

Union Calendar No. 510

112TH CONGRESS
2^D SESSION

H. R. 2356

[Report No. 112-665, Part I]

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. PASCRELL (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

SEPTEMBER 12, 2012

Reported from the Committee on Homeland Security with an amendment

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

SEPTEMBER 12, 2012

Referral to the Committees on Energy and Commerce, Transportation and Infrastructure, Foreign Affairs, and the Permanent Select Committee on Intelligence extended for a period ending not later than November 30, 2012

SEPTEMBER 12, 2012

Referred to the Committee on Science, Space, and Technology for a period ending not later than November 30, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(p), rule X

NOVEMBER 30, 2012

The Committees on Energy and Commerce, Transportation and Infrastructure, Foreign Affairs, the Permanent Select Committee on Intelligence, and Science, Space, and Technology discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 24, 2011]

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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“WMD Prevention and Preparedness Act of 2012”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *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.

Sec. 203. State, local, and tribal defined.

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. National Export Enforcement Coordination.

“Sec. 2104. Communication of threat information.

“Sec. 2105. 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. 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. 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.

Sec. 407. State, local, and tribal defined.

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 Security
5 of the House of Representatives and any committee of

1 *the House of Representatives or the Senate having leg-*
2 *islative jurisdiction under the rules of the House of*
3 *Representatives or Senate, respectively, over the mat-*
4 *ter concerned.*

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

8 (3) *The term “national biosecurity and bio-*
9 *defense stakeholders” means officials from the Federal,*
10 *State, local, and tribal authorities and individuals*
11 *and other persons from the private sector who are in-*
12 *volved in efforts to prevent, protect against, respond*
13 *to, and recover from a biological attack or other phe-*
14 *nomena that may have serious health consequences for*
15 *the United States, including wide-scale fatalities or*
16 *infectious disease outbreaks.*

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

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

20 (a) *IN GENERAL.*—*The President shall assign a mem-*
21 *ber of the National Security Council to serve as Special As-*
22 *stant to the President for Biodefense, who shall—*

23 (1) *serve as the principal advisor to the Presi-*
24 *dent regarding coordination of Federal biodefense pol-*
25 *icy including prevention, protection, response, and re-*

1 *covery from biological attacks or other phenomena*
2 *that may have serious health consequences for the*
3 *United States, including wide-scale fatalities or infec-*
4 *tious disease outbreaks;*

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

8 *(3) lead the development of a coordinated Na-*
9 *tional Biodefense Plan, in accordance with section*
10 *102;*

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

14 *(5) lead the development of a coordinated na-*
15 *tional research and development strategy and imple-*
16 *mentation plan for microbial forensics, the latter to*
17 *be updated not less than once every 4 years;*

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

1 (7) *conduct ongoing oversight and evaluation of*
2 *implementation of Federal biodefense activities by rel-*
3 *evant Government departments and agencies.*

4 (b) *ACCESS BY CONGRESS.*—*The appointment of the*
5 *Special Assistant to the President for Biodefense shall not*
6 *be construed as affecting access by Congress or committees*
7 *of either House of Congress to information, documents, and*
8 *studies in the possession of, or conducted by or at the direc-*
9 *tion of, the Special Assistant.*

10 **SEC. 102. NATIONAL BIODEFENSE PLAN.**

11 *The Special Assistant to the President for Biodefense*
12 *shall submit to the President a National Biodefense Plan*
13 *that—*

14 (1) *defines the scope and purpose of a national*
15 *biodefense capability;*

16 (2) *identifies biological risks to the Nation to be*
17 *addressed by the Plan, consistent with section 2102 of*
18 *the Homeland Security Act of 2002, as amended by*
19 *this Act;*

20 (3) *delineates activities and tasks to be per-*
21 *formed, including prevention, protection, response,*
22 *and recovery activities, to address the risks identified*
23 *under paragraph (2);*

1 (4) *defines research and development needs for*
2 *improving the capacity for threat awareness and pre-*
3 *vention, protection, response, and recovery;*

4 (5) *identifies biodefense assets, interdependencies,*
5 *capability gaps, and gaps in the integration of capa-*
6 *bilities;*

7 (6) *provides goals, activities, milestones, and*
8 *performance measures;*

9 (7) *identifies resource and investment needs;*

10 (8) *defines organizational roles, responsibilities ,*
11 *and coordination of Federal, State, local, and tribal*
12 *authorities (as those terms are defined in the Home-*
13 *land Security Act of 2002 (6 U.S.C. 101 et seq.)) with*
14 *respect to the activities and tasks delineated in para-*
15 *graph (3);*

16 (9) *integrates and supports the strategies out-*
17 *lined in Presidential Policy Directives 2 and 8 and*
18 *Homeland Security Presidential Directives 5, 9, 10,*
19 *18, 21, and their successors, the National Biosurveil-*
20 *lance Strategy published under section 103 of this*
21 *Act, the National Medical Countermeasure Dispensing*
22 *Strategy developed under section 319F–5 of the Public*
23 *Health Service Act, as amended by this Act, and*
24 *other strategy documents as appropriate;*

1 (10) is consistent with the National Response
2 Framework as published by the Secretary of Home-
3 land Security in January 2008, and any successors
4 thereof;

5 (11) incorporates input from Federal, State,
6 local, and tribal stakeholders;

7 (12) provides planning guidance to biosecurity
8 and biodefense stakeholders, including leveraging of
9 existing guidance; and

10 (13) shall be submitted to the President and the
11 Congress within 18 months after the date of the enact-
12 ment of this Act, and updated as necessary.

13 **SEC. 103. NATIONAL BIOSURVEILLANCE STRATEGY.**

14 (a) *STRATEGY FOR BIOSURVEILLANCE.*—The Special
15 Assistant to the President for Biodefense shall publish a Na-
16 tional Biosurveillance Strategy that shall—

17 (1) identify the purpose and scope of a nation-
18 ally integrated biosurveillance capability;

19 (2) establish goals, objectives, priorities, mile-
20 stones, and performance measures to guide the devel-
21 opment of such capability;

22 (3) define and prioritize costs, benefits, and re-
23 source and investment needs, with particular atten-
24 tion to leveraging existing resources;

1 (4) *delineate Federal, State, local, tribal, and*
2 *private roles and responsibilities; and*

3 (5) *describe how the Strategy is integrated with*
4 *related national strategies.*

5 (b) *MATTERS FOR CONSIDERATION.*—*In developing the*
6 *strategy required under subsection (a), the Special Assistant*
7 *shall take into consideration—*

8 (1) *the state of biosurveillance domestically and*
9 *internationally;*

10 (2) *material threat assessments and determina-*
11 *tions developed by the Secretary of Homeland Secu-*
12 *rity in accordance with the Project BioShield Act of*
13 *2004 (Public Law 108–276) and the amendments*
14 *made by that Act;*

15 (3) *risk assessments consistent with section 2102*
16 *of the Homeland Security Act of 2002, as amended by*
17 *this Act;*

18 (4) *reports on global trends produced by the Of-*
19 *fice of the Director of National Intelligence regarding*
20 *the biological threat;*

21 (5) *Intelligence Community needs as articulated*
22 *in relevant intelligence strategies;*

23 (6) *information available in biosurveillance sys-*
24 *tems and changes to information technology including*

1 *systems used commercially to allow for the incorpora-*
2 *tion and integration of this information; and*

3 *(7) costs associated with establishing and main-*
4 *taining the necessary infrastructure to integrate bio-*
5 *surveillance systems.*

6 *(c) IMPLEMENTATION PLAN.—In addition to the strat-*
7 *egy required under subsection (a), the Special Assistant*
8 *shall publish an implementation plan for such strategy that*
9 *includes benchmarks for measuring the success of the Strat-*
10 *egy. The implementation plan shall—*

11 *(1) include a plan for advancing situational*
12 *awareness of biological threats, by rapid detection*
13 *and dissemination of biosurveillance information in*
14 *real time, and through other means;*

15 *(2) include a plan for fostering information*
16 *sharing among national biosecurity and biodefense*
17 *stakeholders—*

18 *(A) to identify potential threats, reduce*
19 *vulnerabilities, and improve collective response*
20 *activities to, and investigations of, suspected bio-*
21 *logical attacks;*

22 *(B) that addresses the type of information*
23 *to be shared and how it will be shared; and*

24 *(C) that identifies critical sensitivities to be*
25 *protected; and*

1 (3) include a plan for enhancing the capability
2 of the Federal Government to rapidly identify, char-
3 acterize, localize, and track a biological event of na-
4 tional concern by integrating and analyzing data re-
5 lating to human health, animal, plant, food, and en-
6 vironmental monitoring systems (both national and
7 international).

8 (d) *DEADLINE; SUBMISSION; UPDATES.*—The Special
9 Assistant shall—

10 (1) publish the strategy, and submit it to the ap-
11 propriate congressional committees, by not later than
12 1 year after the date of enactment of this Act; and

13 (2) publish an implementation plan for such
14 strategy not later than 2 years after the date of enact-
15 ment of this Act, and update the implementation plan
16 at least once every 4 years.

17 **SEC. 104. COMPREHENSIVE CROSS-CUTTING BIODEFENSE**
18 **BUDGET ANALYSIS.**

19 (a) *IN GENERAL.*—In order to enhance strategic plan-
20 ning, eliminate redundancies, identify capability gaps, and
21 provide for greater transparency, the Special Assistant to
22 the President for Biodefense, in coordination with the Di-
23 rector of the Office of Management and Budget, shall trans-
24 mit to the appropriate congressional committees, concurrent
25 with the submission of the President’s annual budget to the

1 *Congress, a comprehensive cross-cutting biodefense budget*
2 *analysis that delineates and integrates the biodefense ex-*
3 *penditure requests for the departments and agencies headed*
4 *by the officials listed in subsection (c).*

5 *(b) CONTENTS.—*

6 *(1) IN GENERAL.—The comprehensive cross-cut-*
7 *ting biodefense budget analysis shall provide a de-*
8 *tailed, separate analysis, by budget function, by de-*
9 *partment or agency, and by initiative area (as deter-*
10 *mined by the Administration), for the prior fiscal*
11 *year, the current fiscal year, and the fiscal years for*
12 *which the budget is submitted, identifying the*
13 *amounts of gross and net appropriations or*
14 *obligational authority and outlays that contribute to*
15 *biodefense, with separate displays for mandatory and*
16 *discretionary amounts, including—*

17 *(A) summaries of the total amount of such*
18 *appropriations or obligational authority and*
19 *outlays requested for biodefense;*

20 *(B) an estimate of the current service levels*
21 *of biodefense spending; and*

22 *(C) an indication of how the Federal activi-*
23 *ties or accounts covered by the analysis support*
24 *the activities delineated in the National Bio-*
25 *defense Plan under section 102(2).*

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

5 *(c) COORDINATION.*—

6 (1) *SUBMISSION TO SPECIAL ASSISTANT.*—*Each*
7 *official listed in paragraph (2) shall, by not later*
8 *than 30 days before submitting the annual appro-*
9 *priations request for the agency under section 1108 of*
10 *title 31, United States Code, submit to the Special As-*
11 *stant—*

12 (A) *the proposed appropriations request;*

13 *and*

14 (B) *a progress report on how the depart-*
15 *ment or agency under the official's authority*
16 *agency has met the responsibilities of the official*
17 *under the National Biodefense Plan under sec-*
18 *tion 102.*

