

NATIONAL BOMBING PREVENTION ACT OF 2008

—————
JUNE 5, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 4749]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4749) to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Bombing Prevention Act of 2008”.

SEC. 2. BOMBING PREVENTION.

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

“SEC. 210F. OFFICE FOR BOMBING PREVENTION.

“(a) **IN GENERAL.**—The Secretary shall establish within the Protective Security Coordination Division of the Office of Infrastructure Protection of the Department an Office for Bombing Prevention (in this section referred to as ‘the Office’).

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

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

“(2) coordinating national and intergovernmental bombing prevention activities to ensure those activities work toward achieving common national goals;

“(3) conducting analysis of the capabilities and requirements necessary for Federal, State, local, and tribal governments to deter, prevent, detect, protect against, and assist in any response to terrorist explosive attacks in the United States by—

“(A) maintaining a national analysis database on the capabilities of bomb squads, explosive detection canine teams, tactics teams, and public safety dive teams; and

“(B) applying the analysis derived from the database described in subparagraph (A) in—

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

“(ii) informing decisions relating to homeland security policy, assistance, training, research, development efforts, testing and evaluation, and related requirements;

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

“(A) operating and maintaining a secure information sharing system that allows the sharing of critical information relating to terrorist explosive attack tactics, techniques, and procedures;

“(B) educating the public and private sectors about explosive precursor chemicals;

“(C) working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, prevent, detect, protect, and respond to terrorist explosive attacks in the United States; and

“(D) executing national public awareness and vigilance campaigns relating to terrorist explosive threats, preventing explosive attacks, and activities and measures underway to safeguard the United States;

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

“(6) helping to ensure, in coordination with the Under Secretary for Science and Technology and the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, local, and tribal governments to deter, prevent, detect, protect, and respond to terrorist explosive attacks in the United States;

“(7) coordinating the efforts of the Department relating to, and assisting departments and agencies of Federal, State, local, and tribal governments, and private sector business in, developing and implementing national explosives detection training, certification, and performance standards;

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

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

“(10) establishing and executing a public awareness campaign to inform the general public and private sector businesses on ways they can deter, detect, pre-

vent, protect against, and respond to terrorist explosive attacks in the United States, that—

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

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

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

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

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

“(iii) the elderly; and

“(iv) children.

“(c) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to affect the authority of the Administrator of the Federal Emergency Management Agency.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—

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

“(A) \$10,000,000 for fiscal year 2009;

“(B) \$25,000,000 for each of fiscal years 2010 through 2012; and

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

“(2) **AVAILABILITY.**—Amounts made available pursuant to paragraph (1) are authorized to remain available until expended.

“(e) **ENHANCEMENT OF EXPLOSIVES DETECTION CANINE RESOURCES AND CAPABILITIES.**—To enhance the Nation’s explosives detection canine resources and capabilities the Secretary of Homeland Security shall, by partnering with other Federal, State, local, and tribal agencies, nonprofit organizations, universities including historically black colleges and universities and minority serving institutions, and the private sector—

“(1) within 270 days after the date of the enactment of this subsection—

“(A) develop a pilot program that includes a domestic breeding program for purpose-bred explosives detection canines; and

“(B) increase the current number of capability assessments of explosives detection canine units to identify common challenges and gaps in canine explosives detection, to provide for effective domestic preparedness and collective response to terrorism, and to inform grant guidance and priorities, consistent with national capabilities database efforts;

“(2) continue development of a scientifically-based training curriculum to enhance consensus-based national training and certification standards to provide for effective domestic preparedness and collective response to terrorism through the effective use of explosives detection canines for explosives detection canines; and

“(3) continue engagement in explosives detection canine research and development activities through partnerships with the Science and Technology Directorate and the Technical Support Working Group.

“**SEC. 210G. NATIONAL STRATEGY.**

“(a) **IN GENERAL.**—The Secretary shall develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the United States.

“(b) **DEVELOPMENT.**—Not later than 90 days after the date of the enactment of this section, the Secretary shall develop the national strategy required under subsection (a).

