

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2356
OFFERED BY MR. KING OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—A NATIONAL BIODEFENSE ENTERPRISE

Sec. 101. Special Assistant for Biodefense.

Sec. 102. National Biodefense Plan.

Sec. 103. National Biosurveillance Strategy.

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

TITLE II—INTELLIGENCE MATTERS

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

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

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. 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 Secu-
5 rity of the House of Representatives and any com-
6 mittee of the House of Representatives or the Senate
7 having legislative jurisdiction under the rules of the
8 House of Representatives or Senate, respectively,
9 over the matter concerned.

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

13 (3) The term “national biosecurity and bio-
14 defense stakeholders” means officials from the Fed-
15 eral, State, local, and tribal authorities and individ-
16 uals and other persons from the private sector who
17 are involved in efforts to prevent, protect against, re-
18 spond to, and recover from a biological attack or
19 other phenomena that may have serious health con-
20 sequences for the United States, including wide-scale
21 fatalities or infectious disease outbreaks.

1 **TITLE I—A NATIONAL**
2 **BIODEFENSE ENTERPRISE**

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

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

7 (1) serve as the principal advisor to the Presi-
8 dent regarding coordination of Federal biodefense
9 policy including prevention, protection, response, and
10 recovery from biological attacks or other phenomena
11 that may have serious health consequences for the
12 United States, including wide-scale fatalities or in-
13 fectious disease outbreaks;

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

17 (3) lead the development of a coordinated Na-
18 tional Biodefense Plan, in accordance with section
19 102;

20 (4) lead the development of a coordinated Na-
21 tional Biosurveillance Strategy, in accordance with
22 section 103;

23 (5) lead the development of a coordinated na-
24 tional research and development strategy and imple-

1 mentation plan for microbial forensics, the latter to
2 be updated not less than once every 4 years;

3 (6) oversee, in coordination with the Director of
4 the Office of Management and Budget, the develop-
5 ment of a comprehensive cross-cutting biodefense
6 budget analysis to inform prioritization of resources
7 and ensure that biodefense challenges are adequately
8 addressed, in accordance with section 104; and

9 (7) conduct ongoing oversight and evaluation of
10 implementation of Federal biodefense activities by
11 relevant Government departments and agencies.

12 (b) ACCESS BY CONGRESS.—The appointment of the
13 Special Assistant to the President for Biodefense shall not
14 be construed as affecting access by Congress or commit-
15 tees of either House of Congress to information, docu-
16 ments, and studies in the possession of, or conducted by
17 or at the direction of, the Special Assistant.

18 **SEC. 102. NATIONAL BIODEFENSE PLAN.**

19 The Special Assistant to the President for Biodefense
20 shall submit to the President a National Biodefense Plan
21 that—

22 (1) defines the scope and purpose of a national
23 biodefense capability;

24 (2) identifies biological risks to the Nation to be
25 addressed by the Plan, consistent with section 2102

1 of the Homeland Security Act of 2002, as amended
2 by this Act;

3 (3) delineates activities and tasks to be per-
4 formed, including prevention, protection, response,
5 and recovery activities, to address the risks identi-
6 fied under paragraph (2);

7 (4) defines research and development needs for
8 improving the capacity for threat awareness and pre-
9 vention, protection, response, and recovery;

10 (5) identifies biodefense assets, interdepend-
11 encies, capability gaps, and gaps in the integration
12 of capabilities;

13 (6) provides goals, activities, milestones, and
14 performance measures;

15 (7) identifies resource and investment needs;

16 (8) defines organizational roles, responsibilities
17 , and coordination of Federal, State, local, and tribal
18 authorities (as those terms are defined in the Home-
19 land Security Act of 2002 (6 U.S.C. 101 et seq.))
20 with respect to the activities and tasks delineated in
21 paragraph (3);

22 (9) integrates and supports the strategies out-
23 lined in Presidential Policy Directives 2 and 8 and
24 Homeland Security Presidential Directives 5, 9, 10,
25 18, 21, and their successors, the National Bio-

1 surveillance Strategy published under section 103 of
2 this Act, the National Medical Countermeasure Dis-
3 pensing Strategy developed under section 319F-5 of
4 the Public Health Service Act, as amended by this
5 Act, and other strategy documents as appropriate;

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

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

12 (12) provides planning guidance to biosecurity
13 and biodefense stakeholders, including leveraging of
14 existing guidance; and

15 (13) shall be submitted to the President and
16 the Congress within 18 months after the date of the
17 enactment of this Act, and updated as necessary.

18 **SEC. 103. NATIONAL BIOSURVEILLANCE STRATEGY.**

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

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

1 (2) establish goals, objectives, priorities, mile-
2 stones, and performance measures to guide the de-
3 velopment of such capability;

4 (3) define and prioritize costs, benefits, and re-
5 source and investment needs, with particular atten-
6 tion to leveraging existing resources;

7 (4) delineate Federal, State, local, tribal, and
8 private roles and responsibilities; and

9 (5) describe how the Strategy is integrated with
10 related national strategies.

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

14 (1) the state of biosurveillance domestically and
15 internationally;

16 (2) material threat assessments and determina-
17 tions developed by the Secretary of Homeland Secu-
18 rity in accordance with the Project BioShield Act of
19 2004 (Public Law 108–276) and the amendments
20 made by that Act;

21 (3) risk assessments consistent with section
22 2102 of the Homeland Security Act of 2002, as
23 amended by this Act;

1 (4) reports on global trends produced by the
2 Office of the Director of National Intelligence re-
3 garding the biological threat;

4 (5) Intelligence Community needs as articulated
5 in relevant intelligence strategies;

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

10 (7) costs associated with establishing and main-
11 taining the necessary infrastructure to integrate bio-
12 surveillance systems.

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

18 (1) include a plan for advancing situational
19 awareness of biological threats, by rapid detection
20 and dissemination of biosurveillance information in
21 real time, and through other means;

22 (2) include a plan for fostering information
23 sharing among national biosecurity and biodefense
24 stakeholders—

1 (A) to identify potential threats, reduce
2 vulnerabilities, and improve collective response
3 activities to, and investigations of, suspected bi-
4 ological attacks;

5 (B) that addresses the type of information
6 to be shared and how it will be shared; and

7 (C) that identifies critical sensitivities to be
8 protected; and

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

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

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

22 (2) publish an implementation plan for such
23 strategy not later than 2 years after the date of en-
24 actment of this Act, and update the implementation
25 plan at least once every 4 years.

1 **SEC. 104. COMPREHENSIVE CROSS-CUTTING BIODEFENSE**
2 **BUDGET ANALYSIS.**

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

15 (b) CONTENTS.—

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

1 (A) summaries of the total amount of such
2 appropriations or obligational authority and
3 outlays requested for biodefense;

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

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

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

14 (c) COORDINATION.—

15 (1) SUBMISSION TO SPECIAL ASSISTANT.—Each
16 official listed in paragraph (2) shall, by not later
17 than 30 days before submitting the annual appro-
18 priations request for the agency under section 1108
19 of title 31, United States Code, submit to the Spe-
20 cial Assistant—

21 (A) the proposed appropriations request;
22 and

23 (B) a progress report on how the depart-
24 ment or agency under the official's authority
25 agency has met the responsibilities of the offi-

1 cial under the National Biodefense Plan under
2 section 102.

3 (2) COVERED OFFICIAL.—The officials referred
4 to in paragraph (1) are—

5 (A) the Secretary of Agriculture;

6 (B) the Secretary of Commerce;

7 (C) the Secretary of Defense;

8 (D) the Secretary of Energy;

9 (E) the Secretary of Health and Human
10 Services;

11 (F) the Secretary of Homeland Security;

12 (G) the Secretary of State;

13 (H) the Secretary of Veterans Affairs;

14 (I) the Attorney General;

15 (J) the Administrator of the Environ-
16 mental Protection Agency;

17 (K) the Director of the National Science
18 Foundation;

19 (L) the Postmaster General of the United
20 States; and

21 (M) heads of other Federal departments
22 and agencies as considered appropriate by the
23 Special Assistant.