19 (2) *COVERED OFFICIAL.*—*The officials referred to*
20 *in paragraph (1) are—*

21 (A) *the Secretary of Agriculture;*

22 (B) *the Secretary of Commerce;*

23 (C) *the Secretary of Defense;*

24 (D) *the Secretary of Energy;*

1 (E) *the Secretary of Health and Human*
2 *Services;*

3 (F) *the Secretary of Homeland Security;*

4 (G) *the Secretary of State;*

5 (H) *the Secretary of Veterans Affairs;*

6 (I) *the Attorney General;*

7 (J) *the Administrator of the Environmental*
8 *Protection Agency;*

9 (K) *the Director of the National Science*
10 *Foundation;*

11 (L) *the Postmaster General of the United*
12 *States; and*

13 (M) *heads of other Federal departments and*
14 *agencies as considered appropriate by the Spe-*
15 *cial Assistant.*

16 (d) *CONSULTATION WITH CONGRESS.—Periodically,*
17 *but at least annually, the Special Assistant for Biodefense*
18 *shall consult with the Committee on Homeland Security of*
19 *the House of Representatives, the Committee on Homeland*
20 *Security and Governmental Affairs of the Senate, the Budg-*
21 *et Committees of the House of Representatives and the Sen-*
22 *ate, the Appropriations Committees of the House of Rep-*
23 *resentatives and the Senate, and the Congressional Budget*
24 *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, analyze,*
14 *and disseminate intelligence related to weapons*
15 *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 core capabilities needed*
24 *for successful intelligence collection on weapons of*
25 *mass destruction;*

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

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

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

15 (1) *actions necessary to increase the effectiveness*
16 *and efficiency of the sharing of intelligence on weap-*
17 *ons of mass destruction throughout the Intelligence*
18 *Community and with other Federal partners, includ-*
19 *ing a description of statutory, regulatory, policy,*
20 *technical, security, or other barriers that impede such*
21 *sharing, and, as appropriate, the development of uni-*
22 *form standards across the Intelligence Community for*
23 *such sharing;*

24 (2) *methods to disseminate intelligence products*
25 *to national biosecurity and biodefense stakeholders in*

1 *classified and unclassified formats to increase the ef-*
2 *fectiveness and efficiency of the sharing of informa-*
3 *tion;*

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 5-year pe-*
13 *riod that begins on the date on which the strategy is*
14 *submitted to the appropriate congressional committees*
15 *under subsection (e) and tasks to accomplish such ob-*
16 *jectives, 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 implement*
23 *the strategy; and*

1 *Special Assistant to the President for Biodefense, and*
2 *the heads of other appropriate Federal departments*
3 *and agencies, shall develop and implement a strategy*
4 *and a plan for implementing the strategy that is inte-*
5 *grated into the National Intelligence Strategy for*
6 *Countering the Threat from Weapons of Mass De-*
7 *struction, as required 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 need-*
14 *ed for successful intelligence collection on biological*
15 *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 develop*
25 *a weapon of mass destruction;*

1 (3) include a plan for defining the functions, ca-
2 pabilities, 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 not
11 employed by the Federal Government, in par-
12 ticular 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 prioritization
19 and sustained commitment of intelligence personnel
20 and resources to address biological threats.

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

23 (1) include actions necessary to increase the ef-
24 fectiveness and efficiency of the sharing of intelligence
25 throughout the Intelligence Community on biological

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

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

12 (3) *identify specific objectives to be accomplished*
13 *during each year of the 5-year period that begins on*
14 *the date on which the strategy is submitted to the appropriate*
15 *congressional committees under subsection*
16 *(d) and tasks to accomplish such objectives, including—*

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

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

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

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 Intelligence*
11 *Strategy for Countering the Threat from Weapons of*
12 *Mass Destruction under section 201 of the WMD Pre-*
13 *vention and Preparedness Act of 2012 and the Na-*
14 *tional Intelligence Strategy for Countering Biological*
15 *Threats under section 202 of that Act;*

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

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

24 *“(4) support homeland security-focused risk*
25 *analysis and risk assessments of the homeland secu-*

1 *rity hazards described in paragraphs (2) and (3), by*
2 *providing relevant quantitative and nonquantitative*
3 *threat information;*

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

10 *“(6) share information and provide tailored ana-*
11 *lytical support on these threats to State, local, and*
12 *tribal authorities as well as other national biosecurity*
13 *and biodefense stakeholders; and*

14 *“(7) perform other responsibilities, as assigned*
15 *by the Secretary.*

16 *“(b) COORDINATION.—Where appropriate, the Office of*
17 *Intelligence and Analysis shall coordinate with other rel-*
18 *evant Department components, others in the Intelligence*
19 *Community, including the National Counter Proliferation*
20 *Center, and other Federal, State, local, and tribal authori-*
21 *ties, including officials from high-threat areas, and enable*
22 *such entities to provide recommendations on optimal infor-*
23 *mation sharing mechanisms, including expeditious sharing*
24 *of classified information, and on how they can provide in-*
25 *formation to the Department.*

1 “(c) *REPORT.*—

2 “(1) *IN GENERAL.*—Not later than 1 year after
3 the date of the enactment of this section and annually
4 thereafter, the Secretary shall report to the appro-
5 priate congressional committees on—

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

10 “(B) *the Department’s activities in accord-*
11 *ance with relevant intelligence strategies, includ-*
12 *ing the National Intelligence Strategy for Coun-*
13 *tering the Threat from Weapons of Mass Destruc-*
14 *tion and the National Intelligence Strategy for*
15 *Countering Biological Threats.*

16 “(2) *ASSESSMENT OF IMPLEMENTATION.*—*The*
17 *report shall include—*

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

21 “(B) *such assessment.*

22 **“SEC. 2102. RISK ASSESSMENTS.**

23 “(a) *IN GENERAL.*—*The Secretary, acting through the*
24 *Under Secretary for Science and Technology, shall, in co-*

1 *ordination with relevant Department components and other*
2 *appropriate Federal departments and agencies—*

3 “(1) *produce and update periodically a ter-*
4 *rorism risk assessment of chemical, biological, radio-*
5 *logical, and nuclear threats; and*

6 “(2) *produce and update periodically an inte-*
7 *grated terrorism risk assessment that assesses all of*
8 *those threats and compares them against one another*
9 *according to their relative risk.*

10 “(b) *METHODOLOGY.—*

11 “(1) *IN GENERAL.—The Secretary shall—*

12 “(A) *convene an interagency task force of*
13 *relevant subject matter experts to assess the pro-*
14 *posed methodology to be used for assessments re-*
15 *quired under subsection (a), and to provide rec-*
16 *ommendations to the Secretary as to the ade-*
17 *quacy of such methodology;*

18 “(B) *conduct sensitivity analysis on each*
19 *assessment to identify and prioritize research ac-*
20 *tivities to close knowledge gaps; and*

21 “(C) *consider the evolving threat from an*
22 *intelligent adversary.*

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

1 “(c) *USAGE.*—*The assessments required under sub-*
2 *section (a) shall be used to inform and guide risk manage-*
3 *ment decisions, including—*

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

8 “(2) *allocation of resources for research and de-*
9 *velopment for chemical, biological, radiological, and*
10 *nuclear attack prevention, protection, response, and*
11 *recovery;*

12 “(3) *prioritization of medical countermeasure re-*
13 *search, development, acquisition, and distribution ac-*
14 *tivities and other national strategic biodefense re-*
15 *search;*

16 “(4) *tailored risk assessments and risk mitiga-*
17 *tion studies, as appropriate, on topics such as radio-*
18 *logical materials security or the economic risks of a*
19 *biological attack; and*

20 “(5) *other homeland security activities as deter-*
21 *mined appropriate by the Secretary and the heads of*
22 *other agencies.*

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

1 “(1) seek input from national biosecurity and
2 biodefense stakeholders, and other Federal, State,
3 local, and tribal officials involved in efforts to pre-
4 vent, protect, respond to, and recover from chemical,
5 biological, radiological, and nuclear threats;

6 “(2) ensure that written procedures are in place
7 to guide the interagency development of the assess-
8 ments, including for input, review, and implementa-
9 tion purposes, among relevant Federal partners;

10 “(3) share the risk assessments with Federal,
11 State, local and tribal officials with appropriate secu-
12 rity clearances and a need for the information in the
13 classified version; and

14 “(4) to the maximum extent practicable, make
15 available an unclassified version for Federal, State,
16 local, and tribal officials involved in prevention and
17 preparedness for chemical, biological, radiological,
18 and nuclear events.

19 “(e) *WRITTEN PROCEDURES*.—The Secretary shall es-
20 tablish written procedures for appropriate usage of the as-
21 sessments required under subsection (a), including—

22 “(1) a description of the types of departmental
23 activities for which the assessments should be consid-
24 ered;

1 “(2) *the extent to which the findings of the as-*
2 *sessments should play a role in such activities;*

3 “(3) *the point in planning processes at which the*
4 *assessments should be considered; and*

5 “(4) *how users can access expertise within the*
6 *Department to aid in interpretation of the results of*
7 *the assessments.*

8 **“SEC. 2103. NATIONAL EXPORT ENFORCEMENT COORDINA-**
9 **TION.**

10 “(a) *ESTABLISHMENT.—There shall be maintained in*
11 *the Department the Export Enforcement Coordination Cen-*
12 *ter, with capability for national export enforcement coordi-*
13 *nation that is managed by the Secretary and coordinates*
14 *the export enforcement activities among the Department,*
15 *the Department of Agriculture, the Department of Com-*
16 *merce, the Department of Defense, the Department of En-*
17 *ergy, the Department of Justice, the Department of State,*
18 *the Department of the Treasury, the Intelligence Commu-*
19 *nity, and other Federal agencies as appropriate.*

20 “(b) *RESPONSIBILITIES.—The Center shall—*

21 “(1) *enhance Federal coordination for law en-*
22 *forcement counterproliferation investigations, includ-*
23 *ing coordination and deconfliction with intelligence*
24 *counterproliferation activities;*

1 “(2) *address licensing inquiries, reviews, re-*
2 *quests, checks, and verifications; and*

3 “(3) *conduct outreach and provide training to*
4 *the export trade community.*

5 **“SEC. 2104. COMMUNICATION OF THREAT INFORMATION.**

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

7 “(1) *The Commission on the Prevention of*
8 *Weapons of Mass Destruction Proliferation and Ter-*
9 *rorism recommended that ‘the Federal Government*
10 *should practice greater openness of public information*
11 *so that citizens better understand the threat and the*
12 *risk this threat poses to them’.*

13 “(2) *There are unique challenges for community*
14 *preparedness for attacks from weapons of mass de-*
15 *struction.*

16 “(b) *COMMUNICATIONS PLAN.—*

17 “(1) *IN GENERAL.—The Administrator of the*
18 *Federal Emergency Management Agency shall develop*
19 *a communications plan designed to provide informa-*
20 *tion to the public related to preventing, preparing for,*
21 *responding to, and recovering from chemical, biologi-*
22 *cal, radiological, and nuclear attacks;*

23 “(2) *CONSULTATION.—As appropriate, the Ad-*
24 *ministrator of the Federal Emergency Management*
25 *Agency shall consult with State, local, and tribal au-*

1 *thorities and coordinate with other Federal depart-*
2 *ments and agencies in developing the communications*
3 *plans under paragraph (1).*

4 “(3) *PRE-SCRIPTED MESSAGES AND MESSAGE*
5 *TEMPLATES.—*

6 “(A) *IN GENERAL.—The Administrator of*
7 *the Federal Emergency Management Agency*
8 *shall develop and disseminate, through an alerts*
9 *and warnings system, pre-scripted messages and*
10 *message templates for State, local, and tribal au-*
11 *thorities so that those authorities can quickly*
12 *and rapidly disseminate critical information to*
13 *the public in anticipation of, during, or in the*
14 *immediate aftermath of a chemical, biological,*
15 *radiological, and nuclear attack, and to be in-*
16 *cluded in the Department of Homeland Secu-*
17 *rity’s lessons learned information sharing sys-*
18 *tem.*

19 “(B) *DEVELOPMENT AND DESIGN.—The*
20 *pre-scripted messages or message templates*
21 *shall—*

22 “(i) *be developed in consultation with*
23 *State, local, and tribal authorities and in*
24 *coordination with other appropriate Federal*
25 *departments and agencies;*

1 “(ii) be designed to provide accurate,
2 essential, and appropriate information and
3 instructions to the population directly af-
4 fected by an incident, including informa-
5 tion regarding an evacuation, sheltering in
6 place, hospital surge operations, health, and
7 safety;

8 “(iii) be designed to provide accurate,
9 essential, and appropriate information and
10 instructions to children and other special
11 needs populations within the population di-
12 rectly affected by an incident;

13 “(iv) be designed to provide accurate,
14 essential, and appropriate information and
15 instructions to emergency response pro-
16 viders and medical personnel responding to
17 an incident; and

18 “(v) include direction for the coordina-
19 tion of Federal, State, local, and tribal com-
20 munications teams.

