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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. PASCRELL introduced the following bill; which was referred to the
Committee on _____

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—A NATIONAL BIODEFENSE ENTERPRISE

Sec. 101. Special Assistant for Biodefense.

Sec. 102. National biodefense plan.

Sec. 103. National biosurveillance strategy.

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

TITLE II—INTELLIGENCE MATTERS

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

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

TITLE III—HOMELAND SECURITY MATTERS

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION AND PREPAREDNESS

“Subtitle A—Prevention

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

“Sec. 2102. Risk assessments.

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

“Sec. 2104. Export enforcement for counterproliferation.

“Sec. 2105. Communication of threat information.

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

“Subtitle B—Protection

“Sec. 2121. Detection of biological attacks.

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

“Sec. 2123. Evaluating detection technology.

“Sec. 2124. Laboratory biosecurity information sharing.

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

“Subtitle C—Response

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

“Sec. 2132. Integrated plume modeling for collective response.

“Sec. 2133. Establishment of the system assessment and validation for emergency responders (SAVER) program.

“Sec. 2134. Payment for laboratory response services.

“Sec. 2135. Bioforensics capabilities.

“Sec. 2136. Federal law enforcement training to investigate biological threats.

“Sec. 2137. Metropolitan Medical Response System Program.

“Subtitle D—Recovery

“Sec. 2141. Identifying and addressing gaps in recovery capabilities.

“Sec. 2142. Recovery from a chemical, biological, radiological, and nuclear attack or incident.

“Sec. 2143. Exercises.

Sec. 302. Enhancing laboratory biosecurity.

Sec. 303. Definitions.

Sec. 304. Dual-use terrorist risks from synthetic biology.

Sec. 305. Dissemination of information analyzed by the Department to State, local, tribal, and private entities with responsibilities relating to homeland security.

TITLE IV—PUBLIC HEALTH MATTERS

Sec. 401. Sense of Congress regarding Federal coordination on medical countermeasures.

Sec. 402. National medical countermeasure dispensing strategy.

“Sec. 319F-5. National Medical Countermeasure Dispensing Strategy.

Sec. 403. National pre-event vaccination and antimicrobial dispensing policy review.

Sec. 404. Management of short shelf life vaccine and antimicrobial stockpiles.

Sec. 405. Material threat determinations reviews.

Sec. 406. Background checks.

TITLE V—FOREIGN RELATIONS MATTERS

Sec. 501. International engagement to enhance biodefense and laboratory biosecurity.

Sec. 502. International collaboration and information sharing relating to biosecurity.

Sec. 503. Interagency task force on best practices for global biopreparedness.

Sec. 504. Biological and Toxin Weapons Convention.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “appropriate congressional com-
4 mittees” means the Committee on Homeland Secu-
5 rity of the House of Representatives and any com-
6 mittee of the House of Representatives or the Senate
7 having legislative jurisdiction under the rules of the
8 House of Representatives or Senate, respectively,
9 over the matter concerned.

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

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

13 **TITLE I—A NATIONAL** 14 **BIODEFENSE ENTERPRISE**

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

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

19 (1) serve as the principal advisor to the Presi-
20 dent regarding coordination of Federal biodefense
21 policy including prevention, protection, response, and
22 recovery from biological attacks or other phenomena
23 that may have serious health consequences for the
24 United States, including wide-scale fatalities or in-
25 fectious disease outbreaks;

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

4 (3) lead the development of a coordinated Na-
5 tional Biodefense Plan, in accordance with section
6 102;

7 (4) lead the development of a coordinated Na-
8 tional Biosurveillance Strategy, in accordance with
9 section 103;

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

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

20 (7) conduct ongoing oversight and evaluation of
21 implementation of Federal biodefense activities by
22 relevant Government departments and agencies.

23 (b) ACCESS BY CONGRESS.—The appointment of the
24 Special Assistant to the President for Biodefense shall not
25 be construed as affecting access by Congress or commit-

1 tees of either House of Congress to information, docu-
2 ments, and studies in the possession of, or conducted by
3 or at the direction of, the Special Assistant.

4 **SEC. 102. NATIONAL BIODEFENSE PLAN.**

5 The Special Assistant to the President for Biodefense
6 shall submit to the President a National Biodefense Plan
7 that—

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

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

16 (3) identifies biodefense assets, interdepend-
17 encies, and capability gaps;

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

22 (5) integrates and supports the strategies out-
23 lined in Presidential Policy Directives 2 and 8 and
24 Homeland Security Presidential Directives 5, 9, 10,

1 18, 21, and their successors, and other strategy doc-
2 uments as appropriate;

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

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

9 (8) provides planning guidance to biosecurity
10 and biodefense stakeholders; and

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

14 **SEC. 103. NATIONAL BIOSURVEILLANCE STRATEGY.**

15 (a) STRATEGY FOR BIOSURVEILLANCE.—The Special
16 Assistant to the President for Biodefense shall publish a
17 National Strategy for Biosurveillance.

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

21 (1) the state of biosurveillance domestically and
22 internationally;

23 (2) material threat assessments and determina-
24 tions developed by the Secretary in accordance with

1 the Project BioShield Act of 2004 (Public Law 108–
2 276) and the amendments made by that Act;

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

6 (4) 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;

10 (5) Intelligence Community needs as articulated
11 in relevant intelligence strategies; and

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) CONTENTS.—

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

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

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

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

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

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

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

23 (1) the Secretary of Agriculture;

24 (2) the Secretary of Commerce;

25 (3) the Secretary of Defense;

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

14 (d) CONSULTATION WITH CONGRESS.—Periodically,

15 but at least annually, the Special Assistant for Biodefense

16 shall consult with the Committee on Homeland Security

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

18 land Security and Governmental Affairs of the Senate, the

19 Budget Committees of the House of Representatives and

20 the Senate, the Appropriations Committees of the House

21 of Representatives and the Senate, and the Congressional

22 Budget Office.

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

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

6 (a) STRATEGY.—

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

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

16 (B) a plan to implement such strategy.

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

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

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

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

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

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

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

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

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

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

7 (A) appropriate Federal departments and
8 agencies;

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

10 (C) private entities;

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

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

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

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

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

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

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

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

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

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

21 (a) STRATEGY.—

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

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

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

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

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

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

21 (A) biological scientists;

22 (B) biotechnologists; and

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

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

5 (4) include methods for collaboration—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **“Subtitle A—Prevention**

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

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

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

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

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

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

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

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

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

23 “(c) REPORT.—

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

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

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

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

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

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

19 “(B) such assessment.

20 **“SEC. 2102. RISK ASSESSMENTS.**

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

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

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

8 “(b) METHODOLOGY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **“SEC. 2104. EXPORT ENFORCEMENT FOR**
2 **COUNTERPROLIFERATION.**

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

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

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

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

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

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

26 “(iii) deemed exports; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(b) COMMUNICATIONS PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(c) TERRORISM THREAT AWARENESS.—

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

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

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

11 “(2) THREAT BULLETINS.—

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

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

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

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

1 munication systems, and information net-
2 works.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **“Subtitle B—Protection**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(E) is updated as necessary; and

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

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

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

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

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

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

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

4 “(d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(3) other relevant laws.

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

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

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

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

21 **“Subtitle C—Response**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(a) DEVELOPMENT.—

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

18 “(2) SCOPE.—The Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(2) provide necessary biocontainment;

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

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

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

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

19 “(7) other related bioforensic activities.

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

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

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

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

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

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

13 “(3) PARTICIPATION.—

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

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

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

18 “(4) ACCESS.—The Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(b) FINANCIAL ASSISTANCE.—

12 “(1) AUTHORIZATION OF GRANTS.—

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

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

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

6 “(A) to strengthen medical surge capacity;

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

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

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

19 “(E) for planning;

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

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

1 “(H) for training and exercises;

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

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

11 “(3) ELIGIBILITY.—

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

18 “(B) ADDITIONAL JURISDICTIONS.—

19 “(i) UNREPRESENTED STATES.—

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

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

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

15 “(ii) OTHER JURISDICTIONS.—

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

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

1 appropriations beyond that necessary
2 to—

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

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

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

20 “(4) DISTRIBUTION OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

25 “(C) include—

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

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

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

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

13 **“Subtitle D—Recovery**

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

16 “(a) RISK ASSESSMENT.—

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

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

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

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

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

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

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

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

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

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

15 “(1) the Secretary of Agriculture;

16 “(2) the Secretary of Commerce;

17 “(3) the Secretary of Education;

18 “(4) the Secretary of the Interior;

19 “(5) the Attorney General;

20 “(6) the Secretary of Labor;

21 “(7) the Secretary of Transportation;

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

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

1 “(10) the Secretary of Veterans Affairs;

2 “(11) the Secretary of the Treasury;

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

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

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

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

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

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

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

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

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

3 “(7) air sampling procedures;

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

7 “(9) waste disposal.

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

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

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

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

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

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

25 “(2) inventory existing relevant guidance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **“SEC. 2143. EXERCISES.**

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

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION
AND PREPAREDNESS

“Subtitle A—Prevention

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

“Subtitle B—Protection

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

“Subtitle C—Response

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

“Subtitle D—Recovery

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) PANEL.—

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

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

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

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

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

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

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

9 (i) The Department of Agriculture.

10 (ii) The Department of Commerce.

11 (iii) The Department of Defense.

12 (iv) The Department of Energy.

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

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

17 (vii) The Department of Justice.

18 (viii) The Department of Labor.

19 (ix) The Department of State.

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

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

24 (xii) The Environmental Protection
25 Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) REVISION OF RULES AND REGULATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (C) other relevant laws.

24 (g) DEFINITIONS.—In this section:

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

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

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

10 **SEC. 303. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

21 It is the sense of Congress that—

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

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

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

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

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

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

25 “(a) DEFINITIONS.—In this section—

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

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

7 “(b) STRATEGY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) in clause (i), by striking “and” at the end;
10 (2) by redesignating clause (ii) as clause (iii);
11 (3) by inserting after clause (i) the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (A) risk assessments;

14 (B) prevention;

15 (C) protection;

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

18 (i) security of the stockpile;

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

23 (iii) delivery planning; and

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

1 (E) response and attribution;

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

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

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

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

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

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

20 (1) the Department of Homeland Security;

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

24 (3) the Department of Agriculture;

25 (4) the Department of Defense;

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

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

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

17 The Secretary of State shall—

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

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