

112TH CONGRESS  
1ST SESSION

# H. R. 2356

To enhance homeland security by improving efforts to prevent, protect against, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. PASCARELL (for himself, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. DANIEL E. LUNGREN of California, Ms. CLARKE of New York, Mr. ROGERS of Alabama, Ms. RICHARDSON, Mr. BILIRAKIS, Mr. CLARKE of Michigan, Mrs. MILLER of Michigan, and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Foreign Affairs, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance homeland security by improving efforts to prevent, protect against, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “WMD Prevention and Preparedness Act of 2011”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—A NATIONAL BIODEFENSE ENTERPRISE

Sec. 101. Special Assistant for Biodefense.

Sec. 102. National Biodefense Plan.

Sec. 103. National biosurveillance strategy.

Sec. 104. Comprehensive cross-cutting biodefense budget analysis.

TITLE II—INTELLIGENCE MATTERS

Sec. 201. National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction.

Sec. 202. National Intelligence Strategy for Countering Biological Threats.

TITLE III—HOMELAND SECURITY MATTERS

Sec. 301. Weapons of mass destruction prevention and preparedness.

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION  
AND PREPAREDNESS

“Subtitle A—Prevention

“Sec. 2101. Weapons of mass destruction intelligence and information sharing.

“Sec. 2102. Risk assessments.

“Sec. 2103. Periodic homeland security review of criminal statutes.

“Sec. 2104. Export enforcement for counterproliferation.

“Sec. 2105. Communication of threat information.

“Sec. 2106. Individual and community preparedness for chemical, biological, radiological, and nuclear attacks.

“Subtitle B—Protection

“Sec. 2121. Detection of biological attacks.

“Sec. 2122. Rapid biological threat detection and identification at ports of entry.

“Sec. 2123. Evaluating detection technology.

“Sec. 2124. Laboratory biosecurity information sharing.

“Sec. 2125. Domestic implementation of the Global Nuclear Detection Architecture.

“Subtitle C—Response

“Sec. 2131. First responder guidance concerning chemical, biological, radiological, and nuclear attacks.

- “Sec. 2132. Integrated plume modeling for collective response.
- “Sec. 2133. Establishment of the System Assessment and Validation for Emergency Responders (SAVER) program.
- “Sec. 2134. Payment for laboratory response services.
- “Sec. 2135. Bioforensics capabilities.
- “Sec. 2136. Federal law enforcement training to investigate biological threats.
- “Sec. 2137. Metropolitan Medical Response System Program.

“Subtitle D—Recovery

- “Sec. 2141. Identifying and addressing gaps in recovery capabilities.
- “Sec. 2142. Recovery from a chemical, biological, radiological, and nuclear attack or incident.
- “Sec. 2143. Exercises.
- Sec. 302. Enhancing laboratory biosecurity.
- Sec. 303. Definitions.
- Sec. 304. Dual-use terrorist risks from synthetic biology.
- Sec. 305. Dissemination of information analyzed by the Department to State, local, tribal, and private entities with responsibilities relating to homeland security.

TITLE IV—PUBLIC HEALTH MATTERS

- Sec. 401. Sense of Congress regarding Federal coordination on medical countermeasures.
- Sec. 402. National medical countermeasure dispensing strategy.
- “Sec. 319F–5. National Medical Countermeasure Dispensing Strategy.
- Sec. 403. National pre-event vaccination and antimicrobial dispensing policy review.
- Sec. 404. Management of short shelf life vaccine and antimicrobial stockpiles.
- Sec. 405. Material threat determinations reviews.
- Sec. 406. Background checks.

TITLE V—FOREIGN RELATIONS MATTERS

- Sec. 501. International engagement to enhance biodefense and laboratory biosecurity.
- Sec. 502. International collaboration and information sharing relating to biosecurity.
- Sec. 503. Interagency task force on best practices for global biopreparedness.
- Sec. 504. Biological and Toxin Weapons Convention.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

- 3 (1) The term “appropriate congressional com-
- 4 mittees” means the Committee on Homeland Secu-
- 5 rity of the House of Representatives and any com-
- 6 mittee of the House of Representatives or the Senate

1 having legislative jurisdiction under the rules of the  
2 House of Representatives or Senate, respectively,  
3 over the matter concerned.

4 (2) The term “Intelligence Community” has the  
5 meaning given that term in section 3(4) of the Na-  
6 tional Security Act of 1947 (50 U.S.C. 401a(4)).

7 (3) The term “national biosecurity and bio-  
8 defense stakeholders” means officials from the Fed-  
9 eral, State, local, and tribal authorities and individ-  
10 uals from the private sector who are involved in ef-  
11 forts to prevent, protect against, respond to, and re-  
12 cover from a biological attack or other phenomena  
13 that may have serious health consequences for the  
14 United States, including wide-scale fatalities or in-  
15 fectious disease outbreaks.

16 **TITLE I—A NATIONAL**  
17 **BIODEFENSE ENTERPRISE**

18 **SEC. 101. SPECIAL ASSISTANT FOR BIODEFENSE.**

19 (a) IN GENERAL.—The President shall assign a  
20 member of the National Security Council to serve as Spe-  
21 cial Assistant to the President for Biodefense, who shall—

22 (1) serve as the principal advisor to the Presi-  
23 dent regarding coordination of Federal biodefense  
24 policy including prevention, protection, response, and  
25 recovery from biological attacks or other phenomena

1 that may have serious health consequences for the  
2 United States, including wide-scale fatalities or in-  
3 fectionous disease outbreaks;

4 (2) identify gaps, duplication, and other ineffi-  
5 ciencies in existing biodefense activities and the ac-  
6 tions necessary to overcome these obstacles;

7 (3) lead the development of a coordinated Na-  
8 tional Biodefense Plan, in accordance with section  
9 102;

10 (4) lead the development of a coordinated Na-  
11 tional Biosurveillance Strategy, in accordance with  
12 section 103;

13 (5) lead the development of a coordinated na-  
14 tional research and development strategy and imple-  
15 mentation plan for microbial forensics, the latter to  
16 be updated not less than once every four years;

17 (6) oversee, in coordination with the Director of  
18 the Office of Management and Budget, the develop-  
19 ment of a comprehensive cross-cutting biodefense  
20 budget analysis to inform prioritization of resources  
21 and ensure that biodefense challenges are adequately  
22 addressed, in accordance with section 104; and

23 (7) conduct ongoing oversight and evaluation of  
24 implementation of Federal biodefense activities by  
25 relevant Government departments and agencies.

1 (b) ACCESS BY CONGRESS.—The appointment of the  
2 Special Assistant to the President for Biodefense shall not  
3 be construed as affecting access by Congress or commit-  
4 tees of either House of Congress to information, docu-  
5 ments, and studies in the possession of, or conducted by  
6 or at the direction of, the Special Assistant.

7 **SEC. 102. NATIONAL BIODEFENSE PLAN.**

8 The Special Assistant to the President for Biodefense  
9 shall submit to the President a National Biodefense Plan  
10 that—

11 (1) identifies biological risks to the Nation to be  
12 addressed by the Plan, consistent with section 2102  
13 of the Homeland Security Act of 2002, as amended  
14 by this Act;

15 (2) delineates activities and tasks to be per-  
16 formed, including prevention, protection, response,  
17 and recovery activities, to address the risks identi-  
18 fied under paragraph (1);

19 (3) identifies biodefense assets, interdepend-  
20 encies, and capability gaps;

21 (4) defines organizational roles, responsibilities,  
22 and coordination of Federal, State, local, and tribal  
23 authorities with respect to the activities and tasks  
24 delineated in (2);

1           (5) integrates and supports the strategies out-  
2 lined in Presidential Policy Directives 2 and 8 and  
3 Homeland Security Presidential Directives 5, 9, 10,  
4 18, 21, and their successors, and other strategy doc-  
5 uments as appropriate;

6           (6) is consistent with the National Response  
7 Framework as published by the Secretary of Home-  
8 land Security in January 2008, and any successors  
9 thereof;

10          (7) incorporates input from Federal, State,  
11 local, and tribal stakeholders;

12          (8) provides planning guidance to biosecurity  
13 and biodefense stakeholders; and

14          (9) shall be delivered to the President and the  
15 Congress within 18 months after the date of the en-  
16 actment of this Act, and updated as necessary.

17 **SEC. 103. NATIONAL BIOSURVEILLANCE STRATEGY.**

18          (a) STRATEGY FOR BIOSURVEILLANCE.—The Special  
19 Assistant to the President for Biodefense shall publish a  
20 National Strategy for Biosurveillance.

21          (b) MATTERS FOR CONSIDERATION.—In developing  
22 the strategy required under subsection (a), the Special As-  
23 sistant shall take into consideration—

24           (1) the state of biosurveillance domestically and  
25 internationally;

1           (2) material threat assessments and determina-  
2           tions developed by the Secretary in accordance with  
3           the Project BioShield Act of 2004 (Public Law 108–  
4           276) and the amendments made by that Act;

5           (3) reports on global trends produced by the  
6           Office of the Director of National Intelligence re-  
7           garding the biological threat;

8           (4) information available in biosurveillance sys-  
9           tems and changes to information technology includ-  
10          ing systems used commercially to allow for the incor-  
11          poration and integration of this information;

12          (5) Intelligence Community needs as articulated  
13          in relevant intelligence strategies; and

14          (6) costs associated with establishing and main-  
15          taining the necessary infrastructure to integrate bio-  
16          surveillance systems.

17          (c) IMPLEMENTATION PLAN.—In addition to the  
18          strategy required under subsection (a), the Special Assist-  
19          ant shall publish an implementation plan for such strategy  
20          that includes benchmarks for measuring the success of the  
21          Strategy. The implementation plan shall—

22                (1) include a plan for advancing situational  
23                awareness of biological threats, by rapid detection  
24                and dissemination of biosurveillance information in  
25                real time, and through other means;



1           (2) identify key elements of information to be  
2           shared, critical sensitivities to be protected, and a  
3           framework for enabling information exchange;

4           (3) include a plan for fostering information  
5           sharing among national biosecurity and biodefense  
6           stakeholders to identify potential threats, reduce  
7           vulnerabilities and improve collective response activi-  
8           ties to and investigations of suspected biological at-  
9           tacks; and

10          (4) include a plan for enhancing the capability  
11          of the Federal Government to rapidly identify, char-  
12          acterize, localize, and track a biological event of na-  
13          tional concern by integrating and analyzing data re-  
14          lating to human health, animal, plant, food, and en-  
15          vironmental monitoring systems (both national and  
16          international).

17          (d) DEADLINE; SUBMISSION; UPDATES.—The Spe-  
18          cial Assistant shall—

19               (1) publish the strategy, and submit it to the  
20               appropriate congressional committees, by not later  
21               than one year after the date of enactment of this  
22               Act; and

23               (2) publish an implementation plan for such  
24               strategy not later than two years after the date of

1 enactment of this Act, and update the implementa-  
2 tion plan at least once every four years.

3 **SEC. 104. COMPREHENSIVE CROSS-CUTTING BIODEFENSE**  
4 **BUDGET ANALYSIS.**

5 (a) IN GENERAL.—In order to enhance strategic  
6 planning, eliminate redundancies, identify capability gaps,  
7 and provide for greater transparency, the Special Assist-  
8 ant to the President for Biodefense, in coordination with  
9 the Director of the Office of Management and Budget,  
10 shall transmit to the appropriate congressional commit-  
11 tees, concurrent with the submission of the President’s an-  
12 nual budget to the Congress, a comprehensive cross-cut-  
13 ting biodefense budget analysis that delineates and inte-  
14 grates the biodefense expenditure requests for the depart-  
15 ments and agencies headed by the officials listed in sub-  
16 section (c).

17 (b) CONTENTS.—

18 (1) IN GENERAL.—The comprehensive cross-  
19 cutting biodefense budget analysis shall provide a  
20 detailed, separate analysis, by budget function, by  
21 department or agency, and by initiative area (as de-  
22 termined by the Administration), for the prior fiscal  
23 year, the current fiscal year, and the fiscal years for  
24 which the budget is submitted, identifying the  
25 amounts of gross and net appropriations or

1       obligational authority and outlays that contribute to  
2       biodefense, with separate displays for mandatory  
3       and discretionary amounts, including—

4               (A) summaries of the total amount of such  
5               appropriations or obligational authority and  
6               outlays requested for biodefense;

7               (B) an estimate of the current service lev-  
8               els of biodefense spending; and

9               (C) an indication of how the Federal ac-  
10              tivities or accounts covered by the analysis sup-  
11              port the activities delineated in the National  
12              Biodefense Plan under section 102(2).

13             (2) ACCOUNT-LEVEL AMOUNTS.—With respect  
14             to subparagraphs (A) through (C) of paragraph (1),  
15             amounts shall be provided by account for each pro-  
16             gram, project, and activity.

17             (c) COORDINATION.—In implementing this section,  
18             including determining what Federal activities or accounts  
19             constitute biodefense for purposes of budgetary classifica-  
20             tion, the Special Assistant, in coordination with the Direc-  
21             tor of Office of Management and Budget, shall consult  
22             with—

23                     (1) the Secretary of Agriculture;

24                     (2) the Secretary of Commerce;

25                     (3) the Secretary of Defense;

- 1           (4) the Secretary of Energy;
- 2           (5) the Secretary of Health and Human Serv-
- 3       ices;
- 4           (6) the Secretary of Homeland Security;
- 5           (7) the Secretary of State;
- 6           (8) the Secretary of Veterans Affairs;
- 7           (9) the Attorney General;
- 8           (10) the Administrator of the Environmental
- 9       Protection Agency;
- 10          (11) the Director of the National Science Foun-
- 11       dation; and
- 12          (12) the Postmaster General of the United
- 13       States.

