

Calendar No. 1043

110TH CONGRESS }
2d Session }

SENATE

{ REPORT
110-481

NATIONAL BOMBING PREVENTION ACT OF
2007

R E P O R T

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2292

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.—Ordered to be printed

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COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

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NATIONAL BOMBING PREVENTION ACT OF 2007

SEPTEMBER 23 (legislative day, SEPTEMBER 17), 2008.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2292]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2292) 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, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 2292 is to amend the Homeland Security Act of 2002 to establish an Office for Bombing Prevention (OBP) within the Department of Homeland Security (Department), authorize appropriations for OBP for fiscal years 2008 through 2010, and enhance the Department's efforts to better prepare State and local governments, emergency response providers, and the private sector to deter, detect, prevent, protect against, and respond to terrorist explosive attacks. In support of the Department's efforts, the legislation would direct the President of the United States to develop and periodically update a National Strategy to prevent and prepare for domestic terrorist attacks using explosives or improvised explo-

sive devices (IEDs). Finally, the legislation would encourage greater research, development, testing, and evaluation across the Federal government and accelerate the transfer of military counter-IED technology to our nation's emergency response providers, State and local governments, and the private sector.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The White House and the Intelligence Community (IC) have identified terrorist explosives as one of the most likely threats to the homeland. In his testimony on February 5, 2008, before the Senate Select Committee on Intelligence, the Director of National Intelligence stated that: "We [in the IC] judge use of a conventional explosive to be the most probable al-Qaeda attack scenario because this group is proficient with conventional small arms and improvised explosive devices and is innovative in creating capabilities and overcoming security obstacles."¹ Moreover, when Homeland Security Secretary Michael Chertoff testified before the Senate Homeland Security and Governmental Affairs Committee in September 2007, he confirmed that "the [terrorists'] attack weapon of choice still is the IED."² Indeed, the 2007 National Intelligence Estimate on the "Terrorist Threat to the U.S. Homeland" warns that al-Qaeda will continue to enhance its capabilities to attack the United States by using explosives and other weapons.³

As an empirical matter, the use of IEDs is tragically on the rise. Terrorist bombings occur daily around the world—not only in war zones, but in civilian areas as well. The 2007 vehicle-borne IED attacks in London and Glasgow, the 2004 commuter train bombing in Madrid, the 2005 mass transit bombing in London, and the thwarted attack by homegrown terrorists on John F. Kennedy Airport in New York City in 2007 serve as sobering reminders of the threat to Americans.

Based on these intelligence estimates and the increasing incidence of IED attacks worldwide, Congress directed the Department to develop a national strategy for bombing prevention in the Department of Homeland Security Appropriations Act of 2007 (P.L. 109–295). The Administration subsequently released a Presidential directive in February 2007 to safeguard our nation, its people, and critical infrastructure and key resources from domestic IEDs. Homeland Security Presidential Directive (HSPD)–19, entitled "Combating Terrorist Use of Explosives in the United States," establishes a national policy and directs the Departments of Justice and Homeland Security to develop a national strategy and implementation plan to prevent, detect, protect against, and respond to terrorist use of explosives in the United States. The release of HSPD–19 delayed the delivery of the congressionally mandated strategy, which was received by Congress in January 2008, by a year. Although the Administration has made progress in imple-

¹J. Michael McConnell, Director of National Intelligence, Public Testimony before the Senate Select Committee on Intelligence, Annual Threat Assessment of the Director of National Intelligence, 02/05/2008, available at <http://intelligence.senate.gov/080205/mcconnell.pdf>.

²The Honorable Michael Chertoff, United States Secretary of Homeland Security, Public Testimony before the Senate Homeland Security and Governmental Affairs Committee, Confronting the Terrorist Threat to the Homeland: Six Years After 9/11, 09/10/07, available at http://hsgac.senate.gov/public/_files/091007Chertoff.pdf.

³Office of the Director of National Intelligence, 2007 National Intelligence Estimate: The Terrorist Threat to the U.S. Homeland (July 17, 2007).

menting the requirements of HSPD–19, much work remains to be done, particularly to finalize the implementation plan called for in the national strategy.