“(c) **REPORTING.**—Not later than six months after the date of the submission of the report regarding each quadrennial homeland security review conducted under section 707, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the national strategy required under subsection (a), which shall include recommendations, if any, for deterring, preventing, detecting, protecting against, and responding to terrorist attacks in the United States using explosives or improvised explosive devices, including any such recommendations relating to coordinating the efforts of Federal, State, local, and tribal governments, emergency response providers, and the private sector.”

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

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

SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND TRANSFER.

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

“SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.

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

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

“SEC. 319. TECHNOLOGY TRANSFER.

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

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

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

“(2) identifying available technologies designed to deter, prevent, detect, protect, or respond to terrorist attacks using explosives or improvised explosive devices that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, the private sector, foreign governments, or international organizations;

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

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

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

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

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

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

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

SEC. 5. REPORT ON CANINE PROCUREMENT ACTIVITIES.

The Secretary of Homeland Security shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate by not later than 180 days after the date of the enactment of this Act examining the administration of canine procurement activities by the Department of Homeland Security to deter, prevent, detect, and protect against terrorist explosive attacks in the United States, that includes consideration of the feasibility of reducing the price paid for the procurement of untrained canines, including by utilizing an expanded pool of breeds, procuring canines from domestic breeders, and acquiring canines from animal shelters, rescue societies, and other not-for-profit entities.

PURPOSE AND SUMMARY

The purpose of H.R. 4749 is to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Explosives are one of the most commonly used terrorist weapons worldwide. A National strategy is needed to deal with this threat. Many agencies within the Federal Government play a role in prevention and detection of, protection against, and response to terrorist use of explosives. It is important to designate an overall coordinator for this mission. This legislation authorizes in statute the Office of Bombing Prevention within the Department of Homeland Security for this purpose. Appropriations for this office were authorized in Title III of H.R. 2638, the Department of Homeland Security Appropriations Act, 2008, as passed by the House of Representatives.

HEARINGS

No Committee hearings were held on H.R. 4749.

COMMITTEE CONSIDERATION

H.R. 4749 was introduced in the House on December 17, 2007, by Mr. King of New York and Mr. Thompson of Mississippi, and referred solely to the Committee on Homeland Security. Within the Committee, H.R. 5749 was referred to the Subcommittee on Transportation Security and Infrastructure Protection.

The Subcommittee on Transportation Security and Infrastructure Protection met on May 1, 2008, considered H.R. 4749, and adopted H.R. 4749, without amendment, by voice vote.

The Chairman discharged the Subcommittee on Transportation Security and Infrastructure Protection from further consideration of H.R. 4749 on May 20, 2008.

The Committee on Homeland Security considered H.R. 4749 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, as amended, by voice vote.

The following amendments were offered:

An amendment offered by Mr. Green (#1); on page 5, strike “and” after the semicolon at line 12, strike the period at line 18 and insert “; and”, and after line 18 insert a new subsection (10); was AGREED TO by voice vote.

An en bloc amendment offered by Mr. Rogers (#2); at the end of proposed section 210F, add a new subsection (d) entitled “Enhancement of Explosives Detection Canine Resources and Capabilities.” and to add at the end a new section entitled “GAO Study of Explosives Detection Canine Teams”; was AGREED TO by voice vote.

An amendment offered by Ms. Jackson-Lee (#3); add at the end a new section entitled “Report on Canine Procurement Activities.”; was AGREED TO by voice vote.

An amendment offered by Mr. Thompson (#4); page 5, after line 18, insert a new subsection (c) entitled “Limitation on Statutory Construction.”, and making conforming changes; was AGREED TO by voice vote.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

No record votes were requested during Committee consideration.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4749, the National Bombing Prevention Act of 2007, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 2008.

Hon. Bennie G. Thompson,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4749, the National Bombing Prevention Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jason Wheelock.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 4749—National Bombing Prevention Act of 2008

Summary: H.R. 4749 would amend title 2 of the Homeland Security Act of 2002 (Public Law 109–296) to provide statutory authorization for the Office of Bombing Prevention (OBP). For that office, the bill would authorize appropriations of \$10 million in 2009, \$25 million a year over the 2010–2012 period, and such sums as needed thereafter.