14       (d) CONSULTATION WITH CONGRESS.—Periodically,

15 but at least annually, the Special Assistant for Biodefense

16 shall consult with the Committee on Homeland Security

17 of the House of Representatives, the Committee on Home-

18 land Security and Governmental Affairs of the Senate, the

19 Budget Committees of the House of Representatives and

20 the Senate, the Appropriations Committees of the House

21 of Representatives and the Senate, and the Congressional

22 Budget Office.

1           **TITLE II—INTELLIGENCE**  
2                           **MATTERS**

3 **SEC. 201. NATIONAL INTELLIGENCE STRATEGY FOR COUN-**  
4                           **TERING THE THREAT FROM WEAPONS OF**  
5                           **MASS DESTRUCTION.**

6           (a) STRATEGY.—

7                   (1) DEVELOPMENT.—The Director of National  
8           Intelligence, in consultation with the Secretary of  
9           Homeland Security and the heads of other appro-  
10          priate Federal departments and agencies, shall de-  
11          velop and implement—

12                   (A) a strategy designed to improve the ca-  
13                  pabilities of the United States to collect, ana-  
14                  lyze, and disseminate intelligence related to  
15                  weapons of mass destruction; and

16                   (B) a plan to implement such strategy.

17                   (2) TITLE.—The strategy required under para-  
18                  graph (1) shall be known as the “National Intel-  
19                  ligence Strategy for Countering the Threat from  
20                  Weapons of Mass Destruction”.

21          (b) CONTENTS.—The strategy required under sub-  
22          section (a) shall—

23                   (1) identify and address target capabilities  
24                  needed for successful intelligence collection on weap-  
25                  ons of mass destruction;

1           (2) include methods for the recruitment, train-  
2           ing, and retention of a workforce with expertise in  
3           the collection, analysis, and dissemination of intel-  
4           ligence related to all types of weapons of mass de-  
5           struction and science and technology related to  
6           weapons of mass destruction, as well as expertise in  
7           science and technology relating to risks posed by  
8           weapons of mass destruction; and

9           (3) include methods for information sharing  
10          and collaboration, as appropriate, with non-Federal  
11          national biosecurity and biodefense stakeholders.

12          (c) IMPLEMENTATION PLAN.—The plan for imple-  
13          menting the strategy required under subsection (a) shall  
14          include—

15               (1) actions necessary to increase the effective-  
16               ness and efficiency of the sharing of intelligence on  
17               weapons of mass destruction throughout the Intel-  
18               ligence Community and with other Federal partners,  
19               including a description of statutory, regulatory, pol-  
20               icy, technical, security, or other barriers that impede  
21               such sharing, and, as appropriate, the development  
22               of uniform standards across the Intelligence Com-  
23               munity for such sharing;

24               (2) methods to disseminate intelligence prod-  
25               ucts to national biosecurity and biodefense stake-

1 holders in classified and unclassified formats to in-  
2 crease the effectiveness and efficiency of the sharing  
3 of information;

4 (3) actions necessary to provide open-source in-  
5 telligence relating to weapons of mass destruction  
6 to—

7 (A) appropriate Federal departments and  
8 agencies;

9 (B) State, local, and tribal authorities; and

10 (C) private entities;

11 (4) specific objectives to be accomplished, with  
12 corresponding schedule, for each year of the five-  
13 year period that begins on the date on which the  
14 strategy is submitted to the appropriate congres-  
15 sional committees under subsection (e) and tasks to  
16 accomplish such objectives, including—

17 (A) a list prioritizing such objectives and  
18 such tasks; and

19 (B) a schedule for meeting such objectives  
20 and carrying out such tasks;

21 (5) assignments of roles and responsibilities to  
22 elements of the Intelligence Community to imple-  
23 ment the strategy; and

24 (6) a schedule for assessment of the effective-  
25 ness and efficiency of the strategy, including

1 metrics, and a description of the components of the  
2 assessment.

3 (d) COORDINATION.—The Director of National Intel-  
4 ligence shall coordinate with State, local, and tribal gov-  
5 ernment authorities, private sector, and nongovernmental  
6 organizations in the development of the National Intel-  
7 ligence Strategy for Countering the Threat from Weapons  
8 of Mass Destruction.

9 (e) DEADLINE FOR SUBMISSION.—Not later than six  
10 months after the date of the enactment of this Act, the  
11 Director of National Intelligence shall submit to the ap-  
12 propriate congressional committees the strategy and plan  
13 required under subsection (a). The submission shall be in  
14 unclassified form but with a classified annex, as appro-  
15 priate.

16 (f) UPDATES.—The Director of National Intelligence  
17 shall update the implementation plan at least once every  
18 4 years.

19 **SEC. 202. NATIONAL INTELLIGENCE STRATEGY FOR COUN-**  
20 **TERING BIOLOGICAL THREATS.**

21 (a) STRATEGY.—

22 (1) DEVELOPMENT.—The Director of National  
23 Intelligence, in consultation with the Secretary of  
24 Homeland Security, the Secretary of Health and  
25 Human Services, the Special Assistant to the Presi-



1       dent for Biodefense, and the heads of other appro-  
2       priate Federal departments and agencies, shall de-  
3       velop and implement a strategy and a plan for im-  
4       plementing the strategy that is integrated into the  
5       National Intelligence Strategy for Countering the  
6       Threat from Weapons of Mass Destruction, as re-  
7       quired under this title.

8               (2) TITLE.—The strategy required under para-  
9       graph (1) shall be known as the “National Intel-  
10      ligence Strategy for Countering Biological Threats”.

11      (b) CONTENTS.—The strategy required under sub-  
12      section (a) shall—

13              (1) identify and address target capabilities  
14      needed for successful intelligence collection on bio-  
15      logical threats;

16              (2) include a plan for establishing in the Intel-  
17      ligence Community a cadre of collectors and analysts  
18      in all relevant agencies in the Intelligence Commu-  
19      nity that are familiar with biological threats, biologi-  
20      cal science, and biotechnology, including—

21                      (A) biological scientists;

22                      (B) biotechnologists; and

23                      (C) experts with knowledge of the current  
24      state of technologies that could be used to de-  
25      velop a weapon of mass destruction;

1           (3) include a plan for defining the functions,  
2           capabilities, and gaps in the Intelligence Community  
3           workforce with respect to assessing the biological  
4           threat;

5           (4) include methods for collaboration—

6                   (A) with non-Intelligence Community tech-  
7                   nical experts within Federal departments and  
8                   agencies; and

9                   (B) as appropriate, with individuals with  
10                  expertise described in paragraph (2) who are  
11                  not employed by the Federal Government, in  
12                  particular with State and local biodefense stake-  
13                  holders;

14          (5) include a plan for defining, integrating, fo-  
15          cusing, and enhancing existing capabilities in the In-  
16          telligence Community dedicated to current and stra-  
17          tegic biological threats; and

18          (6) include a plan for ensuring the  
19          prioritization and sustained commitment of intel-  
20          ligence personnel and resources to address biological  
21          threats.

22          (c) IMPLEMENTATION PLAN.—The implementation  
23          plan for the strategy required under subsection (a) shall—

24                  (1) include actions necessary to increase the ef-  
25                  fectiveness and efficiency of the sharing of intel-

1 intelligence throughout the Intelligence Community on  
2 biological weapons and organisms that could be used  
3 for biological terrorism, including a description of  
4 statutory, regulatory, policy, technical, security, or  
5 other barriers that prevent such sharing, and, as ap-  
6 propriate, the development of uniform standards  
7 across the Intelligence Community for such sharing;

8 (2) address strategic and tactical human intel-  
9 ligence, measurement and signature intelligence,  
10 technical intelligence, medical intelligence, and open-  
11 source intelligence activities necessary to implement  
12 the strategy;

13 (3) identify specific objectives to be accom-  
14 plished during each year of the five-year period that  
15 begins on the date on which the strategy is sub-  
16 mitted to the appropriate congressional committees  
17 under subsection (d) and tasks to accomplish such  
18 objectives, including—

19 (A) a list prioritizing such objectives and  
20 such tasks; and

21 (B) a schedule for meeting such objectives  
22 and carrying out such tasks;

23 (4) assign roles and responsibilities to elements  
24 of the Intelligence Community to implement the  
25 strategy;

1           (5) a schedule for assessment of the effective-  
2           ness and efficiency of the strategy, including  
3           metrics; and

4           (6) a schedule for evaluating on a regular basis  
5           the efforts of the Intelligence Community and  
6           progress on understanding and countering biological  
7           threats.

8           (d) REPORT.—Not later than one year after the date  
9           of the enactment of this Act, the Director of National In-  
10          telligence shall submit to the appropriate congressional  
11          committees the strategy and plan required under sub-  
12          section (a). The report shall be in unclassified form but  
13          with a classified annex, as appropriate.

14          (e) UPDATES.—The Director of National Intelligence  
15          shall update the implementation plan at least once every  
16          4 years.

17                           **TITLE III—HOMELAND**  
18                           **SECURITY MATTERS**

19   **SEC. 301. WEAPONS OF MASS DESTRUCTION PREVENTION**  
20                           **AND PREPAREDNESS.**

21          (a) IN GENERAL.—The Homeland Security Act of  
22          2002 (6 U.S.C. 101 et seq.) is amended by adding at the  
23          end the following new title:

1 **“TITLE XXI—WEAPONS OF MASS**  
2 **DESTRUCTION PREVENTION**  
3 **AND PREPAREDNESS**

4 **“Subtitle A—Prevention**

5 **“SEC. 2101. WEAPONS OF MASS DESTRUCTION INTEL-**  
6 **LIGENCE AND INFORMATION SHARING.**

7 “(a) IN GENERAL.—The Office of Intelligence and  
8 Analysis of the Department shall—

9 “(1) conduct intelligence and information shar-  
10 ing activities consistent with the National Intel-  
11 ligence Strategy for Countering the Threat from  
12 Weapons of Mass Destruction under section 201 of  
13 the WMD Prevention and Preparedness Act of 2011  
14 and the National Intelligence Strategy for Coun-  
15 tering Biological Threats under section 202 of that  
16 Act;

17 “(2) support homeland security-focused intel-  
18 ligence analysis of terrorist actors, their claims, and  
19 their plans to conduct attacks involving chemical, bi-  
20 ological, radiological, and nuclear materials against  
21 the Nation;

22 “(3) support homeland security-focused intel-  
23 ligence analysis of global infectious disease, public  
24 health, food, agricultural, and veterinary issues;

1           “(4) leverage existing and emerging homeland  
2 security capabilities and structures, including fusion  
3 centers established pursuant to section 210A, to en-  
4 hance prevention, protection, response, and recovery  
5 efforts with respect to a chemical, biological, radio-  
6 logical, or nuclear attack;

7           “(5) share information and provide tailored an-  
8 alytical support on these threats to State, local, and  
9 tribal authorities as well as other national biosecu-  
10 rity and biodefense stakeholders; and

11           “(6) perform other responsibilities, as assigned  
12 by the Secretary.

13           “(b) COORDINATION.—Where appropriate, the Office  
14 of Intelligence and Analysis shall coordinate with other  
15 relevant Department components, others in the Intel-  
16 ligence Community, including the National Counter Pro-  
17 liferation Center, and State, local, and tribal authorities,  
18 including officials from high-threat areas, and enable such  
19 entities to provide recommendations on optimal informa-  
20 tion sharing mechanisms, including expeditious sharing of  
21 classified information, and on how they can provide infor-  
22 mation to the Department.

23           “(c) REPORT.—

24           “(1) IN GENERAL.—Not later than one year  
25 after the date of the enactment of this section and

1 annually thereafter, the Secretary shall report to the  
2 appropriate congressional committees on—

3 “(A) the intelligence and information shar-  
4 ing activities under subsection (a) and of all rel-  
5 evant entities within the Department to counter  
6 the threat from weapons of mass destruction;  
7 and

8 “(B) the Department’s activities in accord-  
9 ance with relevant intelligence strategies, in-  
10 cluding the National Intelligence Strategy for  
11 Countering the Threat from Weapons of Mass  
12 Destruction and the National Intelligence Strat-  
13 egy for Countering Biological Threats.

14 “(2) ASSESSMENT OF IMPLEMENTATION.—The  
15 report shall include—

16 “(A) a description of methods established  
17 to assess progress of the Office of Intelligence  
18 and Analysis in implementing this section; and

19 “(B) such assessment.

20 **“SEC. 2102. RISK ASSESSMENTS.**

21 “(a) IN GENERAL.—The Secretary shall, in coordina-  
22 tion with relevant Department components and other ap-  
23 propriate Federal departments and agencies—

1           “(1) produce and update periodically a risk as-  
2           sessment of chemical, biological, radiological, and  
3           nuclear threats; and

4           “(2) produce and update periodically an inte-  
5           grated risk assessment that assesses all of those  
6           threats and ranks them against one another accord-  
7           ing to their relative risk.