24 (d) CONSULTATION WITH CONGRESS.—Periodically,
25 but at least annually, the Special Assistant for Biodefense

1 shall consult with the Committee on Homeland Security
2 of the House of Representatives, the Committee on Home-
3 land Security and Governmental Affairs of the Senate, the
4 Budget Committees of the House of Representatives and
5 the Senate, the Appropriations Committees of the House
6 of Representatives and the Senate, and the Congressional
7 Budget Office.

8 **TITLE II—INTELLIGENCE** 9 **MATTERS**

10 **SEC. 201. NATIONAL INTELLIGENCE STRATEGY FOR COUN-** 11 **TERING THE THREAT FROM WEAPONS OF** 12 **MASS DESTRUCTION.**

13 (a) STRATEGY.—

14 (1) DEVELOPMENT.—The Director of National
15 Intelligence, in consultation with the Secretary of
16 Homeland Security and the heads of other appro-
17 priate Federal departments and agencies, shall de-
18 velop and implement—

19 (A) a strategy designed to improve the ca-
20 pabilities of the United States to collect, ana-
21 lyze, and disseminate intelligence related to
22 weapons of mass destruction; and

23 (B) a plan to implement such strategy.

24 (2) TITLE.—The strategy required under para-
25 graph (1) shall be known as the “National Intel-

1 ligence Strategy for Countering the Threat from
2 Weapons of Mass Destruction”.

3 (b) CONTENTS.—The strategy required under sub-
4 section (a) shall—

5 (1) identify and address core capabilities needed
6 for successful intelligence collection on weapons of
7 mass destruction;

8 (2) include methods for the recruitment, train-
9 ing, and retention of a workforce with expertise in
10 the collection, analysis, and dissemination of intel-
11 ligence related to all types of weapons of mass de-
12 struction and science and technology related to
13 weapons of mass destruction, as well as expertise in
14 science and technology relating to risks posed by
15 weapons of mass destruction; and

16 (3) include methods for information sharing
17 and collaboration, as appropriate, with non-Federal
18 national biosecurity and biodefense stakeholders.

19 (c) IMPLEMENTATION PLAN.—The plan for imple-
20 menting the strategy required under subsection (a) shall
21 include—

22 (1) actions necessary to increase the effective-
23 ness and efficiency of the sharing of intelligence on
24 weapons of mass destruction throughout the Intel-
25 ligence Community and with other Federal partners,

1 including a description of statutory, regulatory, pol-
2 icy, technical, security, or other barriers that impede
3 such sharing, and, as appropriate, the development
4 of uniform standards across the Intelligence Com-
5 munity for such sharing;

6 (2) methods to disseminate intelligence prod-
7 ucts to national biosecurity and biodefense stake-
8 holders in classified and unclassified formats to in-
9 crease the effectiveness and efficiency of the sharing
10 of information;

11 (3) actions necessary to provide open-source in-
12 telligence relating to weapons of mass destruction
13 to—

14 (A) appropriate Federal departments and
15 agencies;

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

17 (C) private entities;

18 (4) specific objectives to be accomplished, with
19 corresponding schedule, for each year of the 5-year
20 period that begins on the date on which the strategy
21 is submitted to the appropriate congressional com-
22 mittees under subsection (e) and tasks to accomplish
23 such objectives, including—

24 (A) a list prioritizing such objectives and
25 such tasks; and

1 (B) a schedule for meeting such objectives
2 and carrying out such tasks;

3 (5) assignments of roles and responsibilities to
4 elements of the Intelligence Community to imple-
5 ment the strategy; and

6 (6) a schedule for assessment of the effective-
7 ness and efficiency of the strategy, including
8 metrics, and a description of the components of the
9 assessment.

10 (d) COORDINATION.—The Director of National Intel-
11 ligence shall coordinate with State, local, and tribal gov-
12 ernment authorities, the private sector, and nongovern-
13 mental organizations in the development of the National
14 Intelligence Strategy for Countering the Threat from
15 Weapons of Mass Destruction.

16 (e) DEADLINE FOR SUBMISSION.—Not later than 6
17 months after the date of the enactment of this Act, the
18 Director of National Intelligence shall submit to the ap-
19 propriate congressional committees the strategy and plan
20 required under subsection (a). The submission shall be in
21 unclassified form but with a classified annex, as appro-
22 priate.

23 (f) UPDATES.—The Director of National Intelligence
24 shall update the implementation plan at least once every
25 4 years.

1 **SEC. 202. NATIONAL INTELLIGENCE STRATEGY FOR COUN-**
2 **TERING BIOLOGICAL THREATS.**

3 (a) STRATEGY.—

4 (1) DEVELOPMENT.—The Director of National
5 Intelligence, in consultation with the Secretary of
6 Homeland Security, the Secretary of Health and
7 Human Services, the Secretary of Agriculture, the
8 Special Assistant to the President for Biodefense,
9 and the heads of other appropriate Federal depart-
10 ments and agencies, shall develop and implement a
11 strategy and a plan for implementing the strategy
12 that is integrated into the National Intelligence
13 Strategy for Countering the Threat from Weapons
14 of Mass Destruction, as required under this title.

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

18 (b) CONTENTS.—The strategy required under sub-
19 section (a) shall—

20 (1) identify and address target capabilities
21 needed for successful intelligence collection on bio-
22 logical threats;

23 (2) include a plan for establishing in the Intel-
24 ligence Community a cadre of collectors and analysts
25 in all relevant agencies in the Intelligence Commu-

1 nity that are familiar with biological threats, biological
2 cal science, and biotechnology, including—

3 (A) biological scientists;

4 (B) biotechnologists; and

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

8 (3) include a plan for defining the functions,
9 capabilities, and gaps in the Intelligence Community
10 workforce with respect to assessing the biological
11 threat;

12 (4) include methods for collaboration—

13 (A) with non-Intelligence Community tech-
14 nical experts within Federal departments and
15 agencies; and

16 (B) as appropriate, with individuals with
17 expertise described in paragraph (2) who are
18 not employed by the Federal Government, in
19 particular with State and local biodefense stake-
20 holders;

21 (5) include a plan for defining, integrating, fo-
22 cusing, and enhancing existing capabilities in the In-
23 telligence Community dedicated to current and stra-
24 tegic biological threats; and

1 (6) include a plan for ensuring the
2 prioritization and sustained commitment of intel-
3 ligence personnel and resources to address biological
4 threats.

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

7 (1) include actions necessary to increase the ef-
8 fectiveness and efficiency of the sharing of intel-
9 ligence throughout the Intelligence Community on
10 biological weapons and organisms that could be used
11 for biological terrorism, including a description of
12 statutory, regulatory, policy, technical, security, or
13 other barriers that prevent such sharing, and, as ap-
14 propriate, the development of uniform standards
15 across the Intelligence Community for such sharing;

16 (2) address strategic and tactical human intel-
17 ligence, measurement and signature intelligence,
18 technical intelligence, medical intelligence, and open-
19 source intelligence activities necessary to implement
20 the strategy;

21 (3) identify specific objectives to be accom-
22 plished during each year of the 5-year period that
23 begins on the date on which the strategy is sub-
24 mitted to the appropriate congressional committees

1 under subsection (d) and tasks to accomplish such
2 objectives, including—

3 (A) a list prioritizing such objectives and
4 such tasks; and

5 (B) a schedule for meeting such objectives
6 and carrying out such tasks;

7 (4) assign roles and responsibilities to elements
8 of the Intelligence Community to implement the
9 strategy;

10 (5) a schedule for assessment of the effective-
11 ness and efficiency of the strategy, including
12 metrics; and

13 (6) a schedule for evaluating on a regular basis
14 the efforts of the Intelligence Community and
15 progress on understanding and countering biological
16 threats.