Assuming appropriation of the amounts specified by the bill for 2009 through 2012, and that annual appropriations increase with inflation thereafter, CBO estimates that implementing H.R. 4749 would cost \$89 million over the 2009–2013 period. Enacting H.R. 4749 would not affect direct spending or revenues.

H.R. 4749 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4749 is shown in the following table. The costs of this legislation fall within budget function 050 (national defense).

| | By fiscal year, in millions of dollars | | | | | |
|--|--|------|------|------|------|-----------|
| | 2009 | 2010 | 2011 | 2012 | 2013 | 2009–2013 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Estimated Authorization Level | 10 | 25 | 25 | 25 | 26 | 111 |
| Estimated Outlays | 5 | 15 | 22 | 23 | 24 | 89 |

Basis of estimate: The Office of Bombing Prevention was created in 2003 and is part of the National Protection and Programs Directorate of the Department of Homeland Security (DHS). OBP is responsible for building awareness of threats posed by improvised explosive devices (IEDs) and coordinating DHS's efforts to protect against IED attacks in the United States. Although there is no specific statutory authorization for the office, OBP received appropriations of approximately \$3 million in 2007 and \$10 million in 2008. Section 2 would amend the Homeland Security Act of 2002 to provide such authorization, and would confirm the office's lead role in coordinating federal programs designed to protect against IED attacks in the United States.

In addition, H.R. 4749 would authorize appropriations for OBP of \$10 million in 2009, \$25 million annually over the 2010–2012 period, and such sums as necessary thereafter. Assuming that the authorized amounts would be appropriated annually for fiscal years 2009 through 2012, and that annual appropriations would increase with inflation thereafter, CBO estimates that implementing H.R. 4749 would cost \$89 million over the 2009–2013 period. CBO based its estimate of spending on historical spending patterns for similar activities.

Intergovernmental and private-sector impact: H.R. 4749 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On January 14, 2008, CBO transmitted a cost estimate for S. 2292, the National Bombing Prevention Act of 2007, as ordered reported by the Senate Committee on Homeland Security 2 and Governmental Affairs on November 14, 2007. CBO estimated that implementing S. 2292 would cost \$106 million over the 2009–2013 period. The difference in the estimates reflects differences in the bills. In particular, S. 2292 would authorize \$25 million in 2009 and 2010 and such sums as necessary thereafter, whereas H.R. 4749 would authorize \$10 million in 2009, \$25 million annually over the 2010–2012 period, and such sums as necessary thereafter.

Estimate prepared by: Federal Costs: Jason Wheelock; Impact on State, Local, and Tribal Governments: Neil Hood; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 4749 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

H.R. 4749 seeks to enhance our Nation’s ability to prepare, detect, and respond to explosive attacks. It authorizes in statute the Office of Bombing Prevention within the Protective Security Coordination Division, Office of Infrastructure Protection, Department of Homeland Security. This Office will coordinate U.S. Government efforts, and provide information to State, local, and tribal authorities, private sector entities, and the general public, to enhance the Nation’s ability to address this threat.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section establishes the short title of H.R. 4749 as the “National Bombing Prevention Act of 2008”.

Section 2. Bombing prevention

This section amends Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) by adding at the end a new section 210F establishing the Office of Bombing Prevention (The Office) within the Protective Security Coordination Division of the Office of Infrastructure Protection of the Department of Homeland Security (Department). The Committee recognizes that the Department currently has an established Office of Bombing Prevention that is responsible for many of the responsibilities authorized and required in this Act. It is the Committee’s intent to authorize this Office and not to dramatically alter its current responsibilities or authorities.