21 “(C) COMMUNICATIONS FORMATS.—The Ad-
22 ministrators shall develop pre-scripted messages
23 or message templates under this paragraph in
24 multiple formats to ensure delivery—

1 “(i) in cases where the usual commu-
2 nications infrastructure is unusable;

3 “(ii) to individuals with disabilities or
4 other special needs and individuals with
5 limited English proficiency; and

6 “(iii) to educational and childcare fa-
7 cilities, including daycare centers, grade
8 schools, universities, hospitals, and elderly
9 care facilities.

10 “(D) *DISSEMINATION AND TECHNICAL AS-*
11 *SISTANCE.*—*The Administrator shall ensure that*
12 *all pre-scripted messages and message templates*
13 *developed under this paragraph are made avail-*
14 *able to State, local, and tribal authorities so that*
15 *those authorities may incorporate them, as ap-*
16 *propriate, into their emergency plans. The Ad-*
17 *ministrator shall also make available relevant*
18 *technical assistance to those authorities to sup-*
19 *port communications planning.*

20 “(E) *EXERCISES.*—*To ensure that the pre-*
21 *scripted messages or message templates developed*
22 *under this paragraph can be effectively utilized*
23 *in a disaster or incident, the Administrator shall*
24 *incorporate Federal, State, local, and tribal com-*
25 *munications teams that deliver such pre-scripted*

1 *messages or message templates into exercises, in-*
2 *cluding those conducted under the National Ex-*
3 *ercise Program.*

4 “(4) *REPORT.*—*Not later than 1 year after the*
5 *date of the enactment of this subsection, the Adminis-*
6 *trator of the Federal Emergency Management Agency*
7 *shall submit to the appropriate congressional commit-*
8 *tees the communications plans required to be devel-*
9 *oped under this subsection, including pre-scripted*
10 *messages or message templates developed in conjunc-*
11 *tion with the plans and a description of the means*
12 *that will be used to deliver these messages during such*
13 *incidents.*

14 “(c) *TERRORISM THREAT AWARENESS.*—

15 “(1) *TERRORISM THREAT AWARENESS.*—*The*
16 *Secretary, in coordination with the Attorney General*
17 *and heads of appropriate Federal agencies, shall for*
18 *purposes of preparedness and collective response to*
19 *terrorism and for other purposes—*

20 “(A) *ensure that homeland security infor-*
21 *mation concerning terrorist threats is provided*
22 *to State, local, and tribal authorities and the*
23 *public within the United States, as appropriate;*
24 *and*

1 “(B) *establish a process to optimize oppor-*
2 *tunities for qualified heads of State, local, and*
3 *tribal government entities to obtain appropriate*
4 *security clearances so that they may receive clas-*
5 *sified threat information when appropriate.*

6 “(2) *THREAT BULLETINS.—*

7 “(A) *IN GENERAL.—Consistent with the re-*
8 *quirements of paragraph (1), the Secretary shall,*
9 *on a timely basis, prepare unclassified threat*
10 *bulletins on chemical, biological, radiological,*
11 *and nuclear threats.*

12 “(B) *REQUIREMENTS.—Each assessment re-*
13 *quired under subparagraph (A) shall—*

14 “(i) *include guidance to the public for*
15 *preventing and responding to acts of ter-*
16 *rorism arising from such threats; and*

17 “(ii) *be made available on the Internet*
18 *Web site of the Department and other pub-*
19 *licly accessible Internet Web sites, commu-*
20 *nication systems, and information net-*
21 *works.*

22 “(3) *GUIDANCE TO STATE, LOCAL, AND TRIBAL*
23 *AUTHORITIES.—The Secretary, using information*
24 *provided by the terrorism risk assessments under sec-*
25 *tion 2102 and material threat assessments and deter-*

1 *minations under the Project BioShield Act of 2004*
2 *(Public Law 108–276) and the amendments made by*
3 *that Act—*

4 *“(A) shall provide to State, local, and tribal*
5 *authorities written guidance on communicating*
6 *terrorism-related threats and risks to the public*
7 *within their jurisdictions; and*

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

12 *“(4) USE OF EXISTING RESOURCES.—The Sec-*
13 *retary shall use Internet Web sites, communication*
14 *systems, and information networks in operation on*
15 *the date of an assessment under this subsection, and*
16 *shall coordinate with other heads of Federal depart-*
17 *ments and agencies to provide information through*
18 *existing channels to satisfy the requirements of para-*
19 *graph (2)(B)(ii). The Secretary shall provide guid-*
20 *ance on how State, local, tribal, and private entities*
21 *can partner with public television stations to dissemi-*
22 *nate information provided by the Department and*
23 *shall provide information on best practices on dis-*
24 *seminating information to residents of local commu-*
25 *nities, including leveraging public television stations.*

1 **“SEC. 2105. INDIVIDUAL AND COMMUNITY PREPAREDNESS**
2 **FOR CHEMICAL, BIOLOGICAL, RADIOLOGICAL,**
3 **AND NUCLEAR ATTACKS.**

4 *“(a) IN GENERAL.—The Secretary, acting through the*
5 *Administrator for the Federal Emergency Management*
6 *Agency, shall assist State, local, and tribal authorities in*
7 *improving and promoting individual and community pre-*
8 *paredness and collective response to terrorist attacks involv-*
9 *ing chemical, biological, radiological, and nuclear materials*
10 *against the United States by—*

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

16 *“(2) updating new and existing guidance and*
17 *checklists as appropriate;*

18 *“(3) disseminating to communities and individ-*
19 *uals the guidance developed under section 2131, as*
20 *appropriate;*

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

24 *“(5) conducting individual and community pre-*
25 *paredness outreach efforts; and*

1 “(6) such other actions as the Secretary deter-
2 mines appropriate.

3 “(b) *COORDINATION.*—*The Secretary shall coordinate*
4 *with Federal departments and agencies and with private*
5 *sector and nongovernmental organizations to promote indi-*
6 *vidual and community preparedness and collective response*
7 *to terrorist attacks involving chemical, biological, radio-*
8 *logical, and nuclear materials against the United States.*

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

15 **“Subtitle B—Protection**

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

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

21 “(1) *deploy detection capabilities to areas, based*
22 *on high risks identified by Department assessments,*
23 *to indicate the presence of biological agents;*

24 “(2) *consider multiple deployment strategies in-*
25 *cluding surge capability;*

1 “(3) provide information to participating lab-
2 oratories and programs for their use in monitoring
3 public health, and biological material or other data
4 from those detectors to participating laboratories and
5 programs for testing and evaluation;

6 “(4) regularly communicate with, and provide
7 information about the presence of biological agents to,
8 appropriate Federal, State, and local agencies respon-
9 sible for public health, law enforcement, and emer-
10 gency services, in a manner that ensures trans-
11 parency with the governments served by such per-
12 sonnel;

13 “(5) provide advanced planning tools, concepts of
14 operations (including alarm resolution protocols and
15 response guidance), standard operating procedures,
16 and training exercises (including in collaboration
17 with relevant national level exercises) for collective re-
18 sponse to and recovery 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 program
23 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 the*
2 *Centers of Disease Control and Prevention and the*
3 *Administrator of the Environmental Protection Agen-*
4 *cy, and the heads of other Federal departments and*
5 *agencies, setting forth roles and responsibilities, in-*
6 *cluding 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, and*
13 *make such determinations on an annual basis;*

14 *“(3) acting through the Under Secretary for*
15 *Science and Technology, and in consultation with the*
16 *Director of the Centers for Disease Control and Pre-*
17 *vention, implement a process for establishing assay*
18 *performance standards and evaluation for equiva-*
19 *lency for biological threat assays, that—*

20 *“(A) evaluates biological threat detection as-*
21 *says, their protocols for use, and their associated*
22 *response algorithms for confirmation of biologi-*
23 *cal threat agents, taking performance measures*
24 *and concepts of operation into consideration;*

1 “(B) develops interagency peer-reviewed
2 assay performance and equivalency standards
3 based on the findings of the evaluation under
4 subparagraph (A);

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

8 “(D) promotes use of such standards among
9 all other Federal biological detection programs
10 and makes them available to the private sector
11 and other end-users as appropriate; and

12 “(E) is updated as necessary;

13 “(4) prior to obligating funds to acquire bio-
14 detection systems for purposes of operational testing
15 and evaluation, require—

16 “(A) a determination of the sensitivity and
17 specificity of the currently deployed biodetection
18 system;

19 “(B) an assessment of the sensitivity and
20 specificity of the next generation biodetection
21 system or systems under consideration for acqui-
22 sition and whether it meets established oper-
23 ational requirements;

1 “(C) provision of all raw data to the
2 Science and Technology Directorate to enable the
3 Under Secretary to—

4 “(i) conduct a trade-off study com-
5 paring the results of subparagraphs (A) and
6 (B); and

7 “(ii) perform a technical readiness as-
8 sessment in accordance with section 308(b);
9 and

10 “(D) that the findings under subparagraph
11 (C) inform the cost-benefit analysis under para-
12 graph (5)(A) and any Departmental acquisition
13 review board decision regarding the biodetection
14 system or systems under consideration; and

15 “(5) prior to acquiring and deploying biodetec-
16 tion technology, require—

17 “(A) a cost-benefit analysis, including an
18 analysis of alternatives, that shall be informed
19 by the terrorism risk assessments under section
20 2102;

21 “(B) operational testing and evaluation;

22 “(C) operational assessment by the end
23 users of the technology; and

24 “(D) the Department, other relevant execu-
25 tive agencies, and local jurisdictions intended to

1 *host the systems to agree on concepts of oper-*
2 *ations for resolving alarms.*

3 “(c) *CONTRACT AUTHORITY.—The Secretary may*
4 *enter into contracts with participating laboratories and*
5 *programs for—*

6 “*(1) the provision of laboratory services or other*
7 *biosurveillance activities as appropriate for purposes*
8 *of this section on a fee-for-service basis or on a pre-*
9 *payment or other similar basis; and*

10 “*(2) administrative and other costs related to*
11 *hosting program personnel and equipment in these*
12 *laboratories or programs.*

13 “(d) *DEFINITIONS.—In this section:*

14 “*(1) The term ‘participating laboratory’ means*
15 *a laboratory that has been accepted as a member of*
16 *the Laboratory Response Network for Biological Ter-*
17 *rorism that—*

18 “*(A) is fully equipped to detect and respond*
19 *quickly to acts of biological terrorism;*

20 “*(B) provides biocontainment and micro-*
21 *biological analysis in support of the Department*
22 *and relevant law enforcement agencies with re-*
23 *sponsibilities for investigating biological inci-*
24 *dents; and*

1 “(C) supports assay evaluation, research
2 and development.