8           “(b) METHODOLOGY.—

9           “(1) IN GENERAL.—The Secretary shall—

10           “(A) convene an interagency task force of  
11           relevant subject matter experts to assess the  
12           proposed methodology to be used for assess-  
13           ments required under subsection (a), and to  
14           provide recommendations to the Secretary as to  
15           the adequacy of such methodology;

16           “(B) conduct sensitivity analysis on each  
17           assessment to identify and prioritize research  
18           activities to close knowledge gaps; and

19           “(C) consider the evolving threat from an  
20           intelligent adversary.

21           “(2) INCLUSION IN ASSESSMENT.—Each assess-  
22           ment under subsection (a) shall include a description  
23           of the methodology used for the assessment.

24           “(c) USAGE.—The assessments required under sub-  
25           section (a) shall be used to inform and guide—



1           “(1) the threat assessments and determinations  
2           by the Secretary regarding agents and toxins pursu-  
3           ant to section 319F–2 of the Public Health Service  
4           Act;

5           “(2) prioritization of medical countermeasure  
6           research, development, acquisition, and distribution  
7           activities and other national strategic biodefense re-  
8           search;

9           “(3) tailored risk assessments, as appropriate,  
10          on topics such as radiological materials security or  
11          the economic risks of a biological attack; and

12          “(4) other homeland security activities as deter-  
13          mined appropriate by the Secretary and the heads of  
14          other agencies.

15          “(d) INPUT AND SHARING.—The Secretary shall, for  
16          each assessment required under subsection (a)—

17                 “(1) seek input from national biosecurity and  
18                 biodefense stakeholders, and other State, local, and  
19                 tribal officials involved in efforts to prevent, protect,  
20                 respond to, and recover from chemical, biological, ra-  
21                 diological, and nuclear threats;

22                 “(2) share the risk assessments with Federal,  
23                 State, local and tribal officials with appropriate se-  
24                 curity clearances and a need for the information in  
25                 the classified version; and



1 **“SEC. 2104. EXPORT ENFORCEMENT FOR COUNTERPRO-**  
2 **LIFERATION.**

3 “(a) IN GENERAL.—The Secretary, in coordination  
4 with the Secretary of Commerce, the Secretary of Defense,  
5 the Attorney General, the Secretary of State, the Sec-  
6 retary of the Treasury, the Director of National Intel-  
7 ligence, and the heads of other appropriate Federal agen-  
8 cies shall—

9 “(1) conduct homeland security investigations  
10 and enforce criminal violations of customs and ex-  
11 port laws of the United States related to military  
12 items, controlled commodities, and sanctioned or em-  
13 bargoed countries or persons to prevent individuals,  
14 terrorist groups, foreign adversaries, and hostile na-  
15 tions from—

16 “(A) illegally obtaining sensitive United  
17 States technology and munitions; and

18 “(B) obtaining components, precursors,  
19 and delivery systems for chemical, biological,  
20 radiological, and nuclear weapons, including—

21 “(i) United States military technical  
22 data, hardware, small arms and defense  
23 services;

24 “(ii) dual-use technical data/source  
25 code and commodities; and

26 “(iii) deemed exports; and

1           “(2) conduct industry outreach with manufac-  
2           turers and exporters of strategic commodities that  
3           may be targeted for procurement by terrorist organi-  
4           zations and the countries that support them as well  
5           as countries identified as weapons proliferators, in a  
6           manner that acknowledges commerce and trade,  
7           by—

8                   “(A) educating companies and individuals  
9                   on the export laws of the United States;

10                   “(B) discussing export licensing issues and  
11                   requirements;

12                   “(C) identifying red flag indicators used in  
13                   illegal procurement;

14                   “(D) identifying the government agencies  
15                   responsible for the licensing of export-controlled  
16                   commodities and technology; and

17                   “(E) establishing and fostering relation-  
18                   ships whereby companies and individuals can  
19                   report suspicious contacts or attempts to violate  
20                   the export laws of the United States.

21           “(b) NATIONAL EXPORT ENFORCEMENT COORDINA-  
22           TION.—

23                   “(1) ESTABLISHMENT.—There shall be main-  
24                   tained in the Department the Export Enforcement  
25                   Coordination Center, with capability for national ex-

1 port enforcement coordination that is managed by  
2 the Secretary and coordinates the export enforce-  
3 ment activities among the Department, the Depart-  
4 ment of Agriculture, the Department of Commerce,  
5 the Department of Defense, the Department of En-  
6 ergy, the Department of Justice, the Department of  
7 State, the Department of the Treasury, the Intel-  
8 ligence Community, and other Federal agencies as  
9 appropriate.

10 “(2) RESPONSIBILITIES.—The Center shall—

11 “(A) enhance Federal coordination for law  
12 enforcement counterproliferation investigations,  
13 including coordination and deconfliction with  
14 intelligence counterproliferation activities;

15 “(B) address licensing inquiries, reviews,  
16 requests, checks, and verifications; and

17 “(C) conduct outreach and provide train-  
18 ing to the export trade community.

19 **“SEC. 2105. COMMUNICATION OF THREAT INFORMATION.**

20 “(a) FINDINGS.—Congress finds the following:

21 “(1) The Commission on the Prevention of  
22 Weapons of Mass Destruction Proliferation and Ter-  
23 rorism recommended that ‘the Federal Government  
24 should practice greater openness of public informa-

1       tion so that citizens better understand the threat  
2       and the risk this threat poses to them’.

3           “(2) There are unique challenges for commu-  
4       nity preparedness for attacks from weapons of mass  
5       destruction.

6       “(b) COMMUNICATIONS PLAN.—

7           “(1) IN GENERAL.—A communications plan de-  
8       veloped under subsection (a)(4) shall be designed to  
9       provide information to the public related to pre-  
10      venting, preparing for, and responding to chemical,  
11      biological, radiological, and nuclear attacks.

12          “(2) CONSULTATION.—As appropriate, the  
13      head of each Federal agency shall consult with  
14      State, local, and tribal authorities and coordinate  
15      with other Federal departments and agencies in de-  
16      veloping a communications plans under paragraph  
17      (1).

18          “(3) PRE-SCRIPTED MESSAGES AND MESSAGE  
19      TEMPLATES.—

20           “(A) IN GENERAL.—The Administrator of  
21      the Federal Emergency Management Agency  
22      shall develop and disseminate, through the Fed-  
23      eral Emergency Management Agency, inte-  
24      grated public alerts and warnings system, pre-  
25      scripted messages and message templates to be

1 provided to State, local, and tribal authorities  
2 so that those authorities can quickly and rap-  
3 idly disseminate critical information to the pub-  
4 lic in anticipation of, during, or in the imme-  
5 diate aftermath of a chemical, biological, radio-  
6 logical, and nuclear attack, and to be included  
7 in the Department of Homeland Security’s les-  
8 sons learned information sharing system.

9 “(B) DEVELOPMENT AND DESIGN.—The  
10 pre-scripted messages or message templates  
11 shall—

12 “(i) be developed in consultation with  
13 State, local, and tribal authorities and in  
14 coordination with other appropriate Fed-  
15 eral departments and agencies;

16 “(ii) be designed to provide accurate,  
17 essential, and appropriate information and  
18 instructions to the population directly af-  
19 fected by an incident, including informa-  
20 tion regarding an evacuation, sheltering in  
21 place, hospital surge operations, health,  
22 and safety;

23 “(iii) be designed to provide accurate,  
24 essential, and appropriate information and  
25 instructions to emergency response pro-

1           viders and medical personnel responding to  
2           an incident; and

3                   “(iv) include direction for the coordi-  
4           nation of Federal, State, local, and tribal  
5           communications teams.

6                   “(C) COMMUNICATIONS FORMATS.—The  
7           Administrator shall develop pre-scripted mes-  
8           sages or message templates under this para-  
9           graph in multiple formats to ensure delivery—

10                   “(i) in cases where the usual commu-  
11           nications infrastructure is unusable; and

12                   “(ii) to individuals with disabilities or  
13           other special needs and individuals with  
14           limited English proficiency.

15                   “(D) DISSEMINATION AND TECHNICAL AS-  
16           SISTANCE.—The Administrator shall ensure  
17           that all pre-scripted messages and message  
18           templates developed under this paragraph are  
19           made available to State, local, and tribal au-  
20           thorities so that those authorities may incor-  
21           porate them, as appropriate, into their emer-  
22           gency plans. The Administrator shall also make  
23           available relevant technical assistance to those  
24           authorities to support communications plan-  
25           ning.



1           “(E) EXERCISES.—To ensure that the pre-  
2           scribed messages or message templates devel-  
3           oped under this paragraph can be effectively  
4           utilized in a disaster or incident, the Adminis-  
5           trator shall incorporate Federal, State, local,  
6           and tribal communications teams that deliver  
7           such pre-scripted messages or message tem-  
8           plates into exercises, including those conducted  
9           under the National Exercise Program.

10           “(4) REPORT.—Not later than one year after  
11           the date of the enactment of this subsection, the Ad-  
12           ministrator of the Federal Emergency Management  
13           Agency shall submit to the appropriate congressional  
14           committees the communications plans required to be  
15           developed under this subsection, including pre-  
16           scribed messages or message templates developed in  
17           conjunction with the plans and a description of the  
18           means that will be used to deliver these messages  
19           during such incidents.

20           “(c) TERRORISM THREAT AWARENESS.—

21           “(1) TERRORISM THREAT AWARENESS.—The  
22           Secretary, in coordination with the Attorney General  
23           and heads of appropriate Federal agencies, shall for  
24           purposes of preparedness and collective response to  
25           terrorism and for other purposes—

1           “(A) ensure that homeland security infor-  
2 mation concerning terrorist threats is provided  
3 to State, local, and tribal authorities and the  
4 public within the United States, as appropriate;  
5 and

6           “(B) establish a process to optimize oppor-  
7 tunities for qualified heads of State, local, and  
8 tribal government entities to obtain appropriate  
9 security clearances so that they may receive  
10 classified threat information when appropriate.

11       “(2) THREAT BULLETINS.—

12           “(A) IN GENERAL.—Consistent with the  
13 requirements of paragraph (1), the Secretary  
14 shall, on a timely basis, prepare unclassified  
15 threat bulletins on chemical, biological, radio-  
16 logical, and nuclear threats.

17           “(B) REQUIREMENTS.—Each assessment  
18 required under subparagraph (A) shall—

19                   “(i) include guidance to the public for  
20 preventing and responding to acts of ter-  
21 rorism arising from such threats; and

22                   “(ii) be made available on the Internet  
23 Web site of the Department and other  
24 publicly accessible Internet Web sites, com-

1                   communication systems, and information net-  
2                   works.

3                   “(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL  
4                   AUTHORITIES.—The Secretary—

5                   “(A) shall provide to State, local, and trib-  
6                   al authorities written guidance on commu-  
7                   nicating terrorism-related threats and risks to  
8                   the public within their jurisdictions; and

9                   “(B) shall identify and articulate the gov-  
10                  ernmental rationale for identifying particular  
11                  communities as being at heightened risk of ex-  
12                  ploitation.

13                  “(4) USE OF EXISTING RESOURCES.—The Sec-  
14                  retary shall use Internet Web sites, communication  
15                  systems, and information networks in operation on  
16                  the date of an assessment under this subsection, and  
17                  shall coordinate with other heads of Federal depart-  
18                  ments and agencies to provide information through  
19                  existing channels to satisfy the requirements of  
20                  paragraph (2)(B)(ii). The Secretary shall provide  
21                  guidance on how State, local, tribal, and private en-  
22                  tities can partner with public television stations to  
23                  disseminate information provided by the Department  
24                  and shall provide information on best practices on  
25                  disseminating information to residents of local com-

1 communities, including leveraging public television sta-  
2 tions.

3 **“SEC. 2106. INDIVIDUAL AND COMMUNITY PREPAREDNESS**  
4 **FOR CHEMICAL, BIOLOGICAL, RADIO-**  
5 **LOGICAL, AND NUCLEAR ATTACKS.**

6 “(a) IN GENERAL.—The Secretary, acting through  
7 the Administrator for the Federal Emergency Manage-  
8 ment Agency, shall assist State, local, and tribal authori-  
9 ties in improving and promoting individual and community  
10 preparedness and collective response to terrorist attacks  
11 involving chemical, biological, radiological, and nuclear  
12 materials against the United States by—

13 “(1) developing guidance and checklists of rec-  
14 ommended actions for individual and community  
15 prevention and preparedness efforts and dissemi-  
16 nating such guidance and checklists to communities  
17 and individuals;

18 “(2) updating new and existing guidance and  
19 checklists as appropriate;

20 “(3) disseminating the guidance developed  
21 under section 2131 to communities and individuals,  
22 as appropriate;

23 “(4) providing information and training mate-  
24 rials in support of individual and community pre-  
25 paredness efforts;

1           “(5) conducting individual and community pre-  
2           paredness outreach efforts; and

3           “(6) such other actions as the Secretary deter-  
4           mines appropriate.

5           “(b) COORDINATION.—Where appropriate, the Sec-  
6           retary shall coordinate with private sector and nongovern-  
7           mental organizations to promote individual and commu-  
8           nity preparedness and collective response to terrorist at-  
9           tacks involving chemical, biological, radiological, and nu-  
10          clear materials against the United States.