17 (d) REPORT.—Not later than 1 year after the date
18 of the enactment of this Act, the Director of National In-
19 telligence shall submit to the appropriate congressional
20 committees the strategy and plan required under sub-
21 section (a). The report shall be in unclassified form but
22 with a classified annex, as appropriate.

23 (e) UPDATES.—The Director of National Intelligence
24 shall update the implementation plan at least once every
25 4 years.

1 **SEC. 203. STATE, LOCAL, AND TRIBAL DEFINED.**

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

5 **TITLE III—HOMELAND**
6 **SECURITY MATTERS**

7 **SEC. 301. WEAPONS OF MASS DESTRUCTION PREVENTION**
8 **AND PREPAREDNESS.**

9 (a) IN GENERAL.—The Homeland Security Act of
10 2002 (6 U.S.C. 101 et seq.) is amended by adding at the
11 end the following new title:

12 **“TITLE XXI—WEAPONS OF MASS**
13 **DESTRUCTION PREVENTION**
14 **AND PREPAREDNESS**
15 **“Subtitle A—Prevention**

16 **“SEC. 2101. WEAPONS OF MASS DESTRUCTION INTEL-**
17 **LIGENCE AND INFORMATION SHARING.**

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

20 “(1) conduct intelligence and information shar-
21 ing activities consistent with the National Intel-
22 ligence Strategy for Countering the Threat from
23 Weapons of Mass Destruction under section 201 of
24 the WMD Prevention and Preparedness Act of 2012
25 and the National Intelligence Strategy for Coun-

1 tering Biological Threats under section 202 of that
2 Act;

3 “(2) support homeland security-focused intel-
4 ligence analysis of terrorist actors, their claims, and
5 their plans to conduct attacks involving chemical, bi-
6 ological, radiological, and nuclear materials against
7 the Nation;

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

11 “(4) support homeland security-focused risk
12 analysis and risk assessments of the homeland secu-
13 rity hazards described in paragraphs (2) and (3), by
14 providing relevant quantitative and nonquantitative
15 threat information;

16 “(5) leverage existing and emerging homeland
17 security capabilities and structures, including fusion
18 centers established pursuant to section 210A, to en-
19 hance prevention, protection, response, and recovery
20 efforts with respect to a chemical, biological, radio-
21 logical, or nuclear attack;

22 “(6) share information and provide tailored an-
23 alytical support on these threats to State, local, and
24 tribal authorities as well as other national biosecu-
25 rity and biodefense stakeholders; and

1 “(7) perform other responsibilities, as assigned
2 by the Secretary.

3 “(b) COORDINATION.—Where appropriate, the Office
4 of Intelligence and Analysis shall coordinate with other
5 relevant Department components, others in the Intel-
6 ligence Community, including the National Counter Pro-
7 liferation Center, and other Federal, State, local, and trib-
8 al authorities, including officials from high-threat areas,
9 and enable such entities to provide recommendations on
10 optimal information sharing mechanisms, including expe-
11 ditious sharing of classified information, and on how they
12 can provide information to the Department.

13 “(c) REPORT.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this section and annu-
16 ally thereafter, the Secretary shall report to the ap-
17 propriate congressional committees on—

18 “(A) the intelligence and information shar-
19 ing activities under subsection (a) and of all rel-
20 evant entities within the Department to counter
21 the threat from weapons of mass destruction;
22 and

23 “(B) the Department’s activities in accord-
24 ance with relevant intelligence strategies, in-
25 cluding the National Intelligence Strategy for

1 Countering the Threat from Weapons of Mass
2 Destruction and the National Intelligence Strat-
3 egy for Countering Biological Threats.

4 “(2) ASSESSMENT OF IMPLEMENTATION.—The
5 report shall include—

6 “(A) a description of methods established
7 to assess progress of the Office of Intelligence
8 and Analysis in implementing this section; and

9 “(B) such assessment.

10 **“SEC. 2102. RISK ASSESSMENTS.**

11 “(a) IN GENERAL.—The Secretary, acting through
12 the Under Secretary for Science and Technology, shall, in
13 coordination with relevant Department components and
14 other appropriate Federal departments and agencies—

15 “(1) produce and update periodically a ter-
16 rorism risk assessment of chemical, biological, radio-
17 logical, and nuclear threats; and

18 “(2) produce and update periodically an inte-
19 grated terrorism risk assessment that assesses all of
20 those threats and compares them against one an-
21 other according to their relative risk.

22 “(b) METHODOLOGY.—

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

24 “(A) convene an interagency task force of
25 relevant subject matter experts to assess the

1 proposed methodology to be used for assess-
2 ments required under subsection (a), and to
3 provide recommendations to the Secretary as to
4 the adequacy of such methodology;

5 “(B) conduct sensitivity analysis on each
6 assessment to identify and prioritize research
7 activities to close knowledge gaps; and

8 “(C) consider the evolving threat from an
9 intelligent adversary.

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

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

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

20 “(2) allocation of resources for research and de-
21 velopment for chemical, biological, radiological, and
22 nuclear attack prevention, protection, response, and
23 recovery;

24 “(3) prioritization of medical countermeasure
25 research, development, acquisition, and distribution

1 activities and other national strategic biodefense re-
2 search;

3 “(4) tailored risk assessments and risk mitiga-
4 tion studies, as appropriate, on topics such as radio-
5 logical materials security or the economic risks of a
6 biological attack; and

7 “(5) other homeland security activities as deter-
8 mined appropriate by the Secretary and the heads of
9 other agencies.

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

12 “(1) seek input from national biosecurity and
13 biodefense stakeholders, and other Federal, State,
14 local, and tribal officials involved in efforts to pre-
15 vent, protect, respond to, and recover from chemical,
16 biological, radiological, and nuclear threats;

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

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

1 “(4) to the maximum extent practicable, make
2 available an unclassified version for Federal, State,
3 local, and tribal officials involved in prevention and
4 preparedness for chemical, biological, radiological,
5 and nuclear events.

6 **“SEC. 2103. NATIONAL EXPORT ENFORCEMENT COORDINA-**
7 **TION.**

8 “(a) ESTABLISHMENT.—There shall be maintained in
9 the Department the Export Enforcement Coordination
10 Center, with capability for national export enforcement co-
11 ordination that is managed by the Secretary and coordi-
12 nates the export enforcement activities among the Depart-
13 ment, the Department of Agriculture, the Department of
14 Commerce, the Department of Defense, the Department
15 of Energy, the Department of Justice, the Department of
16 State, the Department of the Treasury, the Intelligence
17 Community, and other Federal agencies as appropriate.

18 “(b) RESPONSIBILITIES.—The Center shall—

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

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

1 “(3) conduct outreach and provide training to
2 the export trade community.

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

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

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

11 “(2) There are unique challenges for commu-
12 nity preparedness for attacks from weapons of mass
13 destruction.

14 “(b) COMMUNICATIONS PLAN.—

15 “(1) IN GENERAL.—The Administrator of the
16 Federal Emergency Management Agency shall de-
17 velop a communications plan designed to provide in-
18 formation to the public related to preventing, pre-
19 paring for, responding to, and recovering from
20 chemical, biological, radiological, and nuclear at-
21 tacks;

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

1 ments and agencies in developing the communica-
2 tions plans under paragraph (1).

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

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

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

21 “(i) be developed in consultation with
22 State, local, and tribal authorities and in
23 coordination with other appropriate Fed-
24 eral 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,
7 and safety;

8 “(iii) be designed to provide accurate,
9 essential, and appropriate information and
10 instructions to emergency response pro-
11 viders and medical personnel responding to
12 an incident; and

13 “(iv) include direction for the coordi-
14 nation of Federal, State, local, and tribal
15 communications teams.

16 “(C) COMMUNICATIONS FORMATS.—The
17 Administrator shall develop pre-scripted mes-
18 sages or message templates under this para-
19 graph in multiple formats to ensure delivery—

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

22 “(ii) to individuals with disabilities or
23 other special needs and individuals with
24 limited English proficiency.