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

7 **“SEC. 2122. RAPID BIOLOGICAL THREAT DETECTION AND**
8 **IDENTIFICATION AT PORTS OF ENTRY.**

9 “(a) *IN GENERAL.*—The Secretary of Homeland Secu-
10 rity shall require the Under Secretary for Science and Tech-
11 nology, in consultation with the heads of other relevant
12 operational components of the Department of Homeland Se-
13 curity, to assess whether the development of technological
14 screening capabilities for biological agents, pandemic influ-
15 enza, and other infectious diseases should be undertaken by
16 the Directorate of Science and Technology to support entry
17 and exit screening at ports of entry and for other homeland
18 security purposes.

19 “(b) *DEVELOPMENT OF METHODS.*—If the Under Sec-
20 retary determines that the development of such screening
21 capabilities should be undertaken, the Secretary shall, to the
22 extent possible, initiate development of safe and effective
23 methods to—

1 “(1) rapidly screen incoming persons at ports of
2 entry for biological agents, pandemic influenza, and
3 other infectious diseases; and

4 “(2) obtain results of such screening near the
5 point of entry.

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

7 “To inform the purchase of detection technology, the
8 Secretary, in coordination with the Director of the National
9 Institute of Standards and Technology, may carry out a
10 program to—

11 “(1) establish near-term minimum performance
12 metrics to support public safety actionable activities,
13 based to the greatest extent practicable on voluntary
14 consensus standards, to evaluate the effectiveness of
15 detection technology for high-priority biological agents
16 and toxins and high-priority chemical agents;

17 “(2) establish a process for voluntary testing and
18 evaluation of technology by an accredited laboratory
19 to demonstrate conformance to such consensus stand-
20 ards, or performance metrics if standards do not
21 exist, for the effective detection of high-priority bio-
22 logical agents and toxins and high-priority chemical
23 agents, including incentivization for the program
24 through potential cost sharing with technology manu-

1 *facturers and for SAFETY Act certification or place-*
2 *ment on the authorized equipment list, or both; and*

3 *“(3) with permission from the detection tech-*
4 *nology manufacturer, make available to Federal de-*
5 *partments and agencies, State, territorial, local, and*
6 *tribal entities, and the private sector the results of de-*
7 *tection system testing and evaluation under para-*
8 *graph (2).*

9 **“SEC. 2124. DOMESTIC IMPLEMENTATION OF THE GLOBAL**
10 **NUCLEAR DETECTION ARCHITECTURE.**

11 *“(a) SECURING THE CITIES.—The Director of the Do-*
12 *mestic Nuclear Detection Office shall establish and main-*
13 *tain a multilayered system of detection technologies, pro-*
14 *grams, and guidelines designed to enhance the Nation’s*
15 *ability to detect and prevent a radiological or nuclear at-*
16 *tack in high-risk United States cities, as determined by the*
17 *Secretary.*

18 *“(b) SURGE CAPABILITIES.—The Director shall de-*
19 *velop a surge capability for radiological and nuclear detec-*
20 *tion systems that can be deployed within the United States*
21 *rapidly in response to actionable intelligence or warnings,*
22 *and includes procurement of appropriate technology, train-*
23 *ing, and exercises.*

24 *“(c) INTEGRATION.—The programs under subsections*
25 *(a) and (b) shall be integrated into the Global Nuclear De-*

1 *tection Architecture and shall inform architecture studies,*
2 *technology gaps, and research activities of the Domestic Nu-*
3 *clear Detection Office.*

4 **“Subtitle C—Response**

5 **“SEC. 2131. FIRST RESPONDER GUIDANCE CONCERNING**
6 **CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**
7 **NUCLEAR ATTACKS.**

8 *“(a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—*
9 *Not later than 1 year after the date of the enactment of*
10 *this section, the Secretary, in coordination with the Sec-*
11 *retary of Health and Human Services, the Secretary of Ag-*
12 *riculture, the Administrator of the Environmental Protec-*
13 *tion Agency, the Attorney General, and the heads of other*
14 *Federal departments and agencies, as appropriate, shall—*

15 *“(1) develop for police, fire, emergency medical*
16 *services, emergency management, and medical and*
17 *public health personnel, voluntary guidance for re-*
18 *sponding to a release of chemical, biological, radio-*
19 *logical, and nuclear material;*

20 *“(2) make such guidance available to State,*
21 *local, and tribal authorities, including primary and*
22 *secondary schools and other educational institutions,*
23 *nongovernmental organizations, the private sector,*
24 *and the public; and*

1 “(3) in developing the guidance under paragraph
2 (1)—

3 “(A) review the experiences of other coun-
4 tries and the expertise of academic institutions
5 and nongovernmental organizations; and

6 “(B) consider the unique needs of children
7 and other vulnerable populations.

8 “(b) CONTENTS.—The guidance developed under sub-
9 section (a)(1) shall be voluntary, risk-based guidance that
10 shall include—

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

14 “(2) specific information regarding the effects of
15 the chemical, biological, radiological, or nuclear mate-
16 rial on those exposed to the agent; and

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

21 “(c) REVIEW AND REVISION OF GUIDANCE.—The Sec-
22 retary shall—

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

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

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

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

9 “(1) enable members of the first responder and
10 first provider community to submit recommendations
11 of areas in which guidance is needed and could be de-
12 veloped under subsection (a)(1);

13 “(2) determine which entities should be consulted
14 in developing or revising the guidance;

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

17 “(4) develop and disseminate the guidance in ac-
18 cordance with the prioritization under paragraph (3).

19 **“SEC. 2132. INTEGRATED PLUME MODELING FOR COLLEC-**
20 **TIVE RESPONSE.**

21 “(a) *DEVELOPMENT.*—

22 “(1) *IN GENERAL.*—The Secretary shall acquire,
23 use, and disseminate the best available integrated
24 plume models to enable rapid response activities fol-

1 *lowing a chemical, biological, nuclear, or radiological*
2 *attack or event.*

3 *“(2) SCOPE.—The Secretary shall—*

4 *“(A) identify Federal, State, and local needs*
5 *regarding plume models and ensure the rapid de-*
6 *velopment and distribution of integrated plume*
7 *models that meet those needs to appropriate offi-*
8 *cial of the Federal Government and State, local,*
9 *and tribal authorities to enable immediate re-*
10 *sponse to a chemical, biological, radiological, or*
11 *nuclear attack or event;*

12 *“(B) establish mechanisms for dissemina-*
13 *tion by appropriate emergency response officials*
14 *of the integrated plume models described in*
15 *paragraph (1) to nongovernmental organizations*
16 *and the public to enable appropriate collective*
17 *response activities;*

18 *“(C) ensure that guidance and training in*
19 *how to appropriately use such models are pro-*
20 *vided; and*

21 *“(D) ensure that lessons learned from as-*
22 *sessing the development and dissemination of in-*
23 *tegrated plume models during exercises adminis-*
24 *tered by the Department are put into the lessons*

1 *learned information sharing system maintained*
2 *by the Department.*

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

4 “(1) *The term ‘plume model’ means the assess-*
5 *ment of the location and prediction of the spread of*
6 *agents following a chemical, biological, radiological,*
7 *or nuclear attack or event.*

8 “(2) *The term ‘integrated plume model’ means a*
9 *plume model that integrates protective action guid-*
10 *ance and other information as the Secretary deter-*
11 *mines appropriate.*

12 **“SEC. 2133. ESTABLISHMENT OF THE SYSTEM ASSESSMENT**
13 **AND VALIDATION FOR EMERGENCY RE-**
14 **SPONDERS (SAVER) PROGRAM.**

15 *“The Secretary shall carry out a program for system*
16 *assessment and validation of emergency response equipment*
17 *at the Department, to be known as the ‘SAVER Program’.*
18 *The Secretary shall ensure that such program—*

19 “(1) *conducts objective, impartial, practitioner-*
20 *relevant, and operationally oriented assessments and*
21 *validations of commercial emergency responder equip-*
22 *ment and systems, including hand-held detectors for*
23 *chemical, biological, radiological, and nuclear agents;*

1 “(2) prioritizes such evaluation based on the
2 technical results obtained from the program estab-
3 lished under section 2123, if available;

4 “(3) is supported by a network of scientists who,
5 in coordination with subject matter experts, perform
6 the assessment and validation activities using strict
7 scientific and testing protocols;

8 “(4) provides results along with other relevant
9 equipment information to the emergency response
10 provider community in an operationally useful form;

11 “(5) provides information on equipment that
12 falls within the categories listed in the Department’s
13 authorized equipment list;

14 “(6) provides information that enables decision-
15 makers and responders to better select, procure, use,
16 and maintain emergency responder equipment; and

17 “(7) shares such information nationally with the
18 emergency response provider community.

19 **“SEC. 2134. PAYMENT FOR LABORATORY RESPONSE SERV-**
20 **ICES.**

21 *“In carrying out their functions, responsibilities, au-*
22 *thorities, and duties to counter biological terrorism, the Sec-*
23 *retary, the Attorney General, and the heads of other partici-*
24 *pating Federal agencies are authorized, subject to the avail-*
25 *ability of appropriations, to enter into contracts with lab-*

1 oratories that comprise the Laboratory Response Network
2 for Biological Terrorism and other federally networked lab-
3 oratories that agree to participate in such a contract, for
4 the provision of laboratory testing services on a fee-for-serv-
5 ice basis or on a prepayment or other similar basis. Prior
6 to entering into such a contract with any laboratory in the
7 Laboratory Response Network for Biological Terrorism, the
8 Secretary, the Attorney General, or the head of any other
9 participating Federal agency shall inform the Centers for
10 Disease Control and Prevention.

11 **“SEC. 2135. BIOFORENSICS CAPABILITIES.**

12 “(a) *BIOFORENSICS ANALYSIS CENTER.*—There is au-
13 thorized in the Department a bioforensics analysis center
14 to provide support for law enforcement and intelligence-re-
15 lated investigations and actions to—

16 “(1) provide definitive bioforensics analysis in
17 support of the executive agencies with primary re-
18 sponsibilities for preventing, deterring, responding to,
19 attributing, and recovering from biological attacks;
20 and

21 “(2) undertake other related bioforensics activi-
22 ties.

23 “(b) *PAYMENT FOR SERVICES.*—The center shall
24 charge and retain fees to reimburse the cost of any service
25 provided to an executive agency that requested such service.