11          “(c) BEST PRACTICES.—In compiling guidance for  
12          individual and community preparedness in order to carry  
13          out subsection (a)(4), the Secretary shall give due regard  
14          to best practices based on the experience of other agencies  
15          and countries and the expertise of academic institutions  
16          and nongovernmental organizations.

17                           **“Subtitle B—Protection**

18           **“SEC. 2121. DETECTION OF BIOLOGICAL ATTACKS.**

19          “(a) PROGRAM.—The Secretary shall carry out a pro-  
20          gram to detect a biological attack or event that poses a  
21          high risk to homeland security. Through such program,  
22          the Secretary shall—

23                   “(1) deploy detectors to areas, based on risk, to  
24                   indicate the presence of biological agents;

1           “(2) consider multiple deployment strategies in-  
2           cluding surge capability;

3           “(3) provide information to participating lab-  
4           oratories for their use in monitoring public health,  
5           and biological material from these detectors to par-  
6           ticipating laboratories for testing;

7           “(4) regularly communicate with, and provide  
8           information about the presence of biological agents  
9           to appropriate public health, law enforcement, emer-  
10          gency services, and fire personnel at all levels of gov-  
11          ernment in a manner that ensures transparency with  
12          the governments served by such personnel;

13          “(5) provide advanced planning tools, concepts  
14          of operations (including alarm resolution protocols  
15          and response guidance), and training exercises (in-  
16          cluding in collaboration with relevant national level  
17          exercises) for collective response to and recovery  
18          from biological attacks; and

19          “(6) provide technical assistance to jurisdictions  
20          hosting the program to improve their ability to re-  
21          spond to a detected pathogen.

22          “(b) PROGRAM REQUIREMENTS.—Under the pro-  
23          gram required under subsection (a), the Secretary shall—

24                 “(1) enter into memoranda of agreement or  
25                 interagency agreements under the Economy Act of

1 1933 (31 U.S.C. 1535 et seq.) with the Director of  
2 the Centers of Disease Control and Prevention and  
3 the Administrator of the Environmental Protection  
4 Agency, and the heads of other Federal departments  
5 and agencies, setting forth roles and responsibilities,  
6 including with respect to validating performance and  
7 developing testing protocols for participating labora-  
8 tories and coordination with appropriate State, local,  
9 and tribal agencies;

10 “(2) establish criteria for determining whether  
11 plans for biological detector capabilities and coverage  
12 sufficiently protect the United States population,  
13 and make such determinations on an annual basis;

14 “(3) acting through the Under Secretary for  
15 Science and Technology, and in consultation with  
16 the Director for the Centers for Disease Control and  
17 Prevention, implement an assay equivalency program  
18 for biological threat assays that—

19 “(A) evaluates biological threat detection  
20 assays, their protocols for use, and their associ-  
21 ated response algorithms for confirmation of bi-  
22 ological threat agents, taking performance  
23 measures and concepts of operation into consid-  
24 eration;

1           “(B) develops assay equivalency standards  
2 based on the findings of the evaluation under  
3 subparagraph (A);

4           “(C) requires implementation of the stand-  
5 ards developed under subparagraph (B) for all  
6 Department biological detection programs;

7           “(D) makes such standards available and  
8 promotes their use to support all other Federal  
9 biological detection programs; and

10           “(E) is updated as necessary; and

11           “(4) prior to acquiring and deploying biodetec-  
12 tion technology, require—

13           “(A) a cost-benefit analysis, including an  
14 analysis of alternatives, that shall be informed  
15 by the terrorism risk assessments under section  
16 2103;

17           “(B) operational testing and evaluation;  
18 and

19           “(C) operational assessment by the end  
20 users of the technology.

21           “(c) CONTRACT AUTHORITY.—The Secretary may  
22 enter into contracts with participating laboratories for—

23           “(1) the provision of laboratory services for  
24 purposes of this section on a fee-for-service basis or  
25 on a prepayment or other similar basis; and



1           “(2) administrative and other costs related to  
2           hosting program personnel and equipment in these  
3           laboratories.

4           “(d) DEFINITIONS.—In this section:

5           “(1) The term ‘participating laboratory’ means  
6           a laboratory that has been accepted as a member of  
7           the Laboratory Response Network for Bioterrorism  
8           that—

9                   “(A) is fully equipped to detect and re-  
10                   spond quickly to acts of biological terrorism;

11                   “(B) provides biocontainment and micro-  
12                   biological analysis in support of the Depart-  
13                   ment, the Federal Bureau of Investigation and  
14                   other law enforcement agencies with responsibil-  
15                   ities for investigating biological incidents; and

16                   “(C) supports threat agent characteriza-  
17                   tion studies and assay evaluation, research and  
18                   development.

19           “(2) The term ‘assay’ means any scientific test  
20           that is designed to detect the presence of a biological  
21           threat agent that is of a type selected under criteria  
22           established by the Secretary.

1 **“SEC. 2122. RAPID BIOLOGICAL THREAT DETECTION AND**  
2 **IDENTIFICATION AT PORTS OF ENTRY.**

3 “(a) IN GENERAL.—The Secretary shall require the  
4 Under Secretary for Science and Technology, in consulta-  
5 tion with the heads of other relevant operational compo-  
6 nents of the Department, to assess whether the develop-  
7 ment of technological screening capabilities for biological  
8 agents, pandemic influenza, and other infectious diseases  
9 should be undertaken by the Science and Technology Di-  
10 rectorate to support entry and exit screening at ports of  
11 entry and for other purposes.

12 “(b) DEVELOPMENT OF METHODS.—If the Under  
13 Secretary determines that the development of such screen-  
14 ing capabilities should be undertaken, the Secretary shall,  
15 to the extent possible, initiate development of safe and ef-  
16 fective methods to—

17 “(1) rapidly screen incoming individuals at  
18 ports of entry for biological agents, pandemic influ-  
19 enza, and other infectious diseases; and

20 “(2) obtain results of such screening near the  
21 point of screening.

22 **“SEC. 2123. EVALUATING DETECTION TECHNOLOGY.**

23 “The Secretary, in coordination with the Director of  
24 the National Institute of Standards and Technology, may  
25 carry out a program to—

1           “(1) establish near-term performance metrics,  
2           based to the greatest extent practicable on voluntary  
3           consensus standards, to evaluate the effectiveness of  
4           detection technology for high-priority biological  
5           agents and toxins and high-priority chemical agents;

6           “(2) establish a process for voluntary testing  
7           and evaluation of technology by an accredited lab-  
8           oratory for the effective detection of high-priority bi-  
9           ological agents and toxins and high-priority chemical  
10          agents, including the collection of fees and  
11          incentivization for the program through potential for  
12          SAFETY Act certification or placement on the au-  
13          thorized equipment list; and

14          “(3) with permission from the detection tech-  
15          nology manufacturer, make available to Federal de-  
16          partments and agencies, State, territorial, local, and  
17          tribal entities, and the private sector the results of  
18          detection system testing and evaluation under para-  
19          graph (2).

20 **“SEC. 2124. LABORATORY BIOSECURITY INFORMATION**  
21 **SHARING.**

22          “(a) IN GENERAL.—The Secretary shall establish  
23          procedures, with appropriate controls on access, for the  
24          sharing of homeland security information, including bio-  
25          logical laboratory vulnerability assessments, security

1 plans, best practices, and other laboratory biosecurity-re-  
2 lated information, as the Secretary determines appro-  
3 priate, with State, local, and tribal government authori-  
4 ties, including law enforcement authorities and emergency  
5 response providers.

6 “(b) ACCESS TO INFORMATION IN DATABASES.—In  
7 carrying out this section, the Secretary shall have access  
8 to information from the national databases established  
9 under section 212(d)(2) of the Agricultural Bioterrorism  
10 Protection Act of 2002 (7 U.S.C. 8401(d)(2)) and sub-  
11 section (d)(2) of section 351A of the Public Health Service  
12 Act (42 U.S.C. 262a).

13 “(c) CLASSIFIED AND SENSITIVE INFORMATION.—  
14 The Secretary shall ensure that any information dissemi-  
15 nated under this section is handled consistent with—

16 “(1) the authority of the Director of National  
17 Intelligence to protect intelligence sources and meth-  
18 ods under the National Security Act of 1947 (50  
19 U.S.C. 401 et seq.) and related procedures or simi-  
20 lar authorities of the Attorney General concerning  
21 sensitive law enforcement information;

22 “(2) section 552a of title 5, United States Code  
23 (commonly referred to as the Privacy Act of 1974);  
24 and

25 “(3) other relevant laws.

1 **“SEC. 2125. DOMESTIC IMPLEMENTATION OF THE GLOBAL**  
2 **NUCLEAR DETECTION ARCHITECTURE.**

3 “(a) SECURING THE CITIES.—The Director of the  
4 Domestic Nuclear Detection Office shall establish and  
5 maintain a multilayered system of detection technologies,  
6 programs, and guidelines designed to enhance the Na-  
7 tion’s ability to detect and prevent a radiological or nu-  
8 clear attack in high-risk United States cities, as deter-  
9 mined by the Secretary.

10 “(b) SURGE CAPABILITIES.—The Director shall de-  
11 velop a surge capability for radiological and nuclear detec-  
12 tion systems that can be deployed within the United States  
13 rapidly in response to actionable intelligence or warnings,  
14 and includes procurement of appropriate technology,  
15 training, and exercises.

16 “(c) INTEGRATION.—The programs under sub-  
17 sections (a) and (b) shall be integrated into the Global  
18 Nuclear Detection Architecture and shall inform architec-  
19 ture studies, technology gaps, and research activities of  
20 the Domestic Nuclear Detection Office.

21 **“Subtitle C—Response**

22 **“SEC. 2131. FIRST RESPONDER GUIDANCE CONCERNING**  
23 **CHEMICAL, BIOLOGICAL, RADIOLOGICAL,**  
24 **AND NUCLEAR ATTACKS.**

25 “(a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—  
26 Not later than one year after the date of the enactment

1 of this section, the Secretary, in coordination with the Sec-  
2 retary of Health and Human Services, the Secretary of  
3 Agriculture, the Administrator of the Environmental Pro-  
4 tection Agency, and the heads of other Federal depart-  
5 ments and agencies, as appropriate, shall—

6           “(1) develop for police, fire, emergency medical  
7 services, emergency management, medical and public  
8 health personnel, voluntary guidance for responding  
9 to a release of chemical, biological, radiological, or  
10 nuclear material;

11           “(2) make such guidance available to State,  
12 local, and tribal authorities, including primary and  
13 secondary school administrators, nongovernmental  
14 organizations, the private sector, and the public; and

15           “(3) in developing the guidance under para-  
16 graph (1)—

17           “(A) review the experiences of other coun-  
18 tries and the expertise of academic institutions  
19 and nongovernmental organizations; and

20           “(B) consider the unique needs of children  
21 and other vulnerable populations.

22           “(b) CONTENTS.—The guidance developed under  
23 subsection (a)(1) shall be voluntary, risk-based guidance  
24 that shall include—

1           “(1) protective action guidance for ensuring the  
2 security, health, and safety of emergency response  
3 providers and their families and household contacts;

4           “(2) specific information regarding the effects  
5 of the chemical, biological, radiological, or nuclear  
6 material on those exposed to the agent; and

7           “(3) best practices for emergency response pro-  
8 viders to effectively diagnose, handle, and otherwise  
9 manage individuals affected by an incident involving  
10 chemical, biological, radiological, or nuclear material.

11       “(c) REVIEW AND REVISION OF GUIDANCE.—The  
12 Secretary shall—

13           “(1) review the guidance developed under sub-  
14 section (a)(1) at least once every 2 years;

15           “(2) make revisions to the guidance as appro-  
16 priate; and

17           “(3) make any revised guidance available to  
18 State, local, and tribal authorities, nongovernmental  
19 organizations, the private sector, and the public.

20       “(d) PROCEDURES FOR DEVELOPING AND REVISING  
21 GUIDANCE.—In carrying out the requirements of this sec-  
22 tion, the Secretary shall establish procedures to—

23           “(1) enable members of the first responder and  
24 first provider community to submit recommendations

1 of areas in which guidance is needed and could be  
2 developed under subsection (a)(1);

3 “(2) determine which entities should be con-  
4 sulted in developing or revising the guidance;

5 “(3) prioritize, on a regular basis, guidance  
6 that should be developed or revised; and

7 “(4) develop and disseminate the guidance in  
8 accordance with the prioritization under paragraph  
9 (3).

10 **“SEC. 2132. INTEGRATED PLUME MODELING FOR COLLEC-**  
11 **TIVE RESPONSE.**

12 “(a) DEVELOPMENT.—

13 “(1) IN GENERAL.—The Secretary shall ac-  
14 quire, use, and disseminate the best available inte-  
15 grated plume models to enable rapid response activi-  
16 ties following a chemical, biological, nuclear, or radi-  
17 ological attack or event.

