive
 5 devices; and

6 “(9) developing, in coordination with the Ad-
 7 ministrators of the Federal Emergency Management
 8 Agency, programmatic guidance and permitted uses
 9 for bombing prevention activities funded by homeland
 10 security assistance administered by the Department.

11 “(c) **AUTHORIZATION OF APPROPRIATIONS.**—

12 “(1) **IN GENERAL.**—There are authorized to be
 13 appropriated to carry out this section—

14 “(A) \$10,000,000 for fiscal year 2008;

15 “(B) \$25,000,000 for each of fiscal years
 16 2009 through 2010; and

17 “(C) such sums as are necessary for each
 18 fiscal year thereafter.

19 “(2) **AVAILABILITY.**—Amounts made available
 20 pursuant to this subsection shall remain available
 21 until expended.

22 **“SEC. 210G. NATIONAL STRATEGY.**

23 “(a) **IN GENERAL.**—The President shall develop and
 24 periodically update a national strategy to prevent and pre-

1 *pare for terrorist attacks in the United States using explo-*
 2 *sives or improvised explosive devices.*

3 “(b) *DEVELOPMENT.*—Not later than 90 days after the
 4 *date of enactment of this section, the President shall develop*
 5 *the national strategy described in subsection (a).*”

6 “(c) *REPORTING.*—Not later than 6 months after the
 7 *date of submission of the report regarding each quadrennial*
 8 *homeland security review conducted under section 707(c),*
 9 *the President shall submit to the Committee on Homeland*
 10 *Security and Governmental Affairs of the Senate and the*
 11 *Committee on Homeland Security of the House of Rep-*
 12 *resentatives a report regarding the national strategy de-*
 13 *scribed in subsection (a), which shall include recommenda-*
 14 *tions, if any, for deterring, preventing, detecting, protecting*
 15 *against, and responding to terrorist attacks in the United*
 16 *States using explosives or improvised explosive devices, in-*
 17 *cluding any such recommendations relating to coordinating*
 18 *the efforts of Federal, State, local, and tribal governments,*
 19 *emergency response providers, and the private sector.”.*

20 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 21 *table of contents in section 1(b) of the Homeland Security*
 22 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*
 23 *after the item relating to section 210E the following:*

“Sec. 210F. *Office for Bombing Prevention.*
 “Sec. 210G. *National strategy.*”.

1 **SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND**
2 **TRANSFER.**

3 (a) *IN GENERAL.*—*Title III of the Homeland Security*
4 *Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding*
5 *at the end the following:*

6 **“SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.**

7 “(a) *IN GENERAL.*—*The Secretary, acting through the*
8 *Under Secretary for Science and Technology, and in coordi-*
9 *nation with the Under Secretary for National Protection*
10 *and Programs, the Attorney General, the Secretary of De-*
11 *fense, and the head of any other relevant Federal depart-*
12 *ment or agency, shall coordinate nonmilitary research, de-*
13 *velopment, testing, and evaluation activities of the Federal*
14 *Government relating to the detection and prevention of, pro-*
15 *tection against, and response to explosive attacks within the*
16 *United States, and the development of bomb squad tools and*
17 *technologies necessary to neutralize and disable explosive*
18 *devices.*

19 “(b) *MILITARY RESEARCH.*—*The Secretary, acting*
20 *through the Under Secretary for Science and Technology,*
21 *and in coordination with the Under Secretary for National*
22 *Protection and Programs, shall coordinate with the Sec-*
23 *retary of Defense and the head of any other relevant Federal*
24 *department or agency to ensure that, to the maximum ex-*
25 *tent possible, military information and research, develop-*
26 *ment, testing, and evaluation activities relating to the de-*

1 *tection and prevention of, protection against, and response*
2 *to explosive attacks, and the development of tools and tech-*
3 *nologies necessary to neutralize and disable explosive de-*
4 *vices, are applied to nonmilitary uses.*

5 **“SEC. 319. TECHNOLOGY TRANSFER.**

6 “(a) *IN GENERAL.*—*The Secretary, acting through the*
7 *Under Secretary for Science and Technology, and in coordi-*
8 *nation with the Under Secretary for National Protection*
9 *and Programs, shall establish a technology transfer pro-*
10 *gram to facilitate the identification, modification, and com-*
11 *mercialization of technology and equipment for use by State*
12 *and local governmental agencies, emergency response pro-*
13 *viders, and the private sector to deter, prevent, detect, pro-*
14 *tect, and respond to explosive attacks within the United*
15 *States.*

16 “(b) *PROGRAM.*—*The activities under the program es-*
17 *tablished under subsection (a) shall include—*

18 “(1) *applying the analysis conducted under sec-*
19 *tion 210F(b)(3) of the capabilities and requirements*
20 *of bomb squad, explosive detection canine teams, tac-*
21 *tical teams, and public safety dive teams of State and*
22 *local governments, to assist in the determination of*
23 *training and technology requirements for State and*
24 *local governments, emergency response providers, and*
25 *the private sector;*

1 “(2) identifying available technologies designed
2 to deter, prevent, detect, protect, or respond to explo-
3 sive attacks that have been, or are in the process of
4 being, developed, tested, evaluated, or demonstrated by
5 the Department, other Federal agencies, the private
6 sector, foreign governments, or international organi-
7 zations;

8 “(3) reviewing whether a technology described in
9 paragraph (2) may be useful in assisting Federal,
10 State, or local governments, emergency response pro-
11 viders, or the private sector in detecting, deterring,
12 preventing, or responding to explosive attacks;

13 “(4) communicating, in coordination with the
14 Attorney General, to Federal, State, and local govern-
15 ments, emergency response providers, and the private
16 sector the availability of any technology described in
17 paragraph (2), including providing the specifications
18 of such technology, indicating whether such technology
19 satisfies appropriate standards, and identifying
20 grants, if any, available from the Department to pur-
21 chase such technology; and

22 “(5) in coordination with the Attorney General,
23 developing and deploying electronic countermeasures
24 to—

25 “(A) protect high-risk targets; and

1 “(B) serve as a pilot initiative of the tech-
2 nology transfer program described in paragraphs
3 (1) through (4).

4 “(c) *WORKING GROUP*.—To facilitate the transfer of
5 military technologies, the Secretary, acting through the
6 Under Secretary for Science and Technology, in coordina-
7 tion with the Attorney General and the Secretary of De-
8 fense, and in a manner consistent with protection of sen-
9 sitive sources and methods, shall establish a working group,
10 or use an appropriate interagency body in existence on the
11 date of enactment of this section, to advise and assist in
12 the identification of military technologies designed to deter,
13 prevent, detect, protect, or respond to explosive attacks that
14 are in the process of being developed, or are developed, by
15 the Department of Defense or the private sector.”.

16 (b) *TECHNICAL AND CONFORMING AMENDMENT*.—The
17 table of contents in section 1(b) of the Homeland Security
18 Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting
19 after the item relating to section 317 the following:

 “Sec. 318. Explosives research and development.
 “Sec. 319. Technology transfer.”.

20 **SEC. 4. SAVINGS CLAUSE.**

21 Nothing in this Act or the amendments made by this
22 Act may be construed to limit or otherwise affect the au-
23 thorities or responsibilities of the Attorney General.

Calendar No. 1043

110TH CONGRESS
2^D SESSION

S. 2292

[Report No. 110-481]

A BILL

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

SEPTEMBER 23 (legislative day, SEPTEMBER 17), 2008

Reported with an amendment