1 “(c) *DETAILEE PROGRAM.*—*Subject to the availability*
2 *of appropriations, the Secretary may implement a program*
3 *under which executive agencies as considered appropriate*
4 *by the Secretary provide personnel, on a reimbursable basis,*
5 *to the center for the purpose of—*

6 “(1) *providing training and other educational*
7 *benefits for such stakeholders to help them to better*
8 *understand the policies, procedures, and laws gov-*
9 *erning national bioforensics activities; and*

10 “(2) *bolstering the capabilities and information*
11 *sharing activities of the bioforensics analysis center*
12 *authorized under subsection (a) with national bio-*
13 *security and biodefense stakeholders.*

14 **“SEC. 2136. METROPOLITAN MEDICAL RESPONSE SYSTEM**
15 **PROGRAM.**

16 “(a) *IN GENERAL.*—*The Secretary shall conduct a*
17 *Metropolitan Medical Response System Program, that shall*
18 *assist State and local governments in preparing for and*
19 *responding to public health and mass casualty incidents re-*
20 *sulting from acts of terrorism, natural disasters, and other*
21 *man-made disasters.*

22 “(b) *FINANCIAL ASSISTANCE.*—

23 “(1) *AUTHORIZATION OF GRANTS.*—

24 “(A) *IN GENERAL.*—*The Secretary, through*
25 *the Administrator of the Federal Emergency*

1 *Management Agency, may make grants under*
2 *this section to State and local governments to as-*
3 *sist in preparing for and responding to mass*
4 *casualty incidents resulting from acts of ter-*
5 *rorism, natural disasters, and other man-made*
6 *disasters.*

7 “(B) *CONSULTATION.*—*In developing guid-*
8 *ance for grants authorized under this section, the*
9 *Administrator shall consult with the Chief Med-*
10 *ical Officer.*

11 “(2) *USE OF FUNDS.*—*A grant made under this*
12 *section may be used to support the integration of*
13 *emergency management, health, and medical systems*
14 *into a coordinated response to mass casualty inci-*
15 *dents caused by any hazard, including—*

16 “(A) *to strengthen medical surge capacity;*

17 “(B) *to strengthen mass prophylaxis capa-*
18 *bilities including development and maintenance*
19 *of an initial pharmaceutical stockpile sufficient*
20 *to protect first responders, their families, and*
21 *immediate victims from a chemical or biological*
22 *event, including the procurement of home med-*
23 *ical kits that are approved pursuant to the Fed-*
24 *eral Food, Drug, and Cosmetic Act (21 U.S.C.*

1 301 et seq.) or the Public Health Service Act (42
2 U.S.C. 201 et seq.), as applicable;

3 “(C) to strengthen chemical, biological, ra-
4 diological, nuclear, and explosive detection, re-
5 sponse, and decontamination capabilities;

6 “(D) to develop and maintain mass triage
7 and pre-hospital treatment plans and capabili-
8 ties;

9 “(E) for planning;

10 “(F) to support efforts to strengthen infor-
11 mation sharing and collaboration capabilities of
12 regional, State, and urban areas in support of
13 public health and medical preparedness;

14 “(G) for medical supplies management and
15 distribution;

16 “(H) for training and exercises;

17 “(I) for integration and coordination of the
18 activities and capabilities of public health per-
19 sonnel and medical care providers with those of
20 other emergency response providers as well as
21 other Federal agencies, the private sector, and
22 nonprofit organizations, for the forward move-
23 ment of patients; and

24 “(J) for such other activities as the Admin-
25 istrator provides.

1 “(3) *ELIGIBILITY.*—

2 “(A) *IN GENERAL.*—*Except as provided in*
3 *subparagraph (C), any jurisdiction that received*
4 *funds through the Metropolitan Medical Response*
5 *System Program in fiscal year 2009 shall be eli-*
6 *gible to receive a grant under this section.*

7 “(B) *ADDITIONAL JURISDICTIONS.*—

8 “(i) *UNREPRESENTED STATES.*—

9 “(I) *IN GENERAL.*—*Except as pro-*
10 *vided in subparagraph (C), the Admin-*
11 *istrator may make grants under this*
12 *section to the metropolitan statistical*
13 *area with the largest population in*
14 *any State in which no jurisdiction re-*
15 *ceived funds through the Metropolitan*
16 *Medical Response Program in fiscal*
17 *year 2009, or in which funding was re-*
18 *ceived only through another State.*

19 “(II) *LIMITATION.*—*For each of*
20 *fiscal years 2012 through 2014, no ju-*
21 *risdiction that would otherwise be eli-*
22 *gible to receive grants under subclause*
23 *(I) shall receive a grant under this sec-*
24 *tion if it would result in any jurisdic-*
25 *tion under subparagraph (A) receiving*

1 *less funding than such jurisdiction re-*
2 *ceived in fiscal year 2009.*

3 “(ii) *OTHER JURISDICTIONS.*—

4 “(I) *IN GENERAL.*—*Subject to*
5 *subparagraph (C), the Administrator*
6 *may determine that additional juris-*
7 *dictions are eligible to receive grants*
8 *under this section.*

9 “(II) *LIMITATION.*—*For each of*
10 *fiscal years 2012 through 2014, the eli-*
11 *gibility of any additional jurisdiction*
12 *to receive grants under this section is*
13 *subject to the availability of appro-*
14 *priations beyond that necessary to—*

15 “(aa) *ensure that each juris-*
16 *isdiction eligible to receive a grant*
17 *under subparagraph (A) does not*
18 *receive less funding than such ju-*
19 *risdiction received in fiscal year*
20 *2009; and*

21 “(bb) *provide grants to juris-*
22 *dictions eligible under clause (i).*

23 “(C) *PERFORMANCE REQUIREMENT AFTER*
24 *FISCAL YEAR 2012.*—*A jurisdiction shall not be*
25 *eligible for a grant under this subsection from*

1 *funds available after fiscal year 2012 unless the*
2 *Secretary determines that the jurisdiction main-*
3 *tains a sufficient measured degree of capability*
4 *in accordance with the performance measures*
5 *issued under subsection (c).*

6 *“(4) DISTRIBUTION OF FUNDS.—*

7 *“(A) IN GENERAL.—The Administrator*
8 *shall distribute grant funds under this section to*
9 *the State in which the jurisdiction receiving a*
10 *grant under this section is located.*

11 *“(B) PASS THROUGH.—Subject to subpara-*
12 *graph (C), not later than 45 days after the date*
13 *on which a State receives grant funds under sub-*
14 *paragraph (A), the State shall provide the juris-*
15 *isdiction receiving the grant 100 percent of the*
16 *grant funds, and not later than 45 days after the*
17 *State releases the funds, all fiscal agents shall*
18 *make the grant funds available for expenditure.*

19 *“(C) EXCEPTION.—The Administrator may*
20 *permit a State to provide to a jurisdiction re-*
21 *ceiving a grant under this section 97 percent of*
22 *the grant funds awarded if doing so would not*
23 *result in any jurisdiction eligible for a grant*
24 *under paragraph (3)(A) receiving less funding*

1 *than such jurisdiction received in fiscal year*
2 *2009.*

3 “(5) *REGIONAL COORDINATION.*—*The Adminis-*
4 *trator shall ensure that each jurisdiction that receives*
5 *a grant under this section, as a condition of receiving*
6 *such grant, is actively coordinating its preparedness*
7 *efforts with surrounding jurisdictions, with the offi-*
8 *cial with primary responsibility for homeland secu-*
9 *rity (other than the Governor) of the government of*
10 *the State in which the jurisdiction is located, and*
11 *with emergency response providers from all relevant*
12 *disciplines, as determined by the Administrator, to ef-*
13 *fectively enhance regional preparedness.*

14 “(c) *PERFORMANCE MEASURES.*—*The Administrator*
15 *of the Federal Emergency Management Agency, in coordi-*
16 *nation with the Chief Medical Officer, and the National*
17 *Metropolitan Medical Response System Working Group,*
18 *shall issue performance measures within 1 year after the*
19 *date of enactment of this section that enable objective eval-*
20 *uation of the performance and effective use of funds pro-*
21 *vided under this section in any jurisdiction.*

22 “(d) *METROPOLITAN MEDICAL RESPONSE SYSTEM*
23 *WORKING GROUP DEFINED.*—*In this section, the term ‘Na-*
24 *tional Metropolitan Medical Response System Working*
25 *Group’ means—*

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

3 “(A) *include 1 such grant manager from*
4 *each region of the Agency;*

5 “(B) *comprise a population-based cross sec-*
6 *tion of jurisdictions that are receiving grant*
7 *funds under the Metropolitan Medical Response*
8 *System Program; and*

9 “(C) *include—*

10 “(i) *3 selected by the Administrator of*
11 *the Federal Emergency Management Agen-*
12 *cy; and*

13 “(ii) *3 selected by the Chief Medical*
14 *Officer; and*

15 “(2) *3 State officials who are responsible for ad-*
16 *ministration of State programs that are carried out*
17 *with grants under this section, who shall be selected*
18 *by the Administrator.*

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

22 **“Subtitle D—Recovery**

23 **“SEC. 2141. IDENTIFYING AND ADDRESSING GAPS IN RE-**
24 **COVERY CAPABILITIES.**

25 “(a) *RISK ASSESSMENT.—*

1 “(1) *TAILORED RISK ASSESSMENT.*—*The Sec-*
2 *retary, acting through the Under Secretary for*
3 *Science and Technology and in coordination with the*
4 *Administrator of the Environmental Protection Agen-*
5 *cy, shall conduct tailored risk assessments to inform*
6 *prioritization of national recovery activities for chem-*
7 *ical, biological, radiological, and nuclear incidents, to*
8 *be updated as necessary.*

9 “(2) *CONSIDERATIONS.*—*In conducting the risk*
10 *assessments under paragraph (1), the Secretary*
11 *shall—*

12 “(A) *consult with the Secretary of Health*
13 *and Human Services, the Secretary of Agri-*
14 *culture, the Secretary of the Interior, the Chair-*
15 *man of the Nuclear Regulatory Commission, and*
16 *the heads of other relevant Federal departments*
17 *and agencies;*

18 “(B) *consider recovery of both indoor areas*
19 *and outdoor environments; and*

20 “(C) *consider relevant studies previously*
21 *prepared by other Federal agencies, or other ap-*
22 *propriate stakeholders.*

23 “(3) *COLLABORATION.*—*Upon completion of the*
24 *risk assessments required by this section, the Sec-*
25 *retary shall provide the findings to the Administrator*

1 of the Environmental Protection Agency and heads of
2 other relevant Federal agencies in order to inform on-
3 going and future work, including research and guid-
4 ance development, undertaken by those agencies in re-
5 covery and remediation from chemical, biological, ra-
6 diological, or nuclear incidents.

7 “(b) *RESEARCH.*—The results of the risk assessment
8 under this section shall inform appropriate Federal re-
9 search to address the high-risk capability gaps uncovered
10 by each assessment.

11 “(c) *SUBMISSION TO CONGRESS.*—The results of each
12 risk assessment shall be submitted to the appropriate con-
13 gressional committees within 30 days after completion of
14 the assessment.