18 “(2) SCOPE.—The Secretary shall—

19 “(A) identify Federal, State, and local  
20 needs regarding plume models and ensure the  
21 rapid development and distribution of inte-  
22 grated plume models that meet those needs to  
23 appropriate officials of the Federal Government  
24 and State, local, and tribal authorities to enable



1 immediate response to a chemical, biological, or  
2 radiological attack or event;

3 “(B) establish mechanisms for dissemina-  
4 tion by appropriate emergency response officials  
5 of the integrated plume models described in  
6 paragraph (1) to nongovernmental organiza-  
7 tions and the public to enable appropriate col-  
8 lective response activities;

9 “(C) ensure that guidance and training in  
10 how to appropriately use such models are pro-  
11 vided; and

12 “(D) ensure that lessons learned from as-  
13 sessing the development and dissemination of  
14 integrated plume models during exercises ad-  
15 ministered by the Department are put into the  
16 lessons learned information sharing system  
17 maintained by the Department.

18 “(b) DEFINITIONS.—For purposes of this section:

19 “(1) The term ‘plume model’ means the assess-  
20 ment of the location and prediction of the spread of  
21 agents following a chemical, biological, radiological,  
22 or nuclear attack or event.

23 “(2) The term ‘integrated plume model’ means  
24 a plume model that integrates protective action guid-

1           ance and other information as the Secretary deter-  
2           mines appropriate.

3   **“SEC. 2133. ESTABLISHMENT OF THE SYSTEM ASSESSMENT**  
4                           **AND VALIDATION FOR EMERGENCY RE-**  
5                           **SPONDERS (SAVER) PROGRAM.**

6           “The Secretary shall carry out a program for system  
7           assessment and validation of emergency response equip-  
8           ment at the Department, to be known as the ‘SAVER Pro-  
9           gram’. The Secretary shall ensure that such program—

10                   “(1) conducts objective, impartial, practitioner-  
11                   relevant, and operationally oriented assessments and  
12                   validations of commercial emergency responder  
13                   equipment and systems, including hand-held detec-  
14                   tors for chemical, biological, radiological, and nu-  
15                   clear agents;

16                   “(2) is supported by a network of scientists  
17                   who, in coordination with subject matter experts,  
18                   perform the assessment and validation activities  
19                   using strict scientific and testing protocols;

20                   “(3) provides results along with other relevant  
21                   equipment information to the emergency response  
22                   provider community in an operationally useful form;

23                   “(4) provides information on equipment that  
24                   falls within the categories listed in the Department’s  
25                   authorized equipment list;

1           “(5) provides information that enables decision-  
2           makers and responders to better select, procure, use,  
3           and maintain emergency responder equipment; and

4           “(6) shares such information nationally with  
5           the emergency response provider community.

6   **“SEC. 2134. PAYMENT FOR LABORATORY RESPONSE SERV-**  
7                           **ICES.**

8           “*In carrying out their functions, responsibilities, au-*  
9           *thorities, and duties to counter biological terrorism, the*  
10          Secretary, the Attorney General, and the heads of other  
11          participating Federal agencies are authorized, subject to  
12          the availability of appropriations, to enter into contracts  
13          with the State and local public health laboratories that  
14          compose the Laboratory Response Network for Bioter-  
15          rorism, and any other qualified laboratories, for the provi-  
16          sion of laboratory testing services on a fee-for-service basis  
17          or on a prepayment or other similar basis. Prior to enter-  
18          ing into such a contract with any laboratory in such net-  
19          work, the Secretary, the Attorney General, or the head  
20          of any other participating Federal agency shall inform the  
21          Centers for Disease Control and Prevention.

22   **“SEC. 2135. BIOFORENSICS CAPABILITIES.**

23          “(a) NATIONAL BIOFORENSICS ANALYSIS CEN-  
24          TER.—There is established in the Department a National  
25          Bioforensics Analysis Center that shall serve as the lead

1 Federal facility in support of law enforcement investiga-  
2 tions and actions to—

3 “(1) provide definitive forensic examination of  
4 biotreat agents and related evidence;

5 “(2) provide necessary biocontainment;

6 “(3) integrate bioforensics requirements for law  
7 enforcement, emergency response, national security,  
8 and homeland security;

9 “(4) provide bioforensics analysis in support of  
10 the executive agencies with primary responsibilities  
11 for preventing, deterring, responding to, attributing,  
12 and recovering from biological attacks;

13 “(5) adhere to appropriate bioforensics stand-  
14 ards;

15 “(6) maintain the national bioforensics reposi-  
16 tory collection as a distributed reference collection of  
17 biological agents and toxins for bioforensics compari-  
18 sons and identifications; and

19 “(7) other related bioforensic activities.

20 “(b) NATIONAL BIOFORENSICS REPOSITORY COL-  
21 LECTION.—

22 “(1) IN GENERAL.—The National Bioforensics  
23 Analysis Center shall maintain a distributed national  
24 bioforensics repository collection.

1           “(2) ACTIVITIES.—The national bioforensics re-  
2           pository collection shall—

3                   “(A) receive, store, and distribute biologi-  
4                   cal threat agents and toxins;

5                   “(B) serve as a distributed reference col-  
6                   lection for comparative bioforensics identifica-  
7                   tions and characterizations; and

8                   “(C) support threat agent characterization  
9                   studies and the development of bioforensics as-  
10                  says, genomic analyses, organic and inorganic  
11                  chemical analyses, electron microscopy analyses,  
12                  and other relevant assays, analyses, and tests.

13           “(3) PARTICIPATION.—

14                   “(A) IN GENERAL.—The Secretary, the  
15                   Attorney General, the Secretary of Agriculture,  
16                   the Secretary of Defense, the Secretary of En-  
17                   ergy, the Secretary of Health and Human Serv-  
18                   ices, the Director of National Intelligence, and  
19                   the head of any other appropriate executive  
20                   agency with a biological agent or toxin collec-  
21                   tion that is useful for the bioforensics analysis  
22                   of biological attacks, performance of biological  
23                   threat agent identification and characterization  
24                   studies, or evaluation and development of  
25                   bioforensics assays and methods shall provide to

1 the distributed national bioforensics repository  
2 collection authenticated replicate samples of, or  
3 information on, all relevant biological strains  
4 and toxins, as determined by the Secretary, in  
5 consultation with the head of the executive  
6 agency possessing the agent or toxin.

7 “(B) OTHER BIOLOGICAL AGENTS AND  
8 TOXINS.—The Secretary shall require the con-  
9 tribution to the national bioforensics repository  
10 collection of authenticated replicate samples of,  
11 or information on, all relevant biological strains  
12 and toxins, as determined by the Secretary,  
13 from public and private biological agent and  
14 toxin collections that were collected or created  
15 with support from a Federal grant or contract  
16 and that support the functions described in  
17 paragraph (2).

18 “(4) ACCESS.—The Secretary shall—

19 “(A) provide any Federal department or  
20 agency that submits a biological agent or toxin,  
21 or information on a biological agent or toxin, to  
22 the national bioforensics repository collection  
23 with access to the collection; and

24 “(B) establish a mechanism to provide  
25 public and private entities with access to agents

1 or toxins in, or information regarding, the na-  
2 tional bioforensics repository collection, as de-  
3 termined appropriate by the Secretary, with ap-  
4 propriate protection of classified or law enforce-  
5 ment sensitive information and intellectual  
6 property rights.

7 “(c) DETAILEE PROGRAM.—Subject to the avail-  
8 ability of appropriations, the Secretary may implement a  
9 detailee program to detail from governmental entities na-  
10 tional biosecurity and biodefense stakeholders with appro-  
11 priate clearances, on a reimbursable basis, to the National  
12 Bioforensics Analysis Center for the purpose of—

13 “(1) providing training and other educational  
14 benefits for such stakeholders to help them to better  
15 understand the policies, procedures, and laws gov-  
16 erning national bioforensics activities; and

17 “(2) bolstering the capabilities and information  
18 sharing activities of the National Bioforensics Anal-  
19 ysis Center with national biosecurity and biodefense  
20 stakeholders.

21 “(d) DEFINITION OF BIOFORENSICS.—In this sec-  
22 tion, the term ‘bioforensics’ means the scientific discipline  
23 dedicated to analyzing evidence from an attack with a bio-  
24 logical weapon of mass destruction, an act of bioterrorism,  
25 a biological agent- or toxin-based criminal act, the inad-

1 vertent release of a biological agent or toxin for attribution  
2 purposes, or pre-event investigative actions of such evi-  
3 dence.

4 **“SEC. 2136. FEDERAL LAW ENFORCEMENT TRAINING TO IN-**  
5 **VESTIGATE BIOLOGICAL THREATS.**

6 “The Secretary, in coordination with the Attorney  
7 General, the Secretary of Agriculture, the Secretary of  
8 Health and Human Services, and the heads of other ap-  
9 propriate Federal departments and agencies, shall make  
10 available to law enforcement, public health, emergency  
11 first responders, and security personnel at the Federal  
12 Law Enforcement Training Center training on recognizing  
13 and responding to situations involving potential biological  
14 threats, including performing joint criminal and epidemio-  
15 logical investigations, and shall—

16 “(1) ensure that tailored tactics, techniques,  
17 and procedures are made available, including access  
18 to the tools needed to respond to biological threats;

19 “(2) promote the use of simulation among Fed-  
20 eral partners to exercise capabilities, refine oper-  
21 ational concepts, and strengthen relationships across  
22 the Government; and

23 “(3) make training available that will ensure  
24 that law enforcement, public health, emergency first



1 responder, and agricultural investigations of biological  
2 threats are coordinated.

3 **“SEC. 2137. METROPOLITAN MEDICAL RESPONSE SYSTEM**  
4 **PROGRAM.**

5 “(a) IN GENERAL.—The Secretary shall conduct a  
6 Metropolitan Medical Response System Program, that  
7 shall assist State and local governments in preparing for  
8 and responding to public health and mass casualty inci-  
9 dents resulting from acts of terrorism, natural disasters,  
10 and other man-made disasters.

11 “(b) FINANCIAL ASSISTANCE.—

12 “(1) AUTHORIZATION OF GRANTS.—

13 “(A) IN GENERAL.—The Secretary,  
14 through the Administrator of the Federal  
15 Emergency Management Agency, may make  
16 grants under this section to State and local gov-  
17 ernments to assist in preparing for and re-  
18 sponding to mass casualty incidents resulting  
19 from acts of terrorism, natural disasters, and  
20 other man-made disasters.

21 “(B) CONSULTATION.—In developing guid-  
22 ance for grants authorized under this section,  
23 the Administrator shall consult with the Chief  
24 Medical Officer.

1           “(2) USE OF FUNDS.—A grant made under this  
2 section may be used to support the integration of  
3 emergency management, health, and medical sys-  
4 tems into a coordinated response to mass casualty  
5 incidents caused by any hazard, including—

6                   “(A) to strengthen medical surge capacity;

7                   “(B) to strengthen mass prophylaxis capa-  
8 bilities including development and maintenance  
9 of an initial pharmaceutical stockpile sufficient  
10 to protect first responders, their families, and  
11 immediate victims from a chemical or biological  
12 event;

13                   “(C) to strengthen chemical, biological, ra-  
14 diological, nuclear, and explosive detection, re-  
15 sponse, and decontamination capabilities;

16                   “(D) to develop and maintain mass triage  
17 and pre-hospital treatment plans and capabili-  
18 ties;

19                   “(E) for planning;

20                   “(F) to support efforts to strengthen infor-  
21 mation sharing and collaboration capabilities of  
22 regional, State, and urban areas in support of  
23 public health and medical preparedness;

24                   “(G) for medical supplies management and  
25 distribution;

1           “(H) for training and exercises;

2           “(I) for integration and coordination of the  
3 activities and capabilities of public health per-  
4 sonnel and medical care providers with those of  
5 other emergency response providers as well as  
6 other Federal agencies, the private sector, and  
7 nonprofit organizations, for the forward move-  
8 ment of patients; and

9           “(J) for such other activities as the Ad-  
10 ministrator provides.

11       “(3) ELIGIBILITY.—

12           “(A) IN GENERAL.—Except as provided in  
13 subparagraph (C), any jurisdiction that received  
14 funds through the Metropolitan Medical Re-  
15 sponse System Program in fiscal year 2009  
16 shall be eligible to receive a grant under this  
17 section.

18           “(B) ADDITIONAL JURISDICTIONS.—

19           “(i) UNREPRESENTED STATES.—

20           “(I) IN GENERAL.—Except as  
21 provided in subparagraph (C), the Ad-  
22 ministrator may make grants under  
23 this section to the metropolitan statis-  
24 tical area with the largest population  
25 in any State in which no jurisdiction

1 received funds through the Metropoli-  
2 tan Medical Response Program in fis-  
3 cal year 2009, or in which funding  
4 was received only through another  
5 State.

6 “(II) LIMITATION.—For each of  
7 fiscal years 2012 through 2014, no  
8 jurisdiction that would otherwise be  
9 eligible to receive grants under sub-  
10 clause (I) shall receive a grant under  
11 this section if it would result in any  
12 jurisdiction under subparagraph (A)  
13 receiving less funding than such juris-  
14 diction received in fiscal year 2009.

15 “(ii) OTHER JURISDICTIONS.—

16 “(I) IN GENERAL.—Subject to  
17 subparagraph (C), the Administrator  
18 may determine that additional juris-  
19 dictions are eligible to receive grants  
20 under this section.

21 “(II) LIMITATION.—For each of  
22 fiscal years 2012 through 2014, the  
23 eligibility of any additional jurisdic-  
24 tion to receive grants under this sec-  
25 tion is subject to the availability of

1 appropriations beyond that necessary  
2 to—

3 “(aa) ensure that each juris-  
4 diction eligible to receive a grant  
5 under subparagraph (A) does not  
6 receive less funding than such ju-  
7 risdiction received in fiscal year  
8 2009; and

9 “(bb) provide grants to ju-  
10 risdications eligible under clause  
11 (i).