1 “(D) DISSEMINATION AND TECHNICAL AS-
2 SISTANCE.—The Administrator shall ensure
3 that all pre-scripted messages and message
4 templates developed under this paragraph are
5 made available to State, local, and tribal au-
6 thorities so that those authorities may incor-
7 porate them, as appropriate, into their emer-
8 gency plans. The Administrator shall also make
9 available relevant technical assistance to those
10 authorities to support communications plan-
11 ning.

12 “(E) EXERCISES.—To ensure that the pre-
13 scripted messages or message templates devel-
14 oped under this paragraph can be effectively
15 utilized in a disaster or incident, the Adminis-
16 trator shall incorporate Federal, State, local,
17 and tribal communications teams that deliver
18 such pre-scripted messages or message tem-
19 plates into exercises, including those conducted
20 under the National Exercise Program.

21 “(4) REPORT.—Not later than 1 year after the
22 date of the enactment of this subsection, the Admin-
23 istrator of the Federal Emergency Management
24 Agency shall submit to the appropriate congressional
25 committees the communications plans required to be

1 developed under this subsection, including pre-
2 scripted messages or message templates developed in
3 conjunction with the plans and a description of the
4 means that will be used to deliver these messages
5 during such incidents.

6 “(c) TERRORISM THREAT AWARENESS.—

7 “(1) TERRORISM THREAT AWARENESS.—The
8 Secretary, in coordination with the Attorney General
9 and heads of appropriate Federal agencies, shall for
10 purposes of preparedness and collective response to
11 terrorism and for other purposes—

12 “(A) ensure that homeland security infor-
13 mation concerning terrorist threats is provided
14 to State, local, and tribal authorities and the
15 public within the United States, as appropriate;
16 and

17 “(B) establish a process to optimize oppor-
18 tunities for qualified heads of State, local, and
19 tribal government entities to obtain appropriate
20 security clearances so that they may receive
21 classified threat information when appropriate.

22 “(2) THREAT BULLETINS.—

23 “(A) IN GENERAL.—Consistent with the
24 requirements of paragraph (1), the Secretary
25 shall, on a timely basis, prepare unclassified

1 threat bulletins on chemical, biological, radio-
2 logical, and nuclear threats.

3 “(B) REQUIREMENTS.—Each assessment
4 required under subparagraph (A) shall—

5 “(i) include guidance to the public for
6 preventing and responding to acts of ter-
7 rorism arising from such threats; and

8 “(ii) be made available on the Internet
9 Web site of the Department and other
10 publicly accessible Internet Web sites, com-
11 munication systems, and information net-
12 works.

13 “(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL
14 AUTHORITIES.—The Secretary, using information
15 provided by the terrorism risk assessments under
16 section 2102 and material threat assessments and
17 determinations under the Project BioShield Act of
18 2004 (Public Law 108–276) and the amendments
19 made by that Act—

20 “(A) shall provide to State, local, and trib-
21 al authorities written guidance on commu-
22 nicating terrorism-related threats and risks to
23 the public within their jurisdictions; and

24 “(B) shall identify and articulate the gov-
25 ernmental rationale for identifying particular

1 communities as being at heightened risk of ex-
2 ploitation.

3 “(4) USE OF EXISTING RESOURCES.—The Sec-
4 retary shall use Internet Web sites, communication
5 systems, and information networks in operation on
6 the date of an assessment under this subsection, and
7 shall coordinate with other heads of Federal depart-
8 ments and agencies to provide information through
9 existing channels to satisfy the requirements of
10 paragraph (2)(B)(ii). The Secretary shall provide
11 guidance on how State, local, tribal, and private en-
12 tities can partner with public television stations to
13 disseminate information provided by the Department
14 and shall provide information on best practices on
15 disseminating information to residents of local com-
16 munities, including leveraging public television sta-
17 tions.

18 **“SEC. 2105. INDIVIDUAL AND COMMUNITY PREPAREDNESS**
19 **FOR CHEMICAL, BIOLOGICAL, RADIO-**
20 **LOGICAL, AND NUCLEAR ATTACKS.**

21 “(a) IN GENERAL.—The Secretary, acting through
22 the Administrator for the Federal Emergency Manage-
23 ment Agency, shall assist State, local, and tribal authori-
24 ties in improving and promoting individual and community
25 preparedness and collective response to terrorist attacks

1 involving chemical, biological, radiological, and nuclear
2 materials against the United States by—

3 “(1) developing guidance and checklists of rec-
4 ommended actions for individual and community
5 prevention and preparedness efforts and dissemi-
6 nating such guidance and checklists to communities
7 and individuals;

8 “(2) updating new and existing guidance and
9 checklists as appropriate;

10 “(3) disseminating to communities and individ-
11 uals the guidance developed under section 2131, as
12 appropriate;

13 “(4) providing information and training mate-
14 rials in support of individual and community pre-
15 paredness efforts;

16 “(5) conducting individual and community pre-
17 paredness outreach efforts; and

18 “(6) such other actions as the Secretary deter-
19 mines appropriate.

20 “(b) COORDINATION.—The Secretary shall coordi-
21 nate with Federal departments and agencies and with pri-
22 vate sector and nongovernmental organizations to promote
23 individual and community preparedness and collective re-
24 sponse to terrorist attacks involving chemical, biological,

1 radiological, and nuclear materials against the United
2 States.

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

9 **“Subtitle B—Protection**

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

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

15 “(1) deploy detection capabilities to areas,
16 based on high risks identified by Department assess-
17 ments, to indicate the presence of biological agents;

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

20 “(3) provide information to participating lab-
21 oratories and programs for their use in monitoring
22 public health, and biological material or other data
23 from those detectors to participating laboratories
24 and programs for testing and evaluation;

1 “(4) regularly communicate with, and provide
2 information about the presence of biological agents
3 to, appropriate Federal, State, and local agencies re-
4 sponsible for public health, law enforcement, and
5 emergency services, in a manner that ensures trans-
6 parency with the governments served by such per-
7 sonnel;

8 “(5) provide advanced planning tools, concepts
9 of operations (including alarm resolution protocols
10 and response guidance), standard operating proce-
11 dures, and training exercises (including in collabora-
12 tion with relevant national level exercises) for collec-
13 tive response to and recovery from biological attacks;
14 and

15 “(6) provide technical assistance to jurisdictions
16 hosting the program to improve their ability to re-
17 spond to a detected pathogen.

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

20 “(1) enter into memoranda of agreement or
21 interagency agreements under the Economy Act of
22 1933 (31 U.S.C. 1535 et seq.) with the Director of
23 the Centers of Disease Control and Prevention and
24 the Administrator of the Environmental Protection
25 Agency, and the heads of other Federal departments

1 and agencies, setting forth roles and responsibilities,
2 including with respect to validating performance and
3 developing testing protocols for participating labora-
4 tories and coordination with appropriate State, local,
5 and tribal agencies;

6 “(2) establish criteria for determining whether
7 plans for biological detector capabilities and coverage
8 sufficiently protect the United States population,
9 and make such determinations on an annual basis;

10 “(3) acting through the Under Secretary for
11 Science and Technology, and in consultation with
12 the Director of the Centers for Disease Control and
13 Prevention, implement a process for establishing
14 assay performance standards and evaluation for
15 equivalency for biological threat assays, that—

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

22 “(B) develops interagency peer-reviewed
23 assay performance and equivalency standards
24 based on the findings of the evaluation under
25 subparagraph (A);

1 “(C) requires implementation of the stand-
2 ards developed under subparagraph (B) for all
3 Department biological detection programs;

4 “(D) promotes use of such standards
5 among all other Federal biological detection
6 programs and makes them available to the pri-
7 vate sector and other end-users as appropriate;
8 and

9 “(E) is updated as necessary;

10 “(4) prior to obligating funds to acquire bio-
11 detection systems for purposes of operational testing
12 and evaluation, require—

13 “(A) a determination of the sensitivity and
14 specificity of the currently deployed biodetection
15 system;

16 “(B) an assessment of the sensitivity and
17 specificity of the next generation biodetection
18 system or systems under consideration for ac-
19 quisition and whether it meets established oper-
20 ational requirements;

21 “(C) provision of all raw data to the
22 Science and Technology Directorate to enable
23 the Under Secretary to—

1 “(i) conduct a trade-off study com-
2 paring the results of subparagraphs (A)
3 and (B); and

4 “(ii) perform a technical readiness as-
5 sessment in accordance with section
6 308(b); and

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

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

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

18 “(B) operational testing and evaluation;

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

21 “(D) the Department, other relevant exec-
22 utive agencies, and local jurisdictions intended
23 to host the systems to agree on concepts of op-
24 erations for resolving alarms.

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

4 “(1) the provision of laboratory services or
5 other biosurveillance activities as appropriate for
6 purposes of this section on a fee-for-service basis or
7 on a prepayment or other similar basis; and

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

11 “(d) DEFINITIONS.—In this section:

12 “(1) The term ‘participating laboratory’ means
13 a laboratory that has been accepted as a member of
14 the Laboratory Response Network for Biological
15 Terrorism that—

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

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

23 “(C) supports assay evaluation, research
24 and development.

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

5 **“SEC. 2122. RAPID BIOLOGICAL THREAT DETECTION AND**
6 **IDENTIFICATION AT PORTS OF ENTRY.**

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

17 “(b) DEVELOPMENT OF METHODS.—If the Under
18 Secretary determines that the development of such screen-
19 ing capabilities should be undertaken, the Secretary shall,
20 to the extent possible, initiate development of safe and ef-
21 fective methods to—

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

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

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

4 “To inform the purchase of detection technology, the
5 Secretary, in coordination with the Director of the Na-
6 tional Institute of Standards and Technology, may carry
7 out a program to—

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

14 “(2) establish a process for voluntary testing
15 and evaluation of technology by an accredited lab-
16 oratory to demonstrate conformance to such con-
17 sensus standards, or performance metrics if stand-
18 ards do not exist, for the effective detection of high-
19 priority biological agents and toxins and high-pri-
20 ority chemical agents, including incentivization for
21 the program through potential cost sharing with
22 technology manufacturers and for SAFETY Act cer-
23 tification or placement on the authorized equipment
24 list, or both; and

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

7 **“SEC. 2124. DOMESTIC IMPLEMENTATION OF THE GLOBAL**
8 **NUCLEAR DETECTION ARCHITECTURE.**

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

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

22 “(c) INTEGRATION.—The programs under sub-
23 sections (a) and (b) shall be integrated into the Global
24 Nuclear Detection Architecture and shall inform architec-

1 ture studies, technology gaps, and research activities of
2 the Domestic Nuclear Detection Office.

3 **“Subtitle C—Response**

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

7 “(a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—
8 Not later than 1 year after the date of the enactment of
9 this section, the Secretary, in coordination with the Sec-
10 retary of Health and Human Services, the Secretary of
11 Agriculture, the Administrator of the Environmental Pro-
12 tection Agency, the Attorney General, and the heads of
13 other Federal departments and agencies, as appropriate,
14 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 para-
2 graph (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
9 subsection (a)(1) shall be voluntary, risk-based guidance
10 that 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
15 of the chemical, biological, radiological, or nuclear
16 material 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
22 Secretary 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
12 developed under subsection (a)(1);

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

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

17 “(4) develop and disseminate the guidance in
18 accordance with the prioritization under paragraph
19 (3).

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

22 “(a) DEVELOPMENT.—

23 “(1) IN GENERAL.—The Secretary shall ac-
24 quire, use, and disseminate the best available inte-
25 grated plume models to enable rapid response activi-

1 ties following a chemical, biological, nuclear, or radi-
2 ological attack or event.

3 “(2) SCOPE.—The Secretary shall—

4 “(A) identify Federal, State, and local
5 needs regarding plume models and ensure the
6 rapid development and distribution of inte-
7 grated plume models that meet those needs to
8 appropriate officials of the Federal Government
9 and State, local, and tribal authorities to enable
10 immediate response to a chemical, biological,
11 radiological, or 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 organiza-
16 tions and the public to enable appropriate col-
17 lective 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
23 integrated plume models during exercises ad-
24 ministered by the Department are put into the

1 lessons learned information sharing system
2 maintained 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
9 a 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 equip-
17 ment at the Department, to be known as the ‘SAVER Pro-
18 gram’. 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
22 equipment and systems, including hand-held detec-
23 tors for chemical, biological, radiological, and nu-
24 clear 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
5 who, in coordination with subject matter experts,
6 perform the assessment and validation activities
7 using strict 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
18 the 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
23 Secretary, the Attorney General, and the heads of other
24 participating Federal agencies are authorized, subject to
25 the availability of appropriations, to enter into contracts

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

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

12 “(a) BIOFORENSICS ANALYSIS CENTER.—There is
13 authorized in the Department a bioforensics analysis cen-
14 ter to provide support for law enforcement and intel-
15 ligence-related 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
19 to, attributing, and recovering from biological at-
20 tacks; 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

1 provided to an executive agency that requested such serv-
2 ice.

3 “(c) DETAILEE PROGRAM.—Subject to the avail-
4 ability of appropriations, the Secretary may implement a
5 program under which executive agencies as considered ap-
6 propriate by the Secretary provide personnel, on a reim-
7 bursable basis, to the center for the purpose of—

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

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

16 **“SEC. 2136. METROPOLITAN MEDICAL RESPONSE SYSTEM**
17 **PROGRAM.**

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

24 “(b) FINANCIAL ASSISTANCE.—

25 “(1) AUTHORIZATION OF GRANTS.—

1 “(A) IN GENERAL.—The Secretary,
2 through the Administrator of the Federal
3 Emergency Management Agency, may make
4 grants under this section to State and local gov-
5 ernments to assist in preparing for and re-
6 sponding to mass casualty incidents resulting
7 from acts of terrorism, natural disasters, and
8 other man-made disasters.

9 “(B) CONSULTATION.—In developing guid-
10 ance for grants authorized under this section,
11 the Administrator shall consult with the Chief
12 Medical Officer.

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

18 “(A) to strengthen medical surge capacity;

19 “(B) to strengthen mass prophylaxis capa-
20 bilities including development and maintenance
21 of an initial pharmaceutical stockpile sufficient
22 to protect first responders, their families, and
23 immediate victims from a chemical or biological
24 event;

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

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

7 “(E) for planning;

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

12 “(G) for medical supplies management and
13 distribution;

14 “(H) for training and exercises;

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

22 “(J) for such other activities as the Ad-
23 ministrators provides.

24 “(3) ELIGIBILITY.—

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

7 “(B) ADDITIONAL JURISDICTIONS.—

8 “(i) UNREPRESENTED STATES.—

9 “(I) IN GENERAL.—Except as
10 provided in subparagraph (C), the Ad-
11 ministrator may make grants under
12 this section to the metropolitan statis-
13 tical area with the largest population
14 in any State in which no jurisdiction
15 received funds through the Metropoli-
16 tan Medical Response Program in fis-
17 cal year 2009, or in which funding
18 was received only through another
19 State.

20 “(II) LIMITATION.—For each of
21 fiscal years 2012 through 2014, no
22 jurisdiction that would otherwise be
23 eligible to receive grants under sub-
24 clause (I) shall receive a grant under
25 this section if it would result in any

1 jurisdiction under subparagraph (A)
2 receiving less funding than such juris-
3 diction received in fiscal year 2009.

4 “(ii) OTHER JURISDICTIONS.—

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

10 “(II) LIMITATION.—For each of
11 fiscal years 2012 through 2014, the
12 eligibility of any additional jurisdic-
13 tion to receive grants under this sec-
14 tion is subject to the availability of
15 appropriations beyond that necessary
16 to—

17 “(aa) ensure that each juris-
18 diction eligible to receive a grant
19 under subparagraph (A) does not
20 receive less funding than such ju-
21 risdiction received in fiscal year
22 2009; and

23 “(bb) provide grants to ju-
24 risdications eligible under clause
25 (i).

1 “(C) PERFORMANCE REQUIREMENT AFTER
2 FISCAL YEAR 2012.—A jurisdiction shall not be
3 eligible for a grant under this subsection from
4 funds available after fiscal year 2012 unless the
5 Secretary determines that the jurisdiction main-
6 tains a sufficient measured degree of capability
7 in accordance with the performance measures
8 issued under subsection (c).

9 “(4) DISTRIBUTION OF FUNDS.—

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

14 “(B) PASS THROUGH.—Subject to sub-
15 paragraph (C), not later than 45 days after the
16 date on which a State receives grant funds
17 under subparagraph (A), the State shall provide
18 the jurisdiction receiving the grant 100 percent
19 of the grant funds, and not later than 45 days
20 after the State releases the funds, all fiscal
21 agents shall make the grant funds available for
22 expenditure.

23 “(C) EXCEPTION.—The Administrator
24 may permit a State to provide to a jurisdiction
25 receiving a grant under this section 97 percent

1 of the grant funds awarded if doing so would
2 not result in any jurisdiction eligible for a grant
3 under paragraph (3)(A) receiving less funding
4 than such jurisdiction received in fiscal year
5 2009.

6 “(5) REGIONAL COORDINATION.—The Adminis-
7 trator shall ensure that each jurisdiction that re-
8 ceives a grant under this section, as a condition of
9 receiving such grant, is actively coordinating its pre-
10 paredness efforts with surrounding jurisdictions,
11 with the official with primary responsibility for
12 homeland security (other than the Governor) of the
13 government of the State in which the jurisdiction is
14 located, and with emergency response providers from
15 all relevant disciplines, as determined by the Admin-
16 istrator, to effectively enhance regional prepared-
17 ness.

18 “(c) PERFORMANCE MEASURES.—The Administrator
19 of the Federal Emergency Management Agency, in coordi-
20 nation with the Chief Medical Officer, and the National
21 Metropolitan Medical Response System Working Group,
22 shall issue performance measures within 1 year after the
23 date of enactment of this section that enable objective
24 evaluation of the performance and effective use of funds
25 provided under this section in any jurisdiction.

1 “(d) METROPOLITAN MEDICAL RESPONSE SYSTEM
2 WORKING GROUP DEFINED.—In this section, the term
3 ‘National Metropolitan Medical Response System Working
4 Group’ means—

5 “(1) 10 Metropolitan Medical Response System
6 Program grant managers, who shall—

7 “(A) include 1 such grant manager from
8 each region of the Agency;

9 “(B) comprise a population-based cross
10 section of jurisdictions that are receiving grant
11 funds under the Metropolitan Medical Response
12 System Program; and

13 “(C) include—

14 “(i) 3 selected by the Administrator of
15 the Federal Emergency Management
16 Agency; and

17 “(ii) 3 selected by the Chief Medical
18 Officer; and

19 “(2) 3 State officials who are responsible for
20 administration of State programs that are carried
21 out with grants under this section, who shall be se-
22 lected by the Administrator.

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

1 **“Subtitle D—Recovery**

2 **“SEC. 2141. IDENTIFYING AND ADDRESSING GAPS IN RE-**
3 **COVERY CAPABILITIES.**

4 “(a) RISK ASSESSMENT.—

5 “(1) TAILORED RISK ASSESSMENT.—The Sec-
6 retary, acting through the Under Secretary for
7 Science and Technology and in coordination with the
8 Administrator of the Environmental Protection
9 Agency, shall conduct tailored risk assessments to
10 inform prioritization of national recovery activities
11 for chemical, biological, radiological, and nuclear in-
12 cidents, to be updated as necessary.

13 “(2) CONSIDERATIONS.—In conducting the risk
14 assessments under paragraph (1), the Secretary
15 shall—

16 “(A) consult with the Secretary of Health
17 and Human Services, the Secretary of Agri-
18 culture, the Secretary of the Interior, the Chair-
19 man of the Nuclear Regulatory Commission,
20 and the heads of other relevant Federal depart-
21 ments and agencies;

22 “(B) consider recovery of both indoor
23 areas and outdoor environments; and

1 restoration of indoor and outdoor areas, including subways
2 and other mass transportation facilities, that have been
3 exposed to chemical, biological, radiological, or nuclear
4 materials. The Secretary shall develop and issue the guid-
5 ance, within 24 months after the date of enactment of this
6 section, in consultation with—

7 “(1) the Secretary of Agriculture;

8 “(2) the Secretary of Commerce;

9 “(3) the Secretary of Education;

10 “(4) the Secretary of the Interior;

11 “(5) the Attorney General;

12 “(6) the Secretary of Labor;

13 “(7) the Secretary of Transportation;

14 “(8) the Secretary of Housing and Urban De-
15 velopment;

16 “(9) the Secretary of Health and Human Serv-
17 ices;

18 “(10) the Secretary of Veterans Affairs;

19 “(11) the Secretary of the Treasury;

20 “(12) the Administrator of the Environmental
21 Protection Agency; and

22 “(13) the Administrator of the Small Business
23 Administration.

24 “(b) CONTENTS.—The guidance developed under
25 subsection (a) shall clarify Federal roles and responsibil-

ities for assisting State, local, and tribal authorities and
include risk-based recommendations for—

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

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

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

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

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

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

“(7) air sampling procedures;

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

“(9) waste disposal.

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

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

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

6 “(3) make the revised guidance available to the
7 Federal Government, State, local, and tribal authori-
8 ties, nongovernmental organizations, the private sec-
9 tor, and the public.

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

13 “(1) prioritize issuance of guidance based on
14 the results of the risk assessment under section
15 2131;

16 “(2) inventory existing relevant guidance;

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

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

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

23 “(6) develop and disseminate the guidance in
24 accordance with the prioritization under paragraph
25 (5).

1 “(e) CONSULTATIONS.—The Secretary shall develop
2 and revise the guidance developed under subsection (a),
3 and the procedures required under subsection (d), in con-
4 sultation with—

5 “(1) the heads of other Federal departments
6 and agencies that are not required to be consulted
7 under subsection (a), as the Secretary considers ap-
8 propriate;

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

10 “(3) nongovernmental organizations and private
11 industry.

12 “(f) REPORT.—Not later than 1 year after the date
13 of the enactment of this section, and annually thereafter,
14 the Secretary shall provide appropriate congressional com-
15 mittees with—

16 “(1) a description of the procedures established
17 under subsection (d);

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

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

22 “(4) a plan for reviewing the guidance de-
23 scribed in paragraph (2), in accordance with sub-
24 section (e);

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

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

6 **“SEC. 2143. EXERCISES.**

7 “To facilitate recovery from a chemical, biological, ra-
8 diological, or nuclear attack or other incident involving
9 chemical, biological, radiological, or nuclear materials and
10 to foster collective response to terrorism, the Secretary
11 shall develop exercises in consultation with State, local,
12 and tribal authorities and other appropriate Federal agen-
13 cies, and, as appropriate, in collaboration with national
14 level exercises, including exercises that address, to the best
15 knowledge available at the time, analysis, indoor environ-
16 mental cleanup methods, and decontamination standards,
17 including those published in the guidance issued under
18 section 2142.”.

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION
AND PREPAREDNESS

“Subtitle A—Prevention

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

“Sec. 2102. Risk assessments.

“Sec. 2103. 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.”.

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
8 Federal Emergency Management Agency, the Chief
9 Medical Officer of the Department of Homeland Se-
10 curity, and the National Metropolitan Medical Re-
11 sponse System Working Group shall conduct a re-
12 view of the Metropolitan Medical Response System

1 Program authorized under section 2136 of the
2 Homeland Security Act of 2002, as added by this
3 section, including an examination of—

4 (A) the extent to which the program goals
5 and objectives are being met;

6 (B) the performance metrics that can best
7 help assess whether the Metropolitan Medical
8 Response System Program is succeeding;

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

11 (D) how the Metropolitan Medical Re-
12 sponse System Program complements and en-
13 hances other preparedness programs supported
14 by the Department of Homeland Security and
15 the Department of Health and Human Services;

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

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

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

4 (H) the resource requirements of the Met-
5 ropolitan Medical Response System Program.

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

13 (3) CONSULTATION.—The Administrator of the
14 Federal Emergency Management Agency shall con-
15 sult with the Secretary of Health and Human Serv-
16 ices in the implementation of paragraph (1)(E).

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

22 **SEC. 302. ENHANCING LABORATORY BIOSECURITY.**

23 (a) FEDERAL EXPERTS SECURITY ADVISORY
24 PANEL.—

25 (1) PANEL.—

1 (A) ESTABLISHMENT.—The President
2 shall establish a permanent advisory panel to be
3 known as the Federal Experts Security Advi-
4 sory Panel to make technical and substantive
5 recommendations on biological agent and toxin
6 security.

7 (B) MEMBERSHIP.—The members of the
8 Panel—

9 (i) shall consist of the voting members
10 appointed under subparagraph (D) and the
11 nonvoting members appointed under sub-
12 paragraph (E); and

13 (ii) except as provided in subpara-
14 graph (E), shall each be an official or em-
15 ployee of the Federal Government.

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

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

- 1 (i) The Department of Agriculture.
- 2 (ii) The Department of Commerce.
- 3 (iii) The Department of Defense.
- 4 (iv) The Department of Energy.
- 5 (v) The Department of Health and
- 6 Human Services.
- 7 (vi) The Department of Homeland Se-
- 8 curity.
- 9 (vii) The Department of Justice.
- 10 (viii) The Department of Labor.
- 11 (ix) The Department of State.
- 12 (x) The Department of Transpor-
- 13 tation.
- 14 (xi) The Department of Veterans Af-
- 15 fairs.
- 16 (xii) The Environmental Protection
- 17 Agency.
- 18 (xiii) The National Security Council,
- 19 which shall be represented by the Special
- 20 Assistant to the President for Biodefense.
- 21 (xiv) The Office of the Director of
- 22 National Intelligence.
- 23 (xv) Any other department or agency
- 24 designated by the Co-Chairs.

1 (E) NONVOTING MEMBERS.—The non-
2 voting members of the Panel shall consist of—

3 (i) such additional representatives of
4 the Government entities listed in subpara-
5 graph (D) as may be appointed by the
6 heads of the respective entities; and

7 (ii) a representative of the public
8 health laboratory community or biological
9 laboratory community (or both).

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

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

23 (A) the designation as highest risk of that
24 subset of biological agents and toxins listed pur-
25 suant to section 351A(a)(1) of the Public

1 Health Service Act (42 U.S.C. 262a(a)(1)) that
2 presents the greatest risk of deliberate misuse
3 with significant potential for mass casualties or
4 devastating effects to the economy, informed
5 by—

6 (i) any biological or bioterrorism risk
7 assessments conducted by the Department
8 of Homeland Security and relevant assess-
9 ments by other agencies; and

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

14 (B) the development of a set of minimum
15 risk-based prescriptive laboratory security per-
16 formance standards based on the risk at the
17 lowest level, allowing for enhancements as risk
18 increases;

19 (C) the establishment of appropriate stand-
20 ards and practices to improve vetting and moni-
21 toring of, and ensure reliability of, personnel
22 with access to highest risk biological agents and
23 toxins at facilities registered under section
24 351A(d) of the Public Health Service Act (42
25 U.S.C. 262a(d));

1 (D) the establishment of appropriate prac-
2 tices for physical security and cyber security for
3 facilities that possess highest risk biological
4 agents or toxins;

5 (E) standards for training of laboratory
6 personnel in security measures;

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

9 (G) adequacy of information sharing proto-
10 cols with biodefense and biosecurity stake-
11 holders; and

12 (H) any other security standards deter-
13 mined necessary.

14 (b) REVISION OF RULES AND REGULATIONS.—

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

24 (2) FINAL RULES.—The Secretaries of Health
25 and Human Services and Agriculture, in coordina-

1 tion with the Secretary of Homeland Security, no
2 later than 24 months after the date of the enact-
3 ment of this section, shall promulgate final rules de-
4 scribed in paragraph (1).

5 (c) COORDINATION OF FEDERAL OVERSIGHT.—To
6 ensure that the Federal Government provides for com-
7 prehensive and effective oversight of biological agents and
8 toxins security, the heads of the Government entities listed
9 in subsection (a)(1)(D) shall for facilities in which the en-
10 tity supports biological agent or toxin laboratory activities
11 and by no later than 6 months after the submission of
12 recommendations under subsection (a)(2), develop and im-
13 plement a plan for the coordination of biological agents
14 and toxins security oversight that—

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

20 (2) ensures consistent and timely identification
21 and resolution of biological agents and toxins secu-
22 rity and compliance issues.

23 (d) COMMON INSPECTION PROCEDURES.—The heads
24 of the entities listed in subsection (a)(1)(D) shall coordi-
25 nate or consolidate laboratory inspections and ensure that

1 such inspections are conducted using a common set of in-
2 spection procedures across such entities in order to mini-
3 mize the administrative burden on such laboratory.

4 (e) INSPECTION REPORTS.—Any inspection report
5 resulting from an inspection described in paragraph (1)
6 shall be available to—

7 (1) each Federal agency that supports biological
8 agent or toxin laboratory activities at the laboratory
9 that is the subject of the inspection report; and

10 (2) the laboratories that are the object of in-
11 spection.

12 (f) LABORATORY BIOSECURITY INFORMATION SHAR-
13 ING.—

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

16 (A) develop a process for sharing of infor-
17 mation pertaining to biological agents and tox-
18 ins with agencies that support biological agent
19 or toxin laboratory activities, that identifies the
20 purpose for sharing, and a mechanism for se-
21 curing, such information;

22 (B) share relevant information pertaining
23 to biological agents and toxins, including identi-
24 fication of laboratories possessing highest risk
25 biological agents and toxins, and compliance

1 issues with the Secretary of Homeland Security;
2 and

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

10 (2) CLASSIFIED AND SENSITIVE INFORMA-
11 TION.—The Secretaries of Agriculture and Health
12 and Human Services shall ensure that any informa-
13 tion disseminated under this section is handled con-
14 sistently with—

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

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

25 (C) other relevant laws.

1 (g) DEFINITIONS.—In this section:

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

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

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

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

14 **SEC. 303. DEFINITIONS.**

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

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

21 “(20) The term ‘national biosecurity and bio-
22 defense stakeholders’ means officials from the Fed-
23 eral, State, local, and tribal authorities and individ-
24 uals from the private sector who are involved in ef-
25 forts to prevent, protect against, respond to, and re-

1 cover from a biological attack or other biological in-
2 cidents that may have serious health or economic
3 consequences for the United States, including wide-
4 scale fatalities or infectious disease outbreaks.”.

5 **SEC. 304. DUAL-USE TERRORIST RISKS FROM SYNTHETIC**
6 **BIOLOGY.**

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

12 (b) REQUIREMENT.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary of Homeland
14 Security, acting through the Under Secretary for Science
15 and Technology, shall examine and report to the appro-
16 priate congressional committees on the homeland security
17 implications of the dual-use nature of synthetic biology,
18 and may conduct research in that area, including—

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

23 (2) determining the current capability of syn-
24 thetic nucleic acid providers to effectively screen or-

1 ders for sequences of homeland security concern;
2 and

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

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

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

18 **TITLE IV—PUBLIC HEALTH**
19 **MATTERS**

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

23 It is the sense of Congress that—

24 (1) 10 years after the terrorist attacks of Sep-
25 tember 11, 2001, and 7 years after enactment of the

1 Project BioShield Act of 2004 (Public Law 108–
2 276), coordination among Federal agencies involved
3 in activities relating to researching, developing, and
4 acquiring medical countermeasures still needs im-
5 provement; and

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

20 **SEC. 402. NATIONAL MEDICAL COUNTERMEASURE DIS-**
21 **PENSING STRATEGY.**

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

1 **“SEC. 319F-5. NATIONAL MEDICAL COUNTERMEASURE DIS-**
2 **PENSING STRATEGY.**

3 “(a) DEFINITIONS.—In this section—

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

7 “(2) the term ‘medical countermeasure’ means
8 a qualified countermeasure (as defined in section
9 319F-1(a)(2)).

10 “(b) STRATEGY.—

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

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

25 “(A) a variety of options for dispensing
26 medical countermeasures;

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

10 (1) terrorism risk assessments under section
11 2102 of the Homeland Security Act of 2002, as
12 amended by this Act, and material threat assess-
13 ments and determinations under the Project Bio-
14 shield Act of 2004 (Public Law 108–276) and the
15 amendments made by that Act;

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

20 (3) the availability of federally provided vac-
21 cines and antimicrobials to dispense to first respond-
22 ers and the public, on a voluntary basis, in anticipa-
23 tion of a biological attack;

24 (4) applicability of Federal shelf-life extension
25 programs to locally held stockpiles of medical coun-

1 termeasures, to the extent that information on local
2 stockpiles is available;

3 (5) making expiring products available to ap-
4 propriate international organizations or foreign part-
5 ners once the requests of domestic stakeholders have
6 been fulfilled;

7 (6) the implications of pre-event vaccination
8 and antimicrobial dispensing to livestock; and

9 (7) mechanisms to increase coordination be-
10 tween the Strategic National Stockpile established
11 under section 319F-2 of the Public Health Service
12 Act (42 U.S.C. 247D-6b) and the National Veteri-
13 nary Stockpile that would enhance vaccination and
14 dispensing capabilities.

15 (b) REPORT.—Not later than 1 year after the date
16 of the enactment of this Act, the Secretary of Health and
17 Human Services shall report to the appropriate congres-
18 sional committees on the review required by subsection
19 (a), together with any recommendations relating to the
20 availability of domestic vaccine and antimicrobials for dis-
21 bursing to the public and voluntary immunization by first
22 responders.

1 **SEC. 404. MANAGEMENT OF SHORT SHELF LIFE VACCINE**
2 **AND ANTIMICROBIAL STOCKPILES.**

3 The Secretary of Health and Human Services shall
4 make available surplus vaccines and antimicrobials, and
5 vaccines and antimicrobials with short shelf lives, from the
6 strategic national stockpile under section 319F–2(a) of
7 the Public Health Service Act (42 U.S.C. 247d–6b(a)) to
8 State, local, and tribal first responders, including health
9 care responders, for administration to such responders
10 who voluntarily consent to such administration, and
11 shall—

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

15 (2) distribute disclosures regarding associated
16 risks to end users.

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

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

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

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

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

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

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

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

2 “(iv) review and reassess determina-
3 tions under clause (iii) to determine wheth-
4 er agents continue to present a material
5 threat against the United States popu-
6 lation sufficient to affect national security
7 and homeland security.”.

8 **SEC. 406. BACKGROUND CHECKS.**

9 Section 351A(e)(3)(A) of the Public Health Service
10 Act (42 U.S.C. 262a(e)(3)(A)) is amended by adding at
11 the end the following: “In identifying whether an indi-
12 vidual is within a category specified in subparagraph
13 (B)(ii)(II), the Attorney General shall consult with the
14 Secretary of Homeland Security, the Secretary of Defense,
15 and the Secretary of State to determine whether these offi-
16 cials possess any information relevant to the identification
17 of such an individual by the Attorney General.”.

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

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

1 **TITLE V—FOREIGN RELATIONS**
2 **MATTERS**

3 **SEC. 501. INTERNATIONAL ENGAGEMENT TO ENHANCE BIO-**
4 **DEFENSE AND LABORATORY BIOSECURITY.**

5 The Secretary of State, in consultation with the Spe-
6 cial Assistant to the President for Biodefense, and the
7 heads of appropriate Federal agencies, shall, as appro-
8 priate—

9 (1) support efforts of other countries to estab-
10 lish and build capacity to effectively implement legis-
11 lation criminalizing the development or use of bio-
12 logical weapons or acts of bioterrorism;

13 (2) engage other countries and international
14 nongovernmental entities to develop and establish
15 common standards, guidance, and best practices for
16 actions relevant to preventing acts of bioterrorism
17 and the illicit use of life sciences;

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

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

1 (5) promote information sharing relating to
2 threats and best practices between the intelligence
3 community, Federal law enforcement, and inter-
4 national law enforcement and security officials.

5 **SEC. 502. INTERNATIONAL COLLABORATION AND INFORMA-**
6 **TION SHARING RELATING TO BIOSECURITY.**

7 The Secretary of State, in consultation with the Sec-
8 retary of Homeland Security, the Secretary of Agriculture,
9 the Secretary of Health and Human Services, and the
10 heads of other appropriate Federal agencies, shall, as ap-
11 propriate—

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

19 (2) engage other Federal and nongovernmental
20 entities and other countries to advance awareness
21 and understanding of the risk posed by information
22 derived from the life sciences that has the potential
23 for misuse to cause harm, and advance recommenda-
24 tions on how best to address such risk;

1 (3) engage such entities and countries to pro-
2 mote greater awareness and understanding of the
3 global availability of and access to life science tech-
4 nologies and materials; and

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

11 **SEC. 503. INTERAGENCY TASK FORCE ON BEST PRACTICES**
12 **FOR GLOBAL BIOPREPAREDNESS.**

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

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

4 (1) the state of global biopreparedness for a
5 major biological event;

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

10 (A) risk assessments;

11 (B) prevention;

12 (C) protection;

13 (D) regional stockpiling of medical coun-
14 termeasures, including considerations of—

15 (i) security of the stockpile;

16 (ii) preservation of the stockpile
17 through effective detection and diagnosis,
18 shelf life extension programs, and other
19 means;

20 (iii) delivery planning; and

21 (iv) legal considerations for imple-
22 menting such an architecture;

23 (E) response and attribution;

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

1 (G) obstacles to implementing such an ar-
2 chitecture;

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

7 (4) activities undertaken through the National
8 Intelligence Strategy for Countering Biological
9 Threats developed under section 202 and the Inter-
10 national Health Regulations 2005, as well as other
11 activities deemed relevant by the task force; and

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

15 (c) MEMBERSHIP.—Members of the task force shall
16 include representatives from—

17 (1) the Department of Homeland Security;

18 (2) the Department of Health and Human
19 Services, including the Centers for Disease Control
20 and Prevention;

21 (3) the Department of Agriculture;

22 (4) the Department of Defense;

23 (5) the Department of Justice;

24 (6) the Department of State;

25 (7) the Director of National Intelligence;

1 (8) other Federal departments and agencies, as
2 determined appropriate by the Secretary; and

3 (9) national biosecurity and biodefense stake-
4 holder community, including from the pharma-
5 ceutical and biotechnology industries, and the diag-
6 nostic laboratory community, as determined by the
7 Secretary.

8 (d) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Secretary shall submit
10 to the appropriate congressional committees a report on
11 the findings of the task force established under this sec-
12 tion.

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

14 The Secretary of State shall—

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

- 1 (2) promote universal membership in the Con-
- 2 vention;
- 3 (3) develop an action plan for increasing inter-
- 4 national adherence to the Convention; and
- 5 (4) ensure that United States participation in
- 6 Convention meetings is broadly inclusive of rep-
- 7 resentatives of relevant Federal departments and
- 8 agencies.