15 “**SEC. 2142. RECOVERY FROM A CHEMICAL, BIOLOGICAL, RA-**
16 **DIOLOGICAL, AND NUCLEAR ATTACK OR INCI-**
17 **DENT.**

18 “(a) *ESTABLISHMENT OF GUIDANCE.*—The Secretary
19 shall develop and issue guidance for clean-up and restora-
20 tion of indoor and outdoor areas, including subways and
21 other mass transportation facilities, that have been exposed
22 to chemical, biological, radiological, or nuclear materials.
23 The Secretary shall develop and issue the guidance, within
24 24 months after the date of enactment of this section, in
25 consultation with—

1 “(1) *the Secretary of Agriculture;*

2 “(2) *the Secretary of Commerce;*

3 “(3) *the Secretary of Education;*

4 “(4) *the Secretary of the Interior;*

5 “(5) *the Attorney General;*

6 “(6) *the Secretary of Labor;*

7 “(7) *the Secretary of Transportation;*

8 “(8) *the Secretary of Housing and Urban Devel-*
9 *opment;*

10 “(9) *the Secretary of Health and Human Serv-*
11 *ices;*

12 “(10) *the Secretary of Veterans Affairs;*

13 “(11) *the Secretary of the Treasury;*

14 “(12) *the Administrator of the Environmental*
15 *Protection Agency; and*

16 “(13) *the Administrator of the Small Business*
17 *Administration.*

18 “(b) *CONTENTS.—The guidance developed under sub-*
19 *section (a) shall clarify Federal roles and responsibilities*
20 *for assisting State, local, and tribal authorities and include*
21 *risk-based recommendations for—*

22 “(1) *standards for effective decontamination of*
23 *affected sites;*

24 “(2) *standards for safe post-event occupancy of*
25 *affected sites, including for vulnerable populations*

1 *such as children and individuals with health con-*
2 *cerns;*

3 *“(3) requirements to ensure that the decon-*
4 *tamination procedures for responding organizations*
5 *do not conflict;*

6 *“(4) requirements that each responding organi-*
7 *zation uses a uniform system for tracking costs and*
8 *performance of clean-up contractors;*

9 *“(5) maintenance of negative air pressure in*
10 *buildings;*

11 *“(6) standards for proper selection and use of*
12 *personal protective equipment;*

13 *“(7) air sampling procedures;*

14 *“(8) development of occupational health and*
15 *safety plans that are appropriate for the specific risk*
16 *to responder health; and*

17 *“(9) waste disposal.*

18 *“(c) REVIEW AND REVISION OF GUIDANCE.—The Sec-*
19 *retary shall—*

20 *“(1) not less frequently than once every 2 years,*
21 *review the guidance developed under subsection (a);*

22 *“(2) make revisions to the guidance as appro-*
23 *priate; and*

24 *“(3) make the revised guidance available to the*
25 *Federal Government, State, local, and tribal authori-*

1 *ties, nongovernmental organizations, the private sec-*
2 *tor, and the public.*

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

6 “(1) *prioritize issuance of guidance based on the*
7 *results of the risk assessment under section 2131;*

8 “(2) *inventory existing relevant guidance;*

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

11 “(4) *determine which entities should be consulted*
12 *in developing or revising the guidance;*

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

15 “(6) *develop and disseminate the guidance in ac-*
16 *cordance with the prioritization under paragraph (5).*

17 “(e) *CONSULTATIONS.—The Secretary shall develop*
18 *and revise the guidance developed under subsection (a), and*
19 *the procedures required under subsection (d), in consulta-*
20 *tion with—*

21 “(1) *the heads of other Federal departments and*
22 *agencies that are not required to be consulted under*
23 *subsection (a), as the Secretary considers appropriate;*

24 “(2) *State, local, and tribal authorities; and*

1 “(3) nongovernmental organizations and private
2 industry.

3 “(f) *REPORT.*—Not later than 1 year after the date of
4 the enactment of this section, and annually thereafter, the
5 Secretary shall provide appropriate congressional commit-
6 tees with—

7 “(1) a description of the procedures established
8 under subsection (d);

9 “(2) any guidance in effect on the date of the re-
10 port;

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

13 “(4) a plan for reviewing the guidance described
14 in paragraph (2), in accordance with subsection (e);

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

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

20 **“SEC. 2143. EXERCISES.**

21 “(a) *IN GENERAL.*—To facilitate recovery from a
22 chemical, biological, radiological, or nuclear attack or other
23 incident involving chemical, biological, radiological, or nu-
24 clear materials and to foster collective response to terrorism,
25 the Secretary shall develop exercises in consultation with

1 *State, local, and tribal authorities and other appropriate*
2 *Federal agencies, and, as appropriate, in collaboration with*
3 *national level exercises, including exercises that address, to*
4 *the best knowledge available at the time, analysis, indoor*
5 *environmental cleanup methods, and decontamination*
6 *standards, including those published in the guidance issued*
7 *under section 2142.*

8 “(b) *LESSONS LEARNED FOR NATIONAL LEVEL EXER-*
9 *CISES.—The Secretary shall provide electronically, to the*
10 *maximum extent practicable, lessons learned reports to each*
11 *designated representative of State, local, and tribal jurisdic-*
12 *tions and private sector entities that participate in Na-*
13 *tional Level Exercises of the Department. Each lessons*
14 *learned report shall be tailored to convey information on*
15 *that exercise that could be leveraged to enhance prepared-*
16 *ness and response.”.*

17 “(b) *CLERICAL AMENDMENT.—The table of contents in*
18 *section 1(b) of such Act is amended by adding at the end*
19 *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. National Export Enforcement Coordination.*”

“*Sec. 2104. Communication of threat information.*”

“*Sec. 2105. Individual and community preparedness for chemical, biological, ra-*
diological, 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. *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. *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.*”.

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

5 (d) *METROPOLITAN MEDICAL RESPONSE PROGRAM*
 6 *REVIEW.—*

7 (1) *IN GENERAL.—The Administrator of the Fed-*
 8 *eral Emergency Management Agency, the Chief Med-*
 9 *ical Officer of the Department of Homeland Security,*
 10 *and the National Metropolitan Medical Response Sys-*
 11 *tem Working Group shall conduct a review of the*
 12 *Metropolitan Medical Response System Program au-*
 13 *thorized under section 2136 of the Homeland Security*
 14 *Act of 2002, as added by this section, including an*
 15 *examination of—*

1 (A) *the extent to which the program goals*
2 *and objectives are being met;*

3 (B) *the performance metrics that can best*
4 *help assess whether the Metropolitan Medical Re-*
5 *sponse System Program is succeeding;*

6 (C) *how the Metropolitan Medical Response*
7 *System Program can be improved;*

8 (D) *how the Metropolitan Medical Response*
9 *System Program complements and enhances*
10 *other preparedness programs supported by the*
11 *Department of Homeland Security and the De-*
12 *partment of Health and Human Services;*

13 (E) *the degree to which the strategic goals,*
14 *objectives, and capabilities of the Metropolitan*
15 *Medical Response System Program are incor-*
16 *porated in State and local homeland security*
17 *plans;*

18 (F) *how eligibility for financial assistance,*
19 *and the allocation of financial assistance, under*
20 *the Metropolitan Medical Response System Pro-*
21 *gram should be determined, including how allo-*
22 *cation of assistance could be based on risk;*

23 (G) *implications for the Metropolitan Med-*
24 *ical Response System Program if it were man-*
25 *aged as a contractual agreement; and*

1 (H) the resource requirements of the Metro-
2 politan Medical Response System Program.

3 (2) *REPORT.*—Not later than 1 year after the
4 date of enactment of this Act, the Administrator and
5 the Chief Medical Officer shall submit to the Com-
6 mittee on Homeland Security of the House of Rep-
7 resentatives and the Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate a report
9 on the results of the review under this section.

10 (3) *CONSULTATION.*—The Administrator of the
11 Federal Emergency Management Agency shall consult
12 with the Secretary of Health and Human Services in
13 the implementation of paragraph (1)(E).

14 (4) *DEFINITION.*—In this subsection the term
15 “National Metropolitan Medical Response System
16 Working Group” has the meaning that term has in
17 section 2136 of the Homeland Security Act of 2002,
18 as added by this section.

19 **SEC. 302. ENHANCING LABORATORY BIOSECURITY.**

20 (a) *FEDERAL EXPERTS SECURITY ADVISORY*
21 *PANEL.*—

22 (1) *PANEL.*—

23 (A) *ESTABLISHMENT.*—The President shall
24 establish a permanent advisory panel to be
25 known as the Federal Experts Security Advisory

1 *Panel to make technical and substantive rec-*
2 *ommendations on biological agent and toxin se-*
3 *curity.*

4 (B) *MEMBERSHIP.*—*The members of the*
5 *Panel—*

6 *(i) shall consist of the voting members*
7 *appointed under subparagraph (D) and the*
8 *nonvoting members appointed under sub-*
9 *paragraph (E); and*

10 *(ii) except as provided in subpara-*
11 *graph (E), shall each be an official or em-*
12 *ployee of the Federal Government.*

13 (C) *CO-CHAIRS.*—*The voting members of the*
14 *Panel appointed under clauses (i), (v), and (vi)*
15 *of subparagraph (D) shall serve jointly as the*
16 *Co-Chairs of the Panel.*

17 (D) *VOTING MEMBERS.*—*The voting mem-*
18 *bers of the Panel shall consist of 1 voting rep-*
19 *resentative of each of the following Government*
20 *entities, appointed (except with respect to the*
21 *National Security Council) by the head of the re-*
22 *spective entity:*

23 *(i) The Department of Agriculture.*

24 *(ii) The Department of Commerce.*

25 *(iii) The Department of Defense.*

1 (iv) *The Department of Energy.*

2 (v) *The Department of Health and*
3 *Human Services.*

4 (vi) *The Department of Homeland Se-*
5 *curity.*

6 (vii) *The Department of Justice.*

7 (viii) *The Department of Labor.*

8 (ix) *The Department of State.*

9 (x) *The Department of Transportation.*

10 (xi) *The Department of Veterans Af-*
11 *fairs.*

12 (xii) *The Environmental Protection*
13 *Agency.*

14 (xiii) *The National Security Council,*
15 *which shall be represented by the Special*
16 *Assistant to the President for Biodefense.*

17 (xiv) *The Office of the Director of Na-*
18 *tional Intelligence.*

19 (xv) *Any other department or agency*
20 *designated by the Co-Chairs.*

21 (E) *NONVOTING MEMBERS.—The nonvoting*
22 *members of the Panel shall consist of—*

23 (i) *such additional representatives of*
24 *the Government entities listed in subpara-*

1 *graph (D) as may be appointed by the*
2 *heads of the respective entities; and*

3 *(ii) a representative of the public*
4 *health laboratory community or biological*
5 *laboratory community (or both).*

6 *(F) ADMINISTRATIVE SUPPORT.—The Sec-*
7 *retary of Health and Human Services shall pro-*
8 *vide to the Panel such facilities, staff, and sup-*
9 *port services as may be necessary for the Panel*
10 *to carry out its responsibilities under paragraph*
11 *(2).*

12 *(2) RESPONSIBILITIES.—Not later than 6*
13 *months after the date of the enactment of this section,*
14 *the Panel shall, with respect to biological agent and*
15 *toxin security, deliver to the Secretaries of Agri-*
16 *culture, Health and Human Services, and Homeland*
17 *Security plurality recommendations, including any*
18 *statements of dissent, concerning—*

19 *(A) the designation as highest risk of that*
20 *subset of biological agents and toxins listed pur-*
21 *suant to section 351A(a)(1) of the Public Health*
22 *Service Act (42 U.S.C. 262a(a)(1)) that presents*
23 *the greatest risk of deliberate misuse with signifi-*
24 *cant potential for mass casualties or devastating*
25 *effects to the economy, informed by—*

1 (i) any biological or bioterrorism risk
2 assessments conducted by the Department of
3 Homeland Security and relevant assess-
4 ments by other agencies; and

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

9 (B) the development of a set of minimum
10 risk-based prescriptive laboratory security per-
11 formance standards based on the risk at the low-
12 est level, allowing for enhancements as risk in-
13 creases;

14 (C) the establishment of appropriate stand-
15 ards and practices to improve vetting and moni-
16 toring of, and ensure reliability of, personnel
17 with access to highest risk biological agents and
18 toxins at facilities registered under section
19 351A(d) of the Public Health Service Act (42
20 U.S.C. 262a(d));

21 (D) the establishment of appropriate prac-
22 tices for physical security and cyber security for
23 facilities that possess highest risk biological
24 agents or toxins;

1 (E) standards for training of laboratory
2 personnel in security measures;

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

5 (G) adequacy of information sharing proto-
6 cols with biodefense and biosecurity stakeholders;

7 and

8 (H) any other security standards deter-
9 mined necessary.