12 “(C) PERFORMANCE REQUIREMENT AFTER  
13 FISCAL YEAR 2012.—A jurisdiction shall not be  
14 eligible for a grant under this subsection from  
15 funds available after fiscal year 2012 unless the  
16 Secretary determines that the jurisdiction main-  
17 tains a sufficient measured degree of capability  
18 in accordance with the performance measures  
19 issued under subsection (c).

20 “(4) DISTRIBUTION OF FUNDS.—

21 “(A) IN GENERAL.—The Administrator  
22 shall distribute grant funds under this section  
23 to the State in which the jurisdiction receiving  
24 a grant under this section is located.

1           “(B) PASS THROUGH.—Subject to sub-  
2 paragraph (C), not later than 45 days after the  
3 date on which a State receives grant funds  
4 under subparagraph (A), the State shall provide  
5 the jurisdiction receiving the grant 100 percent  
6 of the grant funds, and not later than 45 days  
7 after the State releases the funds, all fiscal  
8 agents shall make the grant funds available for  
9 expenditure.

10           “(C) EXCEPTION.—The Administrator  
11 may permit a State to provide to a jurisdiction  
12 receiving a grant under this section 97 percent  
13 of the grant funds awarded if doing so would  
14 not result in any jurisdiction eligible for a grant  
15 under paragraph (3)(A) receiving less funding  
16 than such jurisdiction received in fiscal year  
17 2009.

18           “(5) REGIONAL COORDINATION.—The Adminis-  
19 trator shall ensure that each jurisdiction that re-  
20 ceives a grant under this section, as a condition of  
21 receiving such grant, is actively coordinating its pre-  
22 paredness efforts with surrounding jurisdictions,  
23 with the official with primary responsibility for  
24 homeland security (other than the Governor) of the  
25 government of the State in which the jurisdiction is

1 located, and with emergency response providers from  
2 all relevant disciplines, as determined by the Admin-  
3 istrator, to effectively enhance regional prepared-  
4 ness.

5 “(c) PERFORMANCE MEASURES.—The Administrator  
6 of the Federal Emergency Management Agency, in coordi-  
7 nation with the Chief Medical Officer, and the National  
8 Metropolitan Medical Response System Working Group,  
9 shall issue performance measures within one year after the  
10 date of enactment of this section that enable objective  
11 evaluation of the performance and effective use of funds  
12 provided under this section in any jurisdiction.

13 “(d) METROPOLITAN MEDICAL RESPONSE SYSTEM  
14 WORKING GROUP DEFINED.—In this section, the term  
15 ‘National Metropolitan Medical Response System Working  
16 Group’ means—

17 “(1) 10 Metropolitan Medical Response System  
18 Program grant managers, who shall—

19 “(A) include one such grant manager from  
20 each region of the Agency;

21 “(B) comprise a population-based cross  
22 section of jurisdictions that are receiving grant  
23 funds under the Metropolitan Medical Response  
24 System Program; and

25 “(C) include—

1                   “(i) 3 selected by the Administrator of  
2                   the Federal Emergency Management  
3                   Agency; and

4                   “(ii) 3 selected by the Chief Medical  
5                   Officer; and

6                   “(2) 3 State officials who are responsible for  
7                   administration of State programs that are carried  
8                   out with grants under this section, who shall be se-  
9                   lected by the Administrator.

10                  “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
11                  is authorized to be appropriated \$42,000,000 to carry out  
12                  the program for each of fiscal years 2012 through 2016.

## 13                   **“Subtitle D—Recovery**

### 14                  **“SEC. 2141. IDENTIFYING AND ADDRESSING GAPS IN RE-** 15                  **COVERY CAPABILITIES.**

16                  “(a) RISK ASSESSMENT.—

17                   “(1) TAILORED RISK ASSESSMENT.—The Sec-  
18                   retary shall conduct risk assessments to inform  
19                   prioritization of national recovery activities for  
20                   chemical, biological, radiological, and nuclear inci-  
21                   dents, to be updated as necessary.

22                   “(2) CONSIDERATIONS.—In conducting the risk  
23                   assessments under paragraph (1), the Secretary  
24                   shall—



1           “(A) consult with the Administrator of the  
2           Environmental Protection Agency, the Sec-  
3           retary of Health and Human Services, the  
4           Chairman of the Nuclear Regulatory Commis-  
5           sion, and the heads of other relevant Federal  
6           departments and agencies;

7           “(B) consider recovery of both indoor  
8           areas and outdoor environments; and

9           “(C) consider relevant studies previously  
10          prepared by other Federal agencies, or other  
11          appropriate stakeholders.

12          “(3) COLLABORATION.—Upon completion of the  
13          risk assessments required by this section, the Sec-  
14          retary shall provide the findings to the Adminis-  
15          trator of the Environmental Protection Agency and  
16          heads of other relevant Federal agencies in order to  
17          inform ongoing and future work, including research  
18          and guidance development, undertaken by those  
19          agencies in recovery and remediation from chemical,  
20          biological, radiological, or nuclear incidents.

21          “(b) RESEARCH.—The results of the risk assessment  
22          under this section, shall inform appropriate Federal re-  
23          search to address the high-risk capability gaps uncovered  
24          by each assessment.

1       “(c) SUBMISSION TO CONGRESS.—The results of  
2 each risk assessment shall be submitted to the appropriate  
3 congressional committees within 30 days after completion  
4 of the assessment.

5       **“SEC. 2142. RECOVERY FROM A CHEMICAL, BIOLOGICAL,**  
6                   **RADIOLOGICAL, AND NUCLEAR ATTACK OR**  
7                   **INCIDENT.**

8       “(a) ESTABLISHMENT OF GUIDANCE.—The Sec-  
9 retary shall develop and issue guidance for clean-up and  
10 restoration of indoor and outdoor areas, including subways  
11 and other mass transportation facilities, that have been  
12 exposed to chemical, biological, radiological, or nuclear  
13 materials. The Secretary shall develop and issue the guid-  
14 ance in consultation with—

15               “(1) the Secretary of Agriculture;

16               “(2) the Secretary of Commerce;

17               “(3) the Secretary of Education;

18               “(4) the Secretary of the Interior;

19               “(5) the Attorney General;

20               “(6) the Secretary of Labor;

21               “(7) the Secretary of Transportation;

22               “(8) the Secretary of Housing and Urban De-  
23 velopment;

24               “(9) the Secretary of Health and Human Serv-  
25 ices;

1           “(10) the Secretary of Veterans Affairs;

2           “(11) the Secretary of the Treasury;

3           “(12) the Administrator of the Environmental  
4 Protection Agency; and

5           “(13) the Administrator of the Small Business  
6 Administration.

7           “(b) CONTENTS.—The guidance developed under  
8 subsection (a) shall clarify Federal roles and responsibil-  
9 ities for assisting State, local, and tribal authorities and  
10 include risk-based recommendations for—

11           “(1) standards for effective decontamination of  
12 affected sites;

13           “(2) standards for safe post-event occupancy of  
14 affected sites, including for vulnerable populations  
15 such as children and individuals with health con-  
16 cerns;

17           “(3) requirements to ensure that the decon-  
18 tamination procedures for responding organizations  
19 do not conflict;

20           “(4) requirements that each responding organi-  
21 zation uses a uniform system for tracking costs and  
22 performance of clean-up contractors;

23           “(5) maintenance of negative air pressure in  
24 buildings;

1           “(6) standards for proper selection and use of  
2           personal protective equipment;

3           “(7) air sampling procedures;

4           “(8) development of occupational health and  
5           safety plans that are appropriate for the specific risk  
6           to responder health; and

7           “(9) waste disposal.

8           “(c) REVIEW AND REVISION OF GUIDANCE.—The  
9           Secretary shall—

10           “(1) not less frequently than once every 2  
11           years, review the guidance developed under sub-  
12           section (a);

13           “(2) make revisions to the guidance as appro-  
14           priate; and

15           “(3) make the revised guidance available to the  
16           Federal Government, State, local, and tribal authori-  
17           ties, nongovernmental organizations, the private sec-  
18           tor, and the public.

19           “(d) PROCEDURES FOR DEVELOPING AND REVISING  
20           GUIDANCE.—In carrying out the requirements of this sec-  
21           tion, the Secretary shall establish procedures to—

22           “(1) prioritize issuance of guidance based on  
23           the results of the risk assessment under section  
24           2131;

25           “(2) inventory existing relevant guidance;

1           “(3) enable the public to submit recommenda-  
2           tions of areas in which guidance is needed;

3           “(4) determine which entities should be con-  
4           sulted in developing or revising the guidance;

5           “(5) prioritize, on a regular basis, guidance  
6           that should be developed or revised; and

7           “(6) develop and disseminate the guidance in  
8           accordance with the prioritization under paragraph  
9           (5).

10          “(e) CONSULTATIONS.—The Secretary shall develop  
11          and revise the guidance developed under subsection (a),  
12          and the procedures required under subsection (d), in con-  
13          sultation with—

14                 “(1) the heads of other Federal departments  
15                 and agencies, as appropriate;

16                 “(2) State, local, and tribal authorities; and

17                 “(3) nongovernmental organizations and private  
18                 industry.

19          “(f) REPORT.—Not later than one year after the date  
20          of the enactment of this section, and annually thereafter,  
21          the Secretary shall provide appropriate congressional com-  
22          mittees with—

23                 “(1) a description of the procedures established  
24                 under subsection (d);

1           “(2) any guidance in effect on the date of the  
2       report;

3           “(3) a list of entities to which the guidance de-  
4       scribed in paragraph (2) were disseminated;

5           “(4) a plan for reviewing the guidance de-  
6       scribed in paragraph (2), in accordance with sub-  
7       section (e);

8           “(5) the prioritized list of the guidance required  
9       under subsection (d)(4), and the methodology used  
10      by the Secretary for such prioritization; and

11          “(6) a plan for developing, revising, and dis-  
12      seminating the guidance.

13   **“SEC. 2143. EXERCISES.**

14          “To facilitate recovery from a chemical, biological, ra-  
15      diological, or nuclear attack or other incident involving  
16      chemical, biological, radiological, or nuclear materials and  
17      to foster collective response to terrorism, the Secretary  
18      shall develop exercises in consultation with State, local,  
19      and tribal authorities and other appropriate Federal agen-  
20      cies, and, as appropriate, in collaboration with national  
21      level exercises, including exercises that address, to the best  
22      knowledge available at the time, analysis, indoor environ-  
23      mental cleanup methods, and decontamination stand-  
24      ards.”.

1 (b) CLERICAL AMENDMENTS.—The table of contents  
 2 in section 1(b) of such Act is amended by adding at the  
 3 end the following new items:

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION  
 AND PREPAREDNESS

“Subtitle A—Prevention

- “Sec. 2101. Weapons of mass destruction intelligence and information sharing.
- “Sec. 2102. Risk assessments.
- “Sec. 2103. Periodic homeland security review of criminal statutes.
- “Sec. 2104. Export enforcement for counterproliferation.
- “Sec. 2105. Communication of threat information.
- “Sec. 2106. Individual and community preparedness for chemical, biological, radiological, and nuclear attacks.

“Subtitle B—Protection

- “Sec. 2121. Detection of biological attacks.
- “Sec. 2122. Rapid biological threat detection and identification at ports of entry.
- “Sec. 2123. Evaluating detection technology.
- “Sec. 2124. Laboratory biosecurity information sharing.
- “Sec. 2125. Domestic implementation of the Global Nuclear Detection Architecture.

“Subtitle C—Response

- “Sec. 2131. First responder guidance concerning chemical, biological, radiological, and nuclear attacks.
- “Sec. 2132. Integrated plume modeling for collective response.
- “Sec. 2133. Establishment of the System Assessment and Validation for Emergency Responders (SAVER) program.
- “Sec. 2134. Payment for laboratory response services.
- “Sec. 2135. Bioforensics capabilities.
- “Sec. 2136. Federal law enforcement training to investigate biological threats.
- “Sec. 2137. Metropolitan Medical Response System Program.

“Subtitle D—Recovery

- “Sec. 2141. Identifying and addressing gaps in recovery capabilities.
- “Sec. 2142. Recovery from a chemical, biological, radiological, and nuclear attack or incident.
- “Sec. 2143. Exercises.”.

4 (c) CONFORMING AMENDMENT.—Section 316 of the  
 5 Homeland Security Act of 2002 (6 U.S.C. 195b), and the  
 6 item relating to such section in section 1(b) of such Act,  
 7 are repealed.

1 (d) METROPOLITAN MEDICAL RESPONSE PROGRAM  
2 REVIEW.—

3 (1) IN GENERAL.—The Administrator of the  
4 Federal Emergency Management Agency, the Chief  
5 Medical Officer of the Department of Homeland Se-  
6 curity, and the National Metropolitan Medical Re-  
7 sponse System Working Group shall conduct a re-  
8 view of the Metropolitan Medical Response System  
9 Program authorized under section 2138 of the  
10 Homeland Security Act of 2002, as added by this  
11 section, including an examination of—

12 (A) the extent to which the program goals  
13 and objectives are being met;

14 (B) the performance metrics that can best  
15 help assess whether the Metropolitan Medical  
16 Response System Program is succeeding;

17 (C) how the Metropolitan Medical Re-  
18 sponse System Program can be improved;

19 (D) how the Metropolitan Medical Re-  
20 sponse System Program complements and en-  
21 hances other preparedness programs supported  
22 by the Department of Homeland Security and  
23 the Department of Health and Human Services;

24 (E) the degree to which the strategic goals,  
25 objectives, and capabilities of the Metropolitan



1 Medical Response System Program are incor-  
2 porated in State and local homeland security  
3 plans;

4 (F) how eligibility for financial assistance,  
5 and the allocation of financial assistance, under  
6 the Metropolitan Medical Response System Pro-  
7 gram should be determined, including how allo-  
8 cation of assistance could be based on risk;

9 (G) implications for the Metropolitan Med-  
10 ical Response System Program if it were man-  
11 aged as a contractual agreement; and

12 (H) the resource requirements of the Met-  
13 ropolitan Medical Response System Program.

14 (2) REPORT.—Not later than 1 year after the  
15 date of enactment of this Act, the Administrator and  
16 the Chief Medical Officer shall submit to the Com-  
17 mittee on Homeland Security of the House of Rep-  
18 resentatives and the Committee on Homeland Secu-  
19 rity and Governmental Affairs of the Senate a report  
20 on the results of the review under this section.

21 (3) CONSULTATION.—The Administrator of the  
22 Federal Emergency Management Agency shall con-  
23 sult with the Secretary of Health and Human Serv-  
24 ices in the implementation of paragraph (1)(E).

1           (4) DEFINITION.—In this subsection the term  
2           “National Metropolitan Medical Response System  
3           Working Group” has the meaning that term has in  
4           section 2138 of the Homeland Security Act of 2002,  
5           as added by this section.

6   **SEC. 302. ENHANCING LABORATORY BIOSECURITY.**

7           (a) FEDERAL EXPERTS SECURITY ADVISORY  
8   PANEL.—

9           (1) PANEL.—

10           (A) ESTABLISHMENT.—The President  
11           shall establish a permanent advisory panel to be  
12           known as the Federal Experts Security Advi-  
13           sory Panel to make technical and substantive  
14           recommendations on biological agent and toxin  
15           security.

16           (B) MEMBERSHIP.—The members of the  
17           Panel—

18           (i) shall consist of the voting members  
19           appointed under subparagraph (D) and the  
20           nonvoting members appointed under sub-  
21           paragraph (E); and

22           (ii) shall each be an official or em-  
23           ployee of the Federal Government.

24           (C) CO-CHAIRS.—The voting members of  
25           the Panel appointed under clauses (i), (v), and

1 (vi) of subparagraph (D) shall serve jointly as  
2 the Co-Chairs of the Panel.

3 (D) VOTING MEMBERS.—The voting mem-  
4 bers of the Panel shall consist of 1 voting rep-  
5 resentative of each of the following Government  
6 entities, appointed (except with respect to the  
7 National Security Council) by the head of the  
8 respective entity:

9 (i) The Department of Agriculture.

10 (ii) The Department of Commerce.

11 (iii) The Department of Defense.

12 (iv) The Department of Energy.

13 (v) The Department of Health and  
14 Human Services.

15 (vi) The Department of Homeland Se-  
16 curity.

17 (vii) The Department of Justice.

18 (viii) The Department of Labor.

19 (ix) The Department of State.

20 (x) The Department of Transpor-  
21 tation.

22 (xi) The Department of Veterans Af-  
23 fairs.

24 (xii) The Environmental Protection  
25 Agency.

1 (xiii) The National Security Council,  
2 which shall be represented by the Special  
3 Assistant to the President for Biodefense.

4 (xiv) The Office of the Director of  
5 National Intelligence.

6 (xv) Any other department or agency  
7 designated by the Co-Chairs.

8 (E) NONVOTING MEMBERS.—The non-  
9 voting members of the Panel shall consist of  
10 such additional representatives of the Govern-  
11 ment entities listed in subparagraph (D) as  
12 may be appointed by the heads of the respective  
13 entities.

14 (F) ADMINISTRATIVE SUPPORT.—The Sec-  
15 retary of Health and Human Services shall pro-  
16 vide to the Panel such facilities, staff, and sup-  
17 port services as may be necessary for the Panel  
18 to carry out its responsibilities under paragraph  
19 (2).

20 (2) RESPONSIBILITIES.—Not later than 6  
21 months after the date of the enactment of this sec-  
22 tion, the Panel shall, with respect to biological agent  
23 and toxin security, deliver to the Secretaries of Agri-  
24 culture, Health and Human Services, and Homeland

1 Security plurality recommendations, including any  
2 statements of dissent, concerning—

3 (A) the designation as highest risk of that  
4 subset of biological agents and toxins listed pur-  
5 suant to section 351A(a)(1) of the Public  
6 Health Service Act (42 U.S.C. 262a(a)(1)) that  
7 presents the greatest risk of deliberate misuse  
8 with significant potential for mass casualties or  
9 devastating effects to the economy, informed  
10 by—

11 (i) any biological or bioterrorism risk  
12 assessments conducted by the Department  
13 of Homeland Security and relevant assess-  
14 ments by other agencies; and

15 (ii) determinations made by the Sec-  
16 retary of Homeland Security pursuant to  
17 section 319F-2(c)(2)(A) of such Act (42  
18 U.S.C. 247d-6b(c)(2)(A));

19 (B) the development of a set of minimum  
20 risk-based prescriptive laboratory security per-  
21 formance standards based on the risk at the  
22 lowest level, allowing for enhancements as risk  
23 increases;

24 (C) the establishment of appropriate stand-  
25 ards and practices to improve vetting and moni-

1           toring of, and ensure reliability of, personnel  
2           with access to highest risk biological agents and  
3           toxins at facilities registered under section  
4           351A(d) of the Public Health Service Act (42  
5           U.S.C. 262a(d));

6           (D) the establishment of appropriate prac-  
7           tices for physical security and cyber security for  
8           facilities that possess highest risk biological  
9           agents or toxins;

10          (E) standards for training of laboratory  
11          personnel in security measures;

12          (F) other emerging policy issues relevant  
13          to the security of biological agents and toxins;

14          (G) adequacy of information sharing proto-  
15          cols with biodefense and biosecurity stake-  
16          holders; and

17          (H) any other security standards deter-  
18          mined necessary.

19       (b) REVISION OF RULES AND REGULATIONS.—

20           (1) PROPOSED RULES.—The Secretaries of  
21           Health and Human Services and Agriculture, in co-  
22           ordination with the Secretary of Homeland Security,  
23           no later than 12 months after the date of receipt of  
24           recommendations under subsection (a)(2), shall, as  
25           appropriate, propose rules under section 351A of the

1 Public Health Service Act (42 U.S.C. 262a) estab-  
2 lishing security standards and procedures that are  
3 specific to highest risk biological agents and toxins.

4 (2) FINAL RULES.—The Secretaries of Health  
5 and Human Services and Agriculture, in coordina-  
6 tion with the Secretary of Homeland Security, no  
7 later than 24 months after the date of the enact-  
8 ment of this section, shall promulgate final rules de-  
9 scribed in paragraph (1).

10 (c) COORDINATION OF FEDERAL OVERSIGHT.—To  
11 ensure that the Federal Government provides for com-  
12 prehensive and effective oversight of biological agents and  
13 toxins security, the heads of the Government entities listed  
14 in subsection (a)(1)(D) shall, no later than 6 months after  
15 the submission of recommendations under subsection  
16 (a)(2), develop and implement a plan for the coordination  
17 of biological agents and toxins security oversight that—

18 (1) articulates a mechanism for coordinated in-  
19 spections of and harmonized administrative practices  
20 for facilities registered under section 351A(d) of the  
21 Public Health Service Act (42 U.S.C. 262a(d)), pur-  
22 suant to subsection (d) of this section; and

23 (2) ensures consistent and timely identification  
24 and resolution of biological agents and toxins secu-  
25 rity and compliance issues.

1 (d) COMMON INSPECTION PROCEDURES.—The heads  
2 of the entities listed in subsection (a)(1)(D) shall coordi-  
3 nate laboratory inspections and ensure that such inspec-  
4 tions are conducted using a common set of inspection pro-  
5 cedures across such entities in order to minimize the ad-  
6 ministrative burden on such laboratory.

7 (e) INSPECTION REPORTS.—Any inspection report  
8 resulting from an inspection described in paragraph (1)  
9 shall be available to—

10 (1) each Federal agency that supports biological  
11 agent or toxin laboratory activities at the laboratory  
12 that is the subject of the inspection report; and

13 (2) the laboratories that are the object of in-  
14 spection.

15 (f) LABORATORY BIOSECURITY INFORMATION SHAR-  
16 ING.—

17 (1) FEDERAL SHARING.—The Secretaries of  
18 Health and Human Services and Agriculture shall—

19 (A) share relevant information pertaining  
20 to biological agents and toxins, including identi-  
21 fication of laboratories possessing highest risk  
22 biological agents and toxins, and compliance  
23 issues with the Secretary of Homeland Security;  
24 and



1 (B) share relevant information pertaining  
2 to biological agents and toxins, including identi-  
3 fication of laboratories possessing highest risk  
4 biological agents and toxins, with appropriate  
5 State, local, and tribal government authorities,  
6 including law enforcement authorities and  
7 emergency response providers.

8 (2) CLASSIFIED AND SENSITIVE INFORMA-  
9 TION.—The Secretaries of Agriculture, Health and  
10 Human Services, and Homeland Security shall en-  
11 sure that any information disseminated under this  
12 section is handled consistently with—

13 (A) the authority of the Director of Na-  
14 tional Intelligence to protect intelligence sources  
15 and methods under the National Security Act  
16 of 1947 (50 U.S.C. 401 et seq.) and related  
17 procedures or similar authorities of the Attor-  
18 ney General concerning sensitive law enforce-  
19 ment information;

20 (B) section 552a of title 5, United States  
21 Code (commonly referred to as the “Privacy  
22 Act of 1974”); and

23 (C) other relevant laws.

24 (g) DEFINITIONS.—In this section:

1           (1) The terms “biological agent” and “toxin”  
2 refer to a biological agent or toxin, respectively, list-  
3 ed pursuant to section 351A(a)(1) of the Public  
4 Health Service Act (42 U.S.C. 262(a)(1)).

5           (2) The term “highest risk” means, with re-  
6 spect to a biological agent or toxin, designated as  
7 highest risk as described in subsection (a)(2)(A).

8           (3) The term “Panel” means the Federal Ex-  
9 perts Security Advisory Panel under subsection (a).

10 **SEC. 303. DEFINITIONS.**

11           Section 2 of the Homeland Security Act of 2002 (6  
12 U.S.C. 101) is amended by adding at the end the following  
13 new paragraphs:

14           “(19) The term ‘Intelligence Community’ has  
15 the meaning given that term in section 3(4) of the  
16 National Security Act of 1947 (50 U.S.C. 401a(4)).

17           “(20) The term ‘national biosecurity and bio-  
18 defense stakeholders’ means officials from the Fed-  
19 eral, State, local, and tribal authorities and individ-  
20 uals from the private sector who are involved in ef-  
21 forts to prevent, protect against, respond to, and re-  
22 cover from a biological attack or other biological in-  
23 cidents that may have serious health or economic  
24 consequences for the United States, including wide-  
25 scale fatalities or infectious disease outbreaks.”.

1 **SEC. 304. DUAL-USE TERRORIST RISKS FROM SYNTHETIC**  
2 **BIOLOGY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that the field of synthetic biology has the potential  
5 to facilitate enormous gains in fundamental discovery and  
6 biotechnological applications, but it also has inherent dual-  
7 use homeland security risks that must be managed.

8 (b) REQUIREMENT.—Not later than one year after  
9 the date of enactment of this Act, the Secretary of Home-  
10 land Security, acting through the Under Secretary of  
11 Homeland Security for Science and Technology, shall ex-  
12 amine and report to the appropriate congressional com-  
13 mittees on the homeland security implications of the dual-  
14 use nature of synthetic biology, and if the Under Secretary  
15 determines that such research is appropriate, may conduct  
16 research in that area, including—

17 (1) determining the current capability of syn-  
18 thetic nucleic acid providers to effectively differen-  
19 tiate a legitimate customer from a potential terrorist  
20 or other malicious actor;

21 (2) determining the current capability of syn-  
22 thetic nucleic acid providers to effectively screen or-  
23 ders for sequences of homeland security concern;  
24 and

1           (3) making recommendations regarding screen-  
2           ing software, protocols, and other remaining capa-  
3           bility gaps uncovered by the study.

4 **SEC. 305. DISSEMINATION OF INFORMATION ANALYZED BY**  
5           **THE DEPARTMENT TO STATE, LOCAL, TRIB-**  
6           **AL, AND PRIVATE ENTITIES WITH RESPON-**  
7           **SIBILITIES RELATING TO HOMELAND SECU-**  
8           **RITY.**

9           Section 201(d)(8) of the Homeland Security Act of  
10          2002 (6 U.S.C. 121(d)(8)) is amended by striking “and  
11          to agencies of State” and all that follows and inserting  
12          “to State, local, tribal, and private entities with such re-  
13          sponsibilities, and, as appropriate, to the public, in order  
14          to assist in preventing, deterring, or responding to acts  
15          of terrorism against the United States.”.

16           **TITLE IV—PUBLIC HEALTH**  
17           **MATTERS**

18 **SEC. 401. SENSE OF CONGRESS REGARDING FEDERAL CO-**  
19           **ORDINATION ON MEDICAL COUNTER-**  
20           **MEASURES.**

21          It is the sense of Congress that—

22           (1) Ten years after the terrorist attacks of Sep-  
23          tember 11, 2001, and 7 years after enactment of the  
24          Project BioShield Act of 2004 (Public Law 108–  
25          276), coordination among Federal agencies involved

1 in activities relating to researching, developing, and  
2 acquiring medical countermeasures still needs im-  
3 provement; and

4 (2) aggressive action should be taken by the  
5 Department of Health and Human Services (in par-  
6 ticular, the heads of the National Institutes of  
7 Health, the Biomedical Advanced Research and De-  
8 velopment Authority, the Centers for Disease Con-  
9 trol and Prevention, and the Food and Drug Admin-  
10 istration), the Department of Homeland Security,  
11 and the Department of Defense to foster greater co-  
12 ordination with respect to such activities, including  
13 adoption of an interagency agreement that sets forth  
14 the relative areas of responsibility with respect to es-  
15 tablishing medical countermeasure requirements and  
16 researching, developing, and acquiring medical coun-  
17 termeasures to meet those requirements.

18 **SEC. 402. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
19 **PENSING STRATEGY.**

20 Title III of the Public Health Service Act is amended  
21 by inserting after section 319F-4 (42 U.S.C. 247d-6e)  
22 the following:

23 **“SEC. 319F-5. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
24 **PENSING STRATEGY.**

25 “(a) DEFINITIONS.—In this section—

1           “(1) the term ‘dispense’ means to provide med-  
2           ical countermeasures to an affected population in re-  
3           sponse to a threat or incident; and

4           “(2) the term ‘medical countermeasure’ means  
5           a qualified countermeasure (as defined in section  
6           319F-1(a)(2)).

7           “(b) STRATEGY.—

8           “(1) IN GENERAL.—The Secretary, in coordina-  
9           tion with the Secretary of Homeland Security, the  
10          Secretary of Agriculture, and other appropriate Fed-  
11          eral agencies, shall develop, implement, and, as ap-  
12          propriate, periodically update a National Medical  
13          Countermeasure Dispensing Strategy to enhance  
14          preparedness and collective response to a terrorist  
15          attack on humans or animals with any chemical, bio-  
16          logical, radiological, or nuclear material, that delin-  
17          eates Federal, State, and local responsibilities.

18          “(2) CONSIDERATIONS.—The strategy shall be  
19          sufficiently flexible to meet the unique needs of dif-  
20          ferent communities, including first responders, and  
21          shall consider—

22                  “(A) a variety of options for dispensing  
23                  medical countermeasures;



1 Homeland Security and the Secretary of Agriculture, shall  
2 review the adequacy of domestic vaccination and anti-  
3 microbial dispensing policy, guidance, and information  
4 provided to the public in light of any known terrorist risk  
5 of a biological attack or other phenomena that may have  
6 serious health consequences for the United States, includ-  
7 ing wide-scale fatalities or infectious disease outbreaks. In  
8 carrying out the review under this section, the Secretary  
9 shall consider—

10           (1) material threat assessments and determina-  
11           tions conducted by the Department of Homeland Se-  
12           curity;

13           (2) reports on global trends and intelligence  
14           produced by the Office of the Director of National  
15           Intelligence and the Intelligence Community regard-  
16           ing biological threats;

17           (3) the availability of domestic vaccine and  
18           antimicrobials to dispense to first responders and  
19           the public, on a voluntary basis, in anticipation of a  
20           biological attack;

21           (4) applicability of Federal shelf-life extension  
22           programs to locally held stockpiles of medical coun-  
23           termeasures;

24           (5) making expiring products available to ap-  
25           propriate international organizations or foreign part-



1       ners once the requests of domestic stakeholders have  
2       been fulfilled; and

3               (6) the implications of pre-event vaccination  
4       and antimicrobial dispensing to livestock.

5       (b) REPORT.—Not later than one year after the date  
6 of the enactment of this Act, the Secretary of Health and  
7 Human Services shall report to the appropriate congress-  
8 sional committees on the review required by subsection  
9 (a), together with any recommendations relating to the  
10 availability of domestic vaccine and antimicrobials for dis-  
11 bursing to the public and voluntary immunization by first  
12 responders.

13 **SEC. 404. MANAGEMENT OF SHORT SHELF LIFE VACCINE**  
14 **AND ANTIMICROBIAL STOCKPILES.**

15       The Secretary of Health and Human Services shall  
16 make available surplus vaccines and antimicrobials, and  
17 vaccines and antimicrobials with short shelf lives, from the  
18 strategic national stockpile under section 319F–2(a) of  
19 the Public Health Service Act (42 U.S.C. 247d–6b(a)) to  
20 State, local, and tribal first responders, including health  
21 care responders, for administration to such responders  
22 who voluntarily consent to such administration, and  
23 shall—

1           (1) establish any necessary logistical and track-  
2           ing systems to facilitate making such vaccines and  
3           antimicrobials so available; and

4           (2) distribute disclosures regarding associated  
5           risks to end users.

6 **SEC. 405. MATERIAL THREAT DETERMINATIONS REVIEWS.**

7           Section 319F–2(c)(2)(A) of the Public Health Serv-  
8           ice Act (42 U.S.C. Sec 247d–6b(c)(2)(A)) is amended—

9           (1) in clause (i), by striking “and” at the end;

10          (2) by redesignating clause (ii) as clause (iii);

11          (3) by inserting after clause (i) the following:

12                       “(ii) establish criteria for the issuance  
13                       of a material threat determination;”;

14          (4) in clause (iii), as so redesignated, by strik-  
15          ing the period at the end and inserting “; and”; and

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

17                       “(iv) review and reassess determina-  
18                       tions under clause (iii) to determine wheth-  
19                       er agents continue to present a material  
20                       threat against the United States popu-  
21                       lation sufficient to affect national security  
22                       and homeland security.”.

23 **SEC. 406. BACKGROUND CHECKS.**

24           Section 351A(e)(3)(A) of the Public Health Service  
25           Act (42 U.S.C. 262a(e)(3)(A)) is amended by adding at

1 the end the following: “In identifying whether an indi-  
2 vidual is within a category specified in subparagraph  
3 (B)(ii)(II), the Attorney General shall coordinate with the  
4 Secretary of Homeland Security, the Secretary of Defense,  
5 and the Secretary of State to determine whether these offi-  
6 cials possess any information relevant to the identification  
7 of such an individual by the Attorney General.”.

## 8 **TITLE V—FOREIGN RELATIONS** 9 **MATTERS**

### 10 **SEC. 501. INTERNATIONAL ENGAGEMENT TO ENHANCE BIO-** 11 **DEFENSE AND LABORATORY BIOSECURITY.**

12 The Secretary of State, in consultation with the Sec-  
13 retary of Homeland Security, and the heads of other ap-  
14 propriate Federal agencies, shall, as appropriate—

15 (1) support efforts of other countries to estab-  
16 lish and build capacity to effectively implement legis-  
17 lation criminalizing the development or use of bio-  
18 logical weapons or acts of bioterrorism;

19 (2) engage other countries and international  
20 nongovernmental entities to develop and establish  
21 common standards, guidance, and best practices for  
22 actions relevant to preventing acts of bioterrorism  
23 and the illicit use of life sciences;

24 (3) support the efforts of other countries to en-  
25 hance biosecurity and safety practices at laboratories

1 and other facilities with materials that could be used  
2 in biological weapons or in an act of bioterrorism;

3 (4) promote the development and adoption of  
4 international guidance for the safety and security of  
5 high-risk pathogens and toxins; and

6 (5) promote information sharing relating to  
7 threats and best practices between the intelligence  
8 community, Federal law enforcement, and inter-  
9 national law enforcement and security officials.

10 **SEC. 502. INTERNATIONAL COLLABORATION AND INFORMA-**  
11 **TION SHARING RELATING TO BIOSECURITY.**

12 The Secretary of State, in consultation with the Sec-  
13 retary of Homeland Security, the Secretary of Agriculture,  
14 the Secretary of Health and Human Services, and the  
15 heads of other appropriate Federal agencies, shall, as ap-  
16 propriate—

17 (1) support efforts in other countries and re-  
18 gions to develop mechanisms and capabilities for re-  
19 porting to United Nations organizations validated  
20 data on biological attacks or other phenomena that  
21 may have serious health consequences for the United  
22 States, including wide-scale fatalities or infectious  
23 disease outbreaks;

24 (2) engage other Federal and nongovernmental  
25 entities and other countries to advance awareness

1 and understanding of the risk posed by information  
2 derived from the life sciences that has the potential  
3 for misuse to cause harm, and advance recommenda-  
4 tions on how best to address such risk;

5 (3) engage such entities and countries to pro-  
6 mote greater awareness and understanding of the  
7 global availability of and access to life science tech-  
8 nologies and materials; and

9 (4) promote the development and use of mecha-  
10 nisms for reporting, preserving, and sharing data on  
11 Federal programs and investments in international  
12 scientific, agricultural, medical, and public health  
13 collaborations in support of efforts to enhance global  
14 biosecurity.

15 **SEC. 503. INTERAGENCY TASK FORCE ON BEST PRACTICES**  
16 **FOR GLOBAL BIOPREPAREDNESS.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that preparedness for a chemical, biological, radio-  
19 logical, or nuclear incident must be undertaken not only  
20 domestically but also internationally. Specifically, there is  
21 a need for a global preparedness architecture for such an  
22 event. Congress supports efforts to provide an inter-  
23 national forum for discussion of key health security poli-  
24 cies with international dimensions, and the establishment  
25 of a formal United States interagency task force to de-

1 develop best practices and recommendations for implementa-  
2 tion of a global preparedness architecture could enhance  
3 global preparedness.

4 (b) ESTABLISHMENT OF TASK FORCE.—The Sec-  
5 retary of State shall convene and lead an interagency task  
6 force to examine—

7 (1) the state of global biopreparedness for a  
8 major biological event;

9 (2) necessary components of a global bio-  
10 preparedness architecture that would advance inter-  
11 national health security, including considerations  
12 of—

13 (A) risk assessments;

14 (B) prevention;

15 (C) protection;

16 (D) regional stockpiling of medical coun-  
17 termeasures, including considerations of—

18 (i) security of the stockpile;

19 (ii) preservation of the stockpile  
20 through effective detection and diagnosis,  
21 shelf life extension programs, and other  
22 means;

23 (iii) delivery planning; and

24 (iv) legal considerations for imple-  
25 menting such an architecture;

1 (E) response and attribution;

2 (F) other elements that should be a com-  
3 ponent of such an architecture; and

4 (G) obstacles to implementing such an ar-  
5 chitecture;

6 (3) best practices for preparedness based on  
7 lessons learned from domestic efforts to address the  
8 above issues, and that may be applicable internation-  
9 ally;

10 (4) activities undertaken through the National  
11 Strategy for Countering Biological Threats and the  
12 International Health Regulations 2005, as well as  
13 other activities deemed relevant by the task force;  
14 and

15 (5) the utility of working through existing inter-  
16 national forums as a mechanism for distributing this  
17 information to the international community.

18 (c) MEMBERSHIP.—Members of the task force shall  
19 include representatives from—

20 (1) the Department of Homeland Security;

21 (2) the Department of Health and Human  
22 Services, including the Centers for Disease Control  
23 and Prevention;

24 (3) the Department of Agriculture;

25 (4) the Department of Defense;

- 1 (5) the Department of Justice;
- 2 (6) the Department of State;
- 3 (7) the Director of National Intelligence;
- 4 (8) other Federal departments and agencies, as
- 5 determined appropriate by the Secretary; and
- 6 (9) national biosecurity and biodefense stake-
- 7 holder community, including from the pharma-
- 8 ceutical and biotechnology industries, and the diag-
- 9 nostic laboratory community, as determined by the
- 10 Secretary.

11 (d) REPORT.—Not later than one year after the date  
12 of the enactment of this Act, the Secretary shall submit  
13 to the appropriate congressional committees a report on  
14 the findings of the task force established under this sec-  
15 tion.

16 **SEC. 504. BIOLOGICAL AND TOXIN WEAPONS CONVENTION.**

17 The Secretary of State shall—

- 18 (1) promote confidence in effective implementa-
- 19 tion of and compliance with the Convention on the
- 20 Prohibition of the Development, Production and
- 21 Stockpiling of Bacteriological (Biological) and Toxin
- 22 Weapons and on their Destruction (commonly re-
- 23 ferred to as the “Biological and Toxin Weapons
- 24 Convention”) by the States party to the Convention
- 25 by promoting transparency with respect to legitimate



1 activities and pursuing compliance diplomatically to  
2 address concerns;

3 (2) promote universal membership in the Con-  
4 vention;

5 (3) develop an action plan for increasing inter-  
6 national adherence to the Convention; and

7 (4) ensure that United States participation in  
8 Convention meetings is broadly inclusive of rep-  
9 resentatives of relevant Federal departments and  
10 agencies.

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