Under this section, the Office is responsible for coordinating the Government efforts to deter, detect, prevent, protect against, and respond to terrorist explosive attacks in the United States. The Office is required to conduct analysis of the capabilities and requirements necessary for Federal, State, local, and tribal governments to deter, prevent, detect, protect against, and assist in any response to terrorist explosive attacks in the United States, specifically by maintaining a national analysis database on the capabilities of bomb squads, explosive detection canine teams, tactics teams, and public safety dive teams.

The Committee recognizes that Federal agencies, State, local, and tribal governments all have important and interdependent roles to play in the National effort to prevent terrorist explosive attacks. The Committee strongly believes that the Office is needed to act as overall coordinator for U.S. Federal government agencies. The Committee does not intend for the Office to affect the authority of any other agency, but rather to enhance and support other agencies’ efforts.

The Committee intends that under this section, the Office will operate a secure information sharing system that allows the sharing of critical information relating to terrorist explosive attack tactics, techniques, and procedures. The Office will play an edu-

cational and coordination role for Federal, State, and local governments and provide public education.

Section 210F(b) requires the Office to establish and execute a public awareness campaign. This campaign should target not only the general public, but also businesses, law enforcement, and others that may be in the best position to recognize suspicious behavior that may prevent or deter an explosive attack. The Committee strongly believes that an informed public is one of our Nation's best defenses against terrorist activities. The Committee recognizes, however, that numerous Federal agencies conduct public awareness campaigns with regards to explosives, and believes the Office should coordinate with the agencies to leverage existing efforts.

The Committee recognizes that canine detection teams are often the most useful prevention technique against explosive attacks in public areas. In Section 4, the bill clarifies a current requirement of the Implementing the 9/11 Commission Recommendations Act (P.L. 110-53) that the Government Accountability Office study of the utilization of explosives detection canine teams focus not only on teams utilized by the Transportation Security Administration, but also all other agencies within the Department of Homeland Security that use explosives detection canine teams. Section 210F(e) requires a pilot project for a domestic breeding program for explosives detection canines; enhancement of consensus-based national training and certification standards; and research and capability assessments for explosives detection canines.

Finally, Section 210F(d) authorizes \$10,000,000 for Fiscal Year 2009 and \$25,000,000 for each of fiscal years 2010 through 2012; and such sums as may be necessary for each subsequent fiscal year.

The FY 2008 funding for the Office was \$9.5 million and the FY 2009 budget request is \$8.1 million. The Committee recognizes that the most widely used terrorist weapon worldwide is explosives. Much more attention must be paid to this threat and the efforts of the Office require increased resources in the coming years to accomplish this mission.

Section 210G. National strategy

This section requires the Secretary of Homeland Security to develop and periodically update a National Strategy to prevent and prepare for terrorist explosive attacks in the United States due 90 days after the date of enactment. The Secretary is also required to report to Congress regarding the National Strategy.

The Committee notes that while the Department has issued such a strategy in accordance with Homeland Security Presidential Directive 19 (HSPD-19), "Combating Terrorist Use of Explosives in the United States" in December 2007, implementation plan for this Strategy has yet been completed. The Committee intends this provision to convey a sense of urgency for the implementation of such Strategy.

Section 3. Explosives technology development and transfer

This section amends title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) by adding at the end the new sections 318 and 319 regarding explosives research and development and technology transfer.

TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

* * * * *
 Sec. 318. Explosives research and development.
 Sec. 319. Technology transfer.
 * * * * *

TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

* * * * *

SEC. 210F. OFFICE FOR BOMBING PREVENTION.

(a) *IN GENERAL.*—The Secretary shall establish within the Protective Security Coordination Division of the Office of Infrastructure Protection of the Department an Office for Bombing Prevention (in this section referred to as “the Office”).

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

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

(2) coordinating national and intergovernmental bombing prevention activities to ensure those activities work toward achieving common national goals;

(3) conducting analysis of the capabilities and requirements necessary for Federal, State, local, and tribal governments to deter, prevent, detect, protect against, and assist in any response to terrorist explosive attacks in the United States by—

(A) maintaining a national analysis database on the capabilities of bomb squads, explosive detection canine teams, tactics teams, and public safety dive teams; and

(B) applying the analysis derived from the database described in subparagraph (A) in—

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

(ii) informing decisions relating to homeland security policy, assistance, training, research, development efforts, testing and evaluation, and related requirements;

(4) promoting secure information sharing of sensitive material and promoting security awareness, including by—

(A) operating and maintaining a secure information sharing system that allows the sharing of critical information relating to terrorist explosive attack tactics, techniques, and procedures;

(B) educating the public and private sectors about explosive precursor chemicals;

(C) working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, prevent, de-

tect, protect, and respond to terrorist explosive attacks in the United States; and

(D) executing national public awareness and vigilance campaigns relating to terrorist explosive threats, preventing explosive attacks, and activities and measures underway to safeguard the United States;

(5) assisting State, local, and tribal governments in developing multi-jurisdictional improvised explosive devices security plans for high-risk jurisdictions;

(6) helping to ensure, in coordination with the Under Secretary for Science and Technology and the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, local, and tribal governments to deter, prevent, detect, protect, and respond to terrorist explosive attacks in the United States;

(7) coordinating the efforts of the Department relating to, and assisting departments and agencies of Federal, State, local, and tribal governments, and private sector business in, developing and implementing national explosives detection training, certification, and performance standards;

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

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

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

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

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

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

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

(ii) socially and economically disadvantaged households and communities;

(iii) the elderly; and

(iv) children.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Administrator of the Federal Emergency Management Agency.

(d) AUTHORIZATION OF APPROPRIATIONS.—

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

(A) \$10,000,000 for fiscal year 2009;

(B) \$25,000,000 for each of fiscal years 2010 through 2012; and

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

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

(e) ENHANCEMENT OF EXPLOSIVES DETECTION CANINE RESOURCES AND CAPABILITIES.—To enhance the Nation's explosives detection canine resources and capabilities the Secretary of Homeland Security shall, by partnering with other Federal, State, local, and tribal agencies, nonprofit organizations, universities including historically black colleges and universities and minority serving institutions, and the private sector—

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

(A) develop a pilot program that includes a domestic breeding program for purpose-bred explosives detection canines; and

(B) increase the current number of capability assessments of explosives detection canine units to identify common challenges and gaps in canine explosives detection, to provide for effective domestic preparedness and collective response to terrorism, and to inform grant guidance and priorities, consistent with national capabilities database efforts;

(2) continue development of a scientifically-based training curriculum to enhance consensus-based national training and certification standards to provide for effective domestic preparedness and collective response to terrorism through the effective use of explosives detection canines for explosives detection canines; and

(3) continue engagement in explosives detection canine research and development activities through partnerships with the Science and Technology Directorate and the Technical Support Working Group.

SEC. 210G. NATIONAL STRATEGY.

(a) IN GENERAL.—The Secretary shall develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the United States.

(b) DEVELOPMENT.—Not later than 90 days after the date of the enactment of this section, the Secretary shall develop the national strategy required under subsection (a).

(c) REPORTING.—Not later than six months after the date of the submission of the report regarding each quadrennial homeland security review conducted under section 707, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the national strategy required under subsection (a), which shall include recommendations, if any, for deterring, preventing, detecting, protecting against,

and responding to terrorist attacks in the United States using explosives or improvised explosive devices, including any such recommendations relating to coordinating the efforts of Federal, State, local, and tribal governments, emergency response providers, and the private sector.

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TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.

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

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

SEC. 319. TECHNOLOGY TRANSFER.

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

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

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

(2) *identifying available technologies designed to deter, prevent, detect, protect, or respond to terrorist attacks using explosives or improvised explosive devices that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, the private sector, foreign governments, or international organizations;*

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

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

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

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SECTION 1307 OF THE IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

SEC. 1307. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING PROGRAM.

(a) * * *

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(f) *STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to the appropriate congressional committees on the [utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program.] utilization of explosives detection canine teams, by the Transportation Security Administration and all other agencies of the Department of Homeland Security that utilize explosives detection canines, to strengthen security and the capacity of explosive detection canine detection teams of the Department.*

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