10 (b) *REVISION OF RULES AND REGULATIONS.*—

11 (1) *PROPOSED RULES.*—*The Secretaries of*
12 *Health and Human Services and Agriculture, in co-*
13 *ordination with the Secretary of Homeland Security,*
14 *no later than 1 year after the date of receipt of rec-*
15 *ommendations under subsection (a)(2), shall, as ap-*
16 *propriate, propose rules under section 351A of the*
17 *Public Health Service Act (42 U.S.C. 262a) estab-*
18 *lishing security standards and procedures that are*
19 *specific to highest risk biological agents and toxins.*

20 (2) *FINAL RULES.*—*The Secretaries of Health*
21 *and Human Services and Agriculture, in coordina-*
22 *tion with the Secretary of Homeland Security, no*
23 *later than 24 months after the date of the enactment*
24 *of this section, shall promulgate final rules described*
25 *in paragraph (1).*

1 (c) *COORDINATION OF FEDERAL OVERSIGHT.*—To en-
2 sure that the Federal Government provides for comprehen-
3 sive and effective oversight of biological agents and toxins
4 security, the heads of the Government entities listed in sub-
5 section (a)(1)(D) shall for facilities in which the entity sup-
6 ports biological agent or toxin laboratory activities and by
7 no later than 6 months after the submission of recommenda-
8 tions under subsection (a)(2), develop and implement a
9 plan for the coordination of biological agents and toxins
10 security oversight that—

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

16 (2) ensures consistent and timely identification
17 and resolution of biological agents and toxins security
18 and compliance issues.

19 (d) *COMMON INSPECTION PROCEDURES.*—The heads of
20 the entities listed in subsection (a)(1)(D) shall coordinate
21 or consolidate laboratory inspections and ensure that such
22 inspections are conducted using a common set of inspection
23 procedures across such entities in order to minimize the ad-
24 ministrative burden on such laboratory.

1 (e) *INSPECTION REPORTS.*—Any inspection report re-
2 sulting from an inspection described in paragraph (1) shall
3 be available to—

4 (1) each Federal agency that supports biological
5 agent or toxin laboratory activities at the laboratory
6 that is the subject of the inspection report; and

7 (2) the laboratories that are the object of inspec-
8 tion.

9 (f) *LABORATORY BIOSECURITY INFORMATION SHAR-*
10 *ING.*—

11 (1) *FEDERAL SHARING.*—The Secretaries of
12 Health and Human Services and Agriculture shall—

13 (A) develop a process for sharing of infor-
14 mation pertaining to biological agents and tox-
15 ins with agencies that support biological agent
16 or toxin laboratory activities, that identifies the
17 purpose for sharing, and a mechanism for secur-
18 ing, such information;

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

24 (C) share relevant information pertaining
25 to biological agents and toxins, including identi-

1 *fication of laboratories possessing highest risk bi-*
2 *ological agents and toxins, with appropriate*
3 *State, local, and tribal government authorities,*
4 *including law enforcement authorities and emer-*
5 *gency response providers.*

6 (2) *CLASSIFIED AND SENSITIVE INFORMATION.—*

7 *The Secretaries of Agriculture and Health and*
8 *Human Services shall ensure that any information*
9 *disseminated under this section is handled consist-*
10 *ently with—*

11 *(A) the authority of the Director of National*
12 *Intelligence to protect intelligence sources and*
13 *methods under the National Security Act of 1947*
14 *(50 U.S.C. 401 et seq.) and related procedures or*
15 *similar authorities of the Attorney General con-*
16 *cerning sensitive law enforcement information;*

17 *(B) section 552a of title 5, United States*
18 *Code (commonly referred to as the “Privacy Act*
19 *of 1974”); and*

20 *(C) other relevant laws.*

21 (g) *DEFINITIONS.—In this section:*

22 (1) *The terms “biological agent” and “toxin”*
23 *refer to a biological agent or toxin, respectively, listed*
24 *pursuant to section 351A(a)(1) of the Public Health*
25 *Service Act (42 U.S.C. 262(a)(1)).*

1 (2) *The term “highest risk” means, with respect*
2 *to a biological agent or toxin, designated as highest*
3 *risk as described in subsection (a)(2)(A).*

4 (3) *The term “Panel” means the Federal Experts*
5 *Security Advisory Panel under subsection (a).*

6 (4) *The term “State, local, and tribal” has the*
7 *same meaning that term has in the Homeland Secu-*
8 *rity Act of 2002 (6 U.S.C. 101 et seq.).*

9 **SEC. 303. DEFINITIONS.**

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

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

16 “(20) *The term ‘national biosecurity and bio-*
17 *defense stakeholders’ means officials from the Federal,*
18 *State, local, and tribal authorities and individuals*
19 *from the private sector who are involved in efforts to*
20 *prevent, protect against, respond to, and recover from*
21 *a biological attack or other biological incidents that*
22 *may have serious health or economic consequences for*
23 *the United States, including wide-scale fatalities or*
24 *infectious disease outbreaks.”.*

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

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

9 (b) *ASSESSMENT OF RISK.*—*Not less frequently than*
10 *once every two years, the Secretary of Homeland Security,*
11 *acting through the Under Secretary for Science and Tech-*
12 *nology, shall undertake a risk assessment of the dual-use*
13 *and other risks associated with synthetic biology.*

14 (c) *ESTABLISHMENT OF GUIDANCE.*—*Not later than*
15 *six months after the date of the enactment of this Act, the*
16 *Secretary shall develop and provide to the heads of all de-*
17 *partments and agencies that fund life sciences research,*
18 *guidance on compliance with United States laws, arms con-*
19 *trol agreements to which the United States is a party or*
20 *signatory, and individual department and agency policy,*
21 *including consideration of—*

22 (1) *best practices for establishing a department*
23 *or agency process that achieves compliance for depart-*
24 *ment or agency research, development, or acquisition*
25 *projects in the life sciences;*

26 (2) *the types of projects that should be assessed;*

1 (3) *at what stage or stages such projects should*
2 *be assessed; and*

3 (4) *means for preventing the release of homeland*
4 *or national security information.*

5 (d) *RESEARCH AND DEVELOPMENT.*—*Based upon the*
6 *findings of the risk assessment undertaken in accordance*
7 *with subsection (b), the Under Secretary may conduct re-*
8 *search into the risks and ways to mitigate such risks of syn-*
9 *thetic biology, including—*

10 (1) *determining the current capability of syn-*
11 *thetic nucleic acid providers to effectively differentiate*
12 *a legitimate customer from a potential terrorist or*
13 *other malicious actor;*

14 (2) *determining the current capability of syn-*
15 *thetic nucleic acid providers to effectively screen or-*
16 *ders for sequences of homeland security concern; and*

17 (3) *making recommendations regarding screen-*
18 *ing software, protocols, and other remaining capa-*
19 *bility gaps uncovered by such risk assessment.*

20 **SEC. 305. DISSEMINATION OF INFORMATION ANALYZED BY**
21 **THE DEPARTMENT TO STATE, LOCAL, TRIBAL,**
22 **AND PRIVATE ENTITIES WITH RESPONSIBIL-**
23 **ITIES RELATING TO HOMELAND SECURITY.**

24 *Section 201(d)(8) of the Homeland Security Act of*
25 *2002 (6 U.S.C. 121(d)(8)) is amended by striking “and to*

1 *agencies of State” and all that follows and inserting “to*
2 *State, local, tribal, and private entities with such respon-*
3 *sibilities, and, as appropriate, to the public, in order to*
4 *assist in preventing, deterring, or responding to acts of ter-*
5 *rorism against the United States.”.*

6 **TITLE IV—PUBLIC HEALTH**
7 **MATTERS**

8 **SEC. 401. SENSE OF CONGRESS REGARDING FEDERAL CO-**
9 **ORDINATION ON MEDICAL COUNTER-**
10 **MEASURES.**

11 *It is the sense of Congress that—*

12 (1) *10 years after the terrorist attacks of Sep-*
13 *tember 11, 2001, and 7 years after enactment of the*
14 *Project BioShield Act of 2004 (Public Law 108–276),*
15 *coordination among Federal agencies involved in ac-*
16 *tivities relating to researching, developing, and ac-*
17 *quiring medical countermeasures still needs improve-*
18 *ment; and*

19 (2) *aggressive action should be taken by the De-*
20 *partment of Health and Human Services (in par-*
21 *ticular, the heads of the National Institutes of Health,*
22 *the Biomedical Advanced Research and Development*
23 *Authority, the Centers for Disease Control and Pre-*
24 *vention, and the Food and Drug Administration), the*
25 *Department of Homeland Security, and the Depart-*

1 *ment of Defense to foster greater coordination with re-*
2 *spect to such activities, including adoption of an*
3 *interagency agreement that sets forth the relative*
4 *areas of responsibility with respect to establishing*
5 *medical countermeasure requirements and research-*
6 *ing, developing, and acquiring medical counter-*
7 *measures to meet those requirements.*

8 **SEC. 402. NATIONAL MEDICAL COUNTERMEASURE DIS-**
9 **PENSING STRATEGY.**

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

13 **“SEC. 319F-5. NATIONAL MEDICAL COUNTERMEASURE DIS-**
14 **PENSING STRATEGY.**

15 *“(a) DEFINITIONS.—In this section—*

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

19 *“(2) the term ‘medical countermeasure’ means a*
20 *qualified countermeasure (as defined in section 319F-*
21 *1(a)(2)).*

22 *“(b) STRATEGY.—*

23 *“(1) IN GENERAL.—The Secretary, in coordina-*
24 *tion with the Secretary of Homeland Security, the*
25 *Secretary of Agriculture, and other appropriate Fed-*

1 *eral agencies, shall develop, implement, and, as ap-*
2 *propriate, periodically update a National Medical*
3 *Countermeasure Dispensing Strategy to enhance pre-*
4 *paredness and collective response to a terrorist attack*
5 *on humans or animals with any chemical, biological,*
6 *radiological, or nuclear material, that delineates Fed-*
7 *eral, State, and local responsibilities.*

8 “(2) *CONSIDERATIONS.—The strategy shall be*
9 *sufficiently flexible to meet the unique needs of dif-*
10 *ferent communities, including first responders, and*
11 *shall consider—*

12 “(A) *a variety of options for dispensing*
13 *medical countermeasures, including to individ-*
14 *uals, schools, universities, hospitals, and elderly*
15 *care facilities;*

16 “(B) *post-incident requirements for emer-*
17 *gency use authorizations before countermeasures*
18 *can be distributed legally;*