OBP, which the Department administratively established in 2004 as part of the Office of Infrastructure Protection, leads the Department’s efforts to implement HSPD–19. Among its many responsibilities, OBP coordinates the Department’s counter-IED efforts, analyzes State and local requirements and capabilities, and promotes counter-IED information sharing and security awareness programs. Notwithstanding these critical missions, neither the Administration nor Congress has done enough to support OBP’s critical missions. Since its inception, OBP has been chronically underfunded and understaffed.

This legislation would remedy these problems. By enumerating OBP’s responsibilities and authorizing sufficient funding to fulfill them, S. 2292 will elevate OBP’s stature within the Department as well as across the Federal government.

This legislation will also help the United States improve its scientific and technological ability to counter an IED attack on the homeland. As the terrorist threat to our Nation continues to evolve, so must our technology. Therefore, S. 2292 would encourage the development and dissemination of counter-IED technologies, especially the transfer of innovative military technologies, to State and local authorities to enhance their ability to prevent, detect, protect against, and respond to the threat of terrorist explosives in their communities. Although the Federal government has spent billions of dollars on military counter-IED technologies, civilian authorities have not, for the most part, benefited from this substantial investment. And, although some technology transfer authorities exist, no coordinated effort to disseminate this important technology to our Nation’s emergency response providers has been maintained successfully.

III. LEGISLATIVE HISTORY

S. 2292 was introduced by Senators Collins and Lieberman on November 1, 2007. The bill was read twice and referred to the Committee on Homeland Security and Governmental Affairs on the same day. Senators Craig and Crapo were subsequently added as co-sponsors.

On November 14, 2007, the Committee considered S. 2292.

The Committee adopted a substitute amendment offered by Senators Collins and Lieberman by voice vote. Senators present were Lieberman, Carper, McCaskill, Tester, Collins, Stevens, Voinovich, Coleman, and Coburn. The substitute amendment primarily made technical and clarifying changes, such as ensuring appropriate coordination with the Department of Justice on the Department’s counter-IED efforts.

The Committee ordered the bill as amended favorably reported to the full Senate by voice vote. Senators present were Lieberman, Carper, McCaskill, Tester, Collins, Stevens, Voinovich, Coleman, and Coburn.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of S. 2292 as the “National Bombing Prevention Act of 2007.”

Section 2. Bombing prevention

Section 2 amends Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) to establish OBP within the Department’s Office of Infrastructure Protection. The Committee recognizes that OBP currently exists within the Department and is responsible for many of the responsibilities that would be assigned by this Act. But, by authorizing OBP and enumerating its responsibilities, the Committee hopes to elevate OBP’s stature within the Department. In doing so, however, it is not the Committee’s intent to alter OBP’s currently existing responsibilities or otherwise undermine the ongoing activities of the Department of Justice (DoJ), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), or the Federal Bureau of Investigation (FBI). To that end, this section requires OBP to consult and coordinate extensively with the Attorney General in regard to many of its important activities under this Act.

Pursuant to this section, OBP will have primary responsibility within the Department for enhancing the ability, and coordinating the efforts, of our Nation to deter, detect, prevent, protect against, and respond to terrorist explosive attacks. In this lead capacity, OBP will ensure that the Department’s programs designed to counter terrorist explosive attacks function together efficiently and effectively. Specifically, within the Department, OBP will be responsible for: (1) coordinating national and intergovernmental bombing prevention activities to ensure those activities work toward achieving common national goals; (2) assisting State and local governments in developing multi-jurisdictional IED security plans; (3) coordinating the development and implementation of national explosives detection canine training, certification, and performance standards; and (4) developing programmatic guidance and permitted uses for bombing prevention activities funded by Federal homeland security assistance administered by the Department.

Section 2 also requires OBP to analyze the bombing prevention capabilities and requirements that State and local governments need to deter, prevent, detect, protect against, and respond to terrorist explosive attacks. Specifically, OBP shall maintain a national analysis database on State and local operational capabilities which the Department will use to evaluate national progress in closing any identified gaps and help better guide the Department’s resource allocation decisions.

Moreover, this section directs OBP to expand its efforts to promote information sharing on sensitive material relating to terrorist explosives. This includes operating and maintaining a secure electronic information sharing system, educating the public and private sectors about explosive precursor chemicals, developing and sharing counter-IED best practices with foreign allies, and executing a national public awareness campaign. In expanding its information sharing efforts, however, it is not the Committee’s intent for OBP to duplicate other technical- and law-enforcement-focused informa-

tion sharing networks under the purview of the Attorney General or other Departments and agencies. Rather, the Committee encourages the Departments of Homeland Security and Justice to work more cooperatively in sharing information with State and local partners by, among other things, linking their information sharing networks and engaging in joint outreach and community awareness campaigns.

For the establishment of OBP and the execution of the aforementioned responsibilities, section 2 authorizes appropriations of \$10 million for fiscal year 2008, \$25 million for each of fiscal years 2009 and 2010, and such sums as are necessary for each year thereafter.

Finally, section 2 of this Act would amend Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) to require the President to draft and regularly update a national strategy to prevent and prepare for terrorist attacks in the United States using explosives or IEDs.

Section 3. Explosives technology development and transfer

Subsection 3(a) amends title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) to require the Secretary to coordinate counter-explosives research and development across the Federal government and facilitate the transfer of the military's counter-IED technology, as appropriate, to State and local governments, emergency response providers, and others.

Section 3 requires the Secretary, acting through the Under Secretary for Science and Technology (S&T), to coordinate the Federal government's civilian research, development, testing, and evaluation (RDT&E) activities related to the detection and prevention of, protection against, and response to terrorist explosive attacks within the United States. Numerous Federal Departments and agencies, including the Department of Energy's national laboratories, engage in civilian, counter-explosive RDT&E activities. This section will ensure all such activities are coordinated and that the various Federal investments in counter-explosive RDT&E technology are used efficiently.

This section also directs the Secretary, acting through the Under Secretary for S&T, and the Secretary of Defense, to ensure that military information and RDT&E activities relating to terrorist bombs are applied to nonmilitary uses.

Further, this section instructs the Secretary, acting through the Under Secretary for S&T, and in coordination with the Secretary of Defense and the Attorney General, to establish a technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by Federal, State and local governments, emergency response providers, and the private sector to deter, prevent, detect, protect, and respond to explosive attacks within the United States. It also requires the Secretary to establish a working group, or utilize an appropriate existing interagency body, such as the Technical Support Working Group, to advise and assist in the identification of military technologies designed to deter, prevent, detect, protect, or respond to terrorist explosive attacks.

Section 4. Savings clause

This section would provide that nothing in the Act should be construed to limit or otherwise affect the authorities or responsibilities of the Attorney General. The Committee fully recognizes that DoJ, the ATF, and the FBI engage in many vitally important counter-IED activities. This provision simply makes it unambiguously clear that the Committee does not intend to diminish or impede their efforts.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirement of paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate the Committee has considered the regulatory impact of this bill. CBO states that there are no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and no costs on State, local, or tribal governments. The legislation contains no other regulatory impact.

VI. ESTIMATED COST OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 14, 2008.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2292, the National Bombing Prevention Act of 2007.

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.

S. 2292—National Bombing Prevention Act of 2007

S. 2292 would authorize appropriations for the Office of Bombing Prevention (OBP) of \$25 million in 2009 and 2010, and such sums as necessary thereafter. Assuming that the authorized amounts would be appropriated for 2009 and 2010, and that appropriations would increase with inflation thereafter, CBO estimates that implementing S. 2292 would cost \$106 million over the 2009–2013 period. Enacting S. 2292 would not affect direct spending or revenues. S. 2292 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The estimated budgetary impact of S. 2292 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— | | | | | |
|--|---|------|------|------|------|------|
| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Spending Under Current Law: | | | | | | |
| Budget Authority ^a | 10 | 0 | 0 | 0 | 0 | 0 |
| Estimated Outlays | 5 | 4 | 1 | 0 | 0 | 0 |
| Proposed Changes: | | | | | | |
| Estimated Authorization Level | 0 | 25 | 25 | 26 | 26 | 27 |
| Estimated Outlays | 0 | 11 | 21 | 24 | 25 | 25 |
| Spending Under S. 2292: | | | | | | |
| Estimated Authorization Level | 10 | 25 | 25 | 26 | 26 | 27 |
| Estimated Outlays | 5 | 15 | 22 | 24 | 25 | 25 |

^aThe 2008 amount is the amount appropriated for the Office of Bombing Prevention in 2008.

OBP 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 (Public Law 109–296) 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.

The CBO staff contact for this estimate is Jason Wheelock. This estimate was approved by Keith Fontenot, Deputy Assistant Director for Health and Human Resources, Budget Analysis Division.

VII. CHANGES TO EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the following changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

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:*

“SEC. 210F. OFFICE FOR BOMBING PREVENTION.

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

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

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

“(2) coordinating, in consultation with the National Domestic Preparedness Consortium of the Department, 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 State and local governments to deter, prevent, detect, protect against, and assist in any response to terrorist explosive attacks 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) in consultation with the Attorney General, 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, and testing and evaluation, and related requirements;

“(4) promoting secure information sharing of sensitive material relating to terrorist explosives 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) in consultation with the Attorney General, 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 and the Attorney General, to develop and share effective practices to deter, prevent, detect, protect, and respond to terrorist explosive attacks; 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 Nation;

“(5) assisting, in consultation with the Administrator of the Federal Emergency Management Agency, State and local 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, and local governments to deter, prevent, detect, protect, and respond to terrorist explosive attacks;

“(7) coordinating the efforts of the Department relating to, and assisting, in consultation with the Attorney General, departments and agencies of the Federal, State, local government, and private sector business in, developing and implementing

national explosives detection canine training, certification, and performance standards;

“(8) ensuring the implementation of any recommendations contained in the national strategy described in section 210G, including developing, maintaining, and tracking progress toward achieving objectives to reduce the Nation’s vulnerability to terrorist attacks using explosives or improvised explosive devices; and

“(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.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

“SEC. 210G. NATIONAL STRATEGY.

“(a) IN GENERAL.—The President shall develop and periodically update a national strategy to prevent and prepare for terrorist attacks in the United States using explosives or improvised explosive devices.

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

“(c) REPORTING.—Not later than 6 months after the date of submission of the report regarding each quadrennial homeland security review conducted under section 707(c), the President shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report regarding the national strategy described in 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:

“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:

“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 coordinate nonmilitary research, development, testing, and evaluation activities of the Federal Government relating to the detection and prevention of, protection against, and response to explosive attacks within the United States, and the development of bomb squad tools and technologies necessary to neutralize and disable explosive devices.

“(b) 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 information and research, development, testing, and evaluation activities relating to the detection and prevention of, protection against, and response to explosive attacks, and the development of tools and technologies necessary to neutralize and disable explosive devices, are applied 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 State and local governmental agencies, emergency response providers, and the private sector to deter, prevent, detect, protect, and respond to explosive attacks within the United States.

“(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 State, and local governments, to assist in the determination of training and technology requirements for State and local governments, emergency response providers, and the private sector;

“(2) identifying available technologies designed to deter, prevent, detect, protect, or respond to explosive attacks 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 explosive attacks;

“(4) communicating, in coordination with the Attorney General, 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 such technology, indicating whether such technology satisfies appropriate standards, and identifying grants, if any, available from the Department to purchase such technology; and

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

“(A) protect high-risk targets; and

“(B) serve as a pilot initiative of the technology transfer program described in paragraphs (1) through (4).

“(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 Attorney General and the Secretary of Defense, and in a manner consistent with protection of sensitive sources and methods, shall establish a working group, or use an appropriate interagency body in existence on the date of enactment of this section, to advise and assist in the identification of military technologies designed to deter, prevent, detect, protect, or respond to 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:

“Sec. 318. Explosives research and development.

“Sec. 319. Technology transfer.”.

SEC. 4. SAVINGS CLAUSE.

Nothing in this Act or the amendments made by this Act may be construed to limit or otherwise affect the authorities or responsibilities of the Attorney General.

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