19 “(C) *the inclusion of locally held caches of*
20 *countermeasures in event-specific authorizations*
21 *covering federally held countermeasures of the*
22 *same type; and*

23 “(D) *distribution to the public of home*
24 *medical kits for personal stockpiling purposes,*

1 *within 30 days after a domestic or international*
2 *bioterrorist attack resulting in human infection.*

3 “(c) *COORDINATION.*—*The Secretary shall coordinate*
4 *with the Administrator of the Federal Emergency Manage-*
5 *ment Agency, State, local, and tribal authorities, represent-*
6 *atives from the private sector, and nongovernmental organi-*
7 *zations on the National Medical Countermeasures Dis-*
8 *persing Strategy.*

9 “(d) *REPORT.*—*Not later than 1 year after the date*
10 *of the enactment of this section, the Secretary shall submit*
11 *the National Medical Countermeasures Dispensing Strategy*
12 *to the appropriate congressional committees.”.*

13 **SEC. 403. NATIONAL PRE-EVENT VACCINATION AND ANTI-**
14 **MICROBIAL DISPENSING POLICY REVIEW.**

15 (a) *REQUIREMENT.*—*The Secretary of Health and*
16 *Human Services, in coordination with the Secretary of*
17 *Homeland Security and the Secretary of Agriculture, shall*
18 *review the adequacy of domestic vaccination and anti-*
19 *microbial dispensing policy, guidance, and information*
20 *provided to the public in light of any known terrorist risk*
21 *of a biological attack or other phenomena that may have*
22 *serious health consequences for the United States, including*
23 *wide-scale fatalities or infectious disease outbreaks includ-*
24 *ing outbreaks associated with the avian flu. In carrying out*
25 *the review under this section, the Secretary shall consider—*

1 (1) *terrorism risk assessments under section 2102*
2 *of the Homeland Security Act of 2002, as amended by*
3 *this Act, and material threat assessments and deter-*
4 *minations under the Project Bioshield Act of 2004*
5 *(Public Law 108–276) and the amendments made by*
6 *that Act;*

7 (2) *reports on global trends and intelligence pro-*
8 *duced by the Office of the Director of National Intel-*
9 *ligence and the Intelligence Community regarding bi-*
10 *ological threats;*

11 (3) *the availability of federally provided vaccines*
12 *and antimicrobials to dispense to first responders and*
13 *the public, on a voluntary basis, in anticipation of a*
14 *biological attack;*

15 (4) *applicability of Federal shelf-life extension*
16 *programs to locally held stockpiles of medical counter-*
17 *measures, to the extent that information on local*
18 *stockpiles is available;*

19 (5) *making expiring products available to appro-*
20 *priate international organizations or foreign partners*
21 *once the requests of domestic stakeholders have been*
22 *fulfilled;*

23 (6) *the implications of pre-event vaccination and*
24 *antimicrobial dispensing to livestock; and*

1 (7) mechanisms to increase coordination between
2 the Strategic National Stockpile established under sec-
3 tion 319F-2 of the Public Health Service Act (42
4 U.S.C. 247D-6b) and the National Veterinary Stock-
5 pile that would enhance vaccination and dispensing
6 capabilities.

7 (b) *REPORT.*—Not later than 1 year after the date of
8 the enactment of this Act, the Secretary of Health and
9 Human Services shall report to the appropriate congres-
10 sional committees on the review required by subsection (a),
11 together with any recommendations relating to the avail-
12 ability of domestic vaccine and antimicrobials for dis-
13 bursing to the public and voluntary immunization by first
14 responders.

15 **SEC. 404. MANAGEMENT OF SHORT SHELF LIFE VACCINE**
16 **AND ANTIMICROBIAL STOCKPILES.**

17 *The Secretary of Health and Human Services shall*
18 *make available surplus vaccines and antimicrobials, and*
19 *vaccines and antimicrobials with short shelf lives, from the*
20 *strategic national stockpile under section 319F-2(a) of the*
21 *Public Health Service Act (42 U.S.C. 247d-6b(a)) to State,*
22 *local, and tribal first responders, including health care re-*
23 *sponders, for administration to such responders who volun-*
24 *tarily consent to such administration, and 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 Service*
8 *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 striking*
15 *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 population*
21 *sufficient to affect national security and*
22 *homeland security.”.*

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

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

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

8 **SEC. 407. STATE, LOCAL, AND TRIBAL DEFINED.**

9 *In this title, the term “State, local, and tribal” has*
10 *the same meaning that term has in the Homeland Security*
11 *Act of 2002 (6 U.S.C. 101 et seq.).*

12 **TITLE V—FOREIGN RELATIONS**
13 **MATTERS**

14 **SEC. 501. INTERNATIONAL ENGAGEMENT TO ENHANCE BIO-**
15 **DEFENSE AND LABORATORY BIOSECURITY.**

16 *The Secretary of State, in consultation with the Spe-*
17 *cial Assistant to the President for Biodefense, and the heads*
18 *of appropriate Federal agencies, shall, as appropriate—*

19 *(1) support efforts of other countries to establish*
20 *and build capacity to effectively implement legislation*
21 *criminalizing the development or use of biological*
22 *weapons or acts of bioterrorism;*

23 *(2) engage other countries and international*
24 *nongovernmental entities to develop and establish*
25 *common standards, guidance, and best practices for*

1 *actions relevant to preventing acts of bioterrorism*
2 *and the illicit use of life sciences;*

3 *(3) support the efforts of other countries to en-*
4 *hance biosecurity and safety practices at laboratories*
5 *and other facilities with materials that could be used*
6 *in biological weapons or in an act of bioterrorism;*

7 *(4) promote the development and adoption of*
8 *international guidance for the safety and security of*
9 *high-risk pathogens and toxins; and*

10 *(5) promote information sharing relating to*
11 *threats and best practices between the intelligence*
12 *community, Federal law enforcement, and inter-*
13 *national law enforcement and security officials.*

14 **SEC. 502. INTERNATIONAL COLLABORATION AND INFORMA-**
15 **TION SHARING RELATING TO BIOSECURITY.**

16 *The Secretary of State, in consultation with the Sec-*
17 *retary of Homeland Security, the Secretary of Agriculture,*
18 *the Secretary of Health and Human Services, and the heads*
19 *of other appropriate Federal agencies, shall, as appro-*
20 *priate—*

21 *(1) support efforts in other countries and regions*
22 *to develop mechanisms and capabilities for reporting*
23 *to United Nations organizations validated data on bi-*
24 *ological attacks or other phenomena that may have se-*
25 *rious health consequences for the United States, in-*

1 *cluding wide-scale fatalities or infectious disease out-*
2 *breaks;*

3 *(2) engage other Federal and nongovernmental*
4 *entities and other countries to advance awareness and*
5 *understanding of the risk posed by information de-*
6 *rived from the life sciences that has the potential for*
7 *misuse to cause harm, and advance recommendations*
8 *on how best to address such risk;*

9 *(3) engage such entities and countries to promote*
10 *greater awareness and understanding of the global*
11 *availability of and access to life science technologies*
12 *and materials; and*

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

19 **SEC. 503. INTERAGENCY TASK FORCE ON BEST PRACTICES**
20 **FOR GLOBAL BIOPREPAREDNESS.**

21 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
22 *that preparedness for a chemical, biological, radiological,*
23 *or nuclear incident must be undertaken not only domesti-*
24 *cally but also internationally. Specifically, there is a need*
25 *for a global preparedness architecture for such an event.*

1 *Congress supports efforts to provide an international forum*
2 *for discussion of key health security policies with inter-*
3 *national dimensions, and the establishment of a formal*
4 *United States interagency task force to develop best prac-*
5 *tices and recommendations for implementation of a global*
6 *preparedness architecture could enhance global prepared-*
7 *ness.*

8 **(b) ESTABLISHMENT OF TASK FORCE.**—*The Secretary*
9 *of State shall convene and lead an interagency task force*
10 *to examine—*

11 (1) *the state of global biopreparedness for a*
12 *major biological event;*

13 (2) *necessary components of a global bio-*
14 *preparedness architecture that would advance inter-*
15 *national health security, including considerations*
16 *of—*

17 (A) *risk assessments;*

18 (B) *prevention;*

19 (C) *protection;*

20 (D) *regional stockpiling of medical counter-*
21 *measures, including considerations of—*

22 (i) *security of the stockpile;*

23 (ii) *preservation of the stockpile*
24 *through effective detection and diagnosis,*

1 *shelf life extension programs, and other*
2 *means;*

3 *(iii) delivery planning; and*

4 *(iv) legal considerations for imple-*
5 *menting such an architecture;*

6 *(E) response and attribution;*

7 *(F) other elements that should be a compo-*
8 *nent of such an architecture; and*

9 *(G) obstacles to implementing such an ar-*
10 *chitecture;*

11 *(3) best practices for preparedness based on les-*
12 *sons learned from domestic efforts to address the above*
13 *issues, and that may be applicable internationally;*

14 *(4) activities undertaken through the National*
15 *Intelligence Strategy for Countering Biological*
16 *Threats developed under section 202 and the Inter-*
17 *national Health Regulations 2005, as well as other*
18 *activities deemed relevant by the task force; and*

19 *(5) the utility of working through existing inter-*
20 *national forums as a mechanism for distributing this*
21 *information to the international community.*

22 *(c) MEMBERSHIP.—Members of the task force shall in-*
23 *clude representatives from—*

24 *(1) the Department of Homeland Security;*

1 (2) *the Department of Health and Human Serv-*
2 *ices, including the Centers for Disease Control and*
3 *Prevention;*

4 (3) *the Department of Agriculture;*

5 (4) *the Department of Defense;*

6 (5) *the Department of Justice;*

7 (6) *the Department of State;*

8 (7) *the Director of National Intelligence;*

9 (8) *other Federal departments and agencies, as*
10 *determined appropriate by the Secretary; and*

11 (9) *national biosecurity and biodefense stake-*
12 *holder community, including from the pharmaceutical*
13 *and biotechnology industries, and the diagnostic lab-*
14 *oratory community, as determined by the Secretary.*

15 (d) *REPORT.*—*Not later than 1 year after the date of*
16 *the enactment of this Act, the Secretary shall submit to the*
17 *appropriate congressional committees a report on the find-*
18 *ings of the task force established under this section.*

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

20 *The Secretary of State shall—*

21 (1) *promote confidence in effective implementa-*
22 *tion of and compliance with the Convention on the*
23 *Prohibition of the Development, Production and*
24 *Stockpiling of Bacteriological (Biological) and Toxin*
25 *Weapons and on their Destruction (commonly re-*

- 1 *ferred to as the “Biological and Toxin Weapons Con-*
2 *vention”) by the States party to the Convention by*
3 *promoting transparency with respect to legitimate ac-*
4 *tivities and pursuing compliance diplomatically to*
5 *address concerns;*
- 6 *(2) promote universal membership in the Con-*
7 *vention;*
- 8 *(3) develop an action plan for increasing inter-*
9 *national adherence to the Convention; and*
- 10 *(4) ensure that United States participation in*
11 *Convention meetings is broadly inclusive of represent-*
12 *atives of relevant Federal departments and agencies.*

Union Calendar No. 510

112TH CONGRESS
2^D SESSION

H. R. 2356

[Report No. 112-665, Part I]

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.

NOVEMBER 30, 2012

The Committees on Energy and Commerce, Transportation and Infrastructure, Foreign Affairs, the Permanent Select Committee on Intelligence and Science, Space, and Technology discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed