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

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. Pascrell (for himself, Mr. King of New York, Mr. Thompson of Mississippi, Mr. Daniel E. Lungren of California, Ms. Clarke of New York, Mr. Rogers of Alabama, Ms. Richardson, Mr. Bilirakis, Mr. Clarke of Michigan, Mrs. Miller of Michigan, and Mr. Meehan) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Foreign Affairs, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SEPTEMBER 12, 2012

Reported from the Committee on Homeland Security with an amendment

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

SEPTEMBER 12, 2012

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

SEPTEMBER 12, 2012

Referred to the Committee on Science, Space, and Technology for a period ending not later than November 30, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(p), rule X.
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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “WMD Prevention and Preparedness Act of 2012”.

(b) Table of Contents.—The table of contents for 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. 203. State, local, and tribal defined.

TITLE III—HOMELAND SECURITY MATTERS

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION AND PREPAREDNESS

“Subtitle A—Prevention

“Sec. 2101. Weapons of mass destruction intelligence and information sharing.
“Sec. 2102. Risk assessments.
“Sec. 2103. National Export Enforcement Coordination.
“Sec. 2104. Communication of threat information.
“Sec. 2105. Individual and community preparedness for chemical, biological, radiological, and nuclear attacks.

“Subtitle B—Protection

“Sec. 2121. Detection of biological attacks.
“Sec. 2122. Rapid biological threat detection and identification at ports of entry.
“Sec. 2123. Evaluating detection technology.
“Sec. 2124. Domestic implementation of the Global Nuclear Detection Architecture.
Subtitle C—Response

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

Subtitle D—Recovery

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

Sec. 302. Enhancing laboratory biosecurity.
Sec. 303. Definitions.
Sec. 304. Dual-use terrorist risks from synthetic biology.
Sec. 305. Dissemination of information analyzed by the Department to State, local, tribal, and private entities with responsibilities relating to homeland security.

TITLE IV—PUBLIC HEALTH MATTERS

Sec. 401. Sense of Congress regarding Federal coordination on medical countermeasures.
Sec. 403. National pre-event vaccination and antimicrobial dispensing policy review.
Sec. 404. Management of short shelf life vaccine and antimicrobial stockpiles.
Sec. 405. Material threat determinations reviews.
Sec. 406. Background checks.
Sec. 407. State, local, and tribal defined.

TITLE V—FOREIGN RELATIONS MATTERS

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

SEC. 2. DEFINITIONS.

In this Act:

(1) The term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and any committee of
the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

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

(3) The term “national biosecurity and biodefense stakeholders” means officials from the Federal, State, local, and tribal authorities and individuals and other persons from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may have serious health consequences for the United States, including wide-scale fatalities or infectious disease outbreaks.

**TITLE I—A NATIONAL BIODEFENSE ENTERPRISE**

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

(a) In General.—The President shall assign a member of the National Security Council to serve as Special Assistant to the President for Biodefense, who shall—

(1) serve as the principal advisor to the President regarding coordination of Federal biodefense policy including prevention, protection, response, and re-
covery from biological attacks or other phenomena that may have serious health consequences for the United States, including wide-scale fatalities or infectious disease outbreaks;

(2) identify gaps, duplication, and other inefficiencies in existing biodefense activities and the actions necessary to overcome these obstacles;

(3) lead the development of a coordinated National Biodefense Plan, in accordance with section 102;

(4) lead the development of a coordinated National Biosurveillance Strategy, in accordance with section 103;

(5) lead the development of a coordinated national research and development strategy and implementation plan for microbial forensics, the latter to be updated not less than once every 4 years;

(6) oversee, in coordination with the Director of the Office of Management and Budget, the development of a comprehensive cross-cutting biodefense budget analysis to inform prioritization of resources and ensure that biodefense challenges are adequately addressed, in accordance with section 104; and
(7) conduct ongoing oversight and evaluation of implementation of Federal biodefense activities by relevant Government departments and agencies.

(b) ACCESS BY CONGRESS.—The appointment of the Special Assistant to the President for Biodefense shall not be construed as affecting access by Congress or committees of either House of Congress to information, documents, and studies in the possession of, or conducted by or at the direction of, the Special Assistant.

SEC. 102. NATIONAL BIODEFENSE PLAN.

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

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

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

(3) delineates activities and tasks to be performed, including prevention, protection, response, and recovery activities, to address the risks identified under paragraph (2);
(4) defines research and development needs for improving the capacity for threat awareness and prevention, protection, response, and recovery;

(5) identifies biodefense assets, interdependencies, capability gaps, and gaps in the integration of capabilities;

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

(7) identifies resource and investment needs;

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

(9) integrates and supports the strategies outlined in Presidential Policy Directives 2 and 8 and Homeland Security Presidential Directives 5, 9, 10, 18, 21, and their successors, the National Biosurveillance Strategy published under section 103 of this Act, the National Medical Countermeasure Dispensing Strategy developed under section 319F–5 of the Public Health Service Act, as amended by this Act, and other strategy documents as appropriate;
(10) is consistent with the National Response Framework as published by the Secretary of Homeland Security in January 2008, and any successors thereof;

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

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

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

SEC. 103. NATIONAL BIOSURVEILLANCE STRATEGY.

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

(1) identify the purpose and scope of a nationally integrated biosurveillance capability;

(2) establish goals, objectives, priorities, milestones, and performance measures to guide the development of such capability;

(3) define and prioritize costs, benefits, and resource and investment needs, with particular attention to leveraging existing resources;
(4) delineate Federal, State, local, tribal, and private roles and responsibilities; and

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

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

(1) the state of biosurveillance domestically and internationally;

(2) material threat assessments and determinations developed by the Secretary of Homeland Security in accordance with the Project BioShield Act of 2004 (Public Law 108–276) and the amendments made by that Act;

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

(4) reports on global trends produced by the Office of the Director of National Intelligence regarding the biological threat;

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

(6) information available in biosurveillance systems and changes to information technology including
systems used commercially to allow for the incorporation and integration of this information; and

(7) costs associated with establishing and maintaining the necessary infrastructure to integrate biosurveillance systems.

(c) IMPLEMENTATION PLAN.—In addition to the strategy required under subsection (a), the Special Assistant shall publish an implementation plan for such strategy that includes benchmarks for measuring the success of the Strategy. The implementation plan shall—

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

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

(A) to identify potential threats, reduce vulnerabilities, and improve collective response activities to, and investigations of, suspected biological attacks;

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

(C) that identifies critical sensitivities to be protected; and
(3) include a plan for enhancing the capability of the Federal Government to rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems (both national and international).

(d) **Deadline; Submission; Updates.**—The Special Assistant shall—

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

(2) publish an implementation plan for such strategy not later than 2 years after the date of enactment of this Act, and update the implementation plan at least once every 4 years.

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

(a) **In General.**—In order to enhance strategic planning, eliminate redundancies, identify capability gaps, and provide for greater transparency, the Special Assistant to the President for Biodefense, in coordination with the Director of the Office of Management and Budget, shall transmit to the appropriate congressional committees, concurrent with the submission of the President’s annual budget to the
Congress, a comprehensive cross-cutting biodefense budget analysis that delineates and integrates the biodefense expenditure requests for the departments and agencies headed by the officials listed in subsection (c).

(b) CONTENTS.—

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

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

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

(C) an indication of how the Federal activities or accounts covered by the analysis support the activities delineated in the National Bio-
defense Plan under section 102(2).
(2) ACCOUNT-LEVEL AMOUNTS.—With respect to subparagraphs (A) through (C) of paragraph (1), amounts shall be provided by account for each program, project, and activity.

(c) COORDINATION.—

(1) SUBMISSION TO SPECIAL ASSISTANT.—Each official listed in paragraph (2) shall, by not later than 30 days before submitting the annual appropriations request for the agency under section 1108 of title 31, United States Code, submit to the Special Assistant—

(A) the proposed appropriations request; and

(B) a progress report on how the department or agency under the official’s authority agency has met the responsibilities of the official under the National Biodefense Plan under section 102.

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

(A) the Secretary of Agriculture;

(B) the Secretary of Commerce;

(C) the Secretary of Defense;

(D) the Secretary of Energy;
(E) the Secretary of Health and Human Services;

(F) the Secretary of Homeland Security;

(G) the Secretary of State;

(H) the Secretary of Veterans Affairs;

(I) the Attorney General;

(J) the Administrator of the Environmental Protection Agency;

(K) the Director of the National Science Foundation;

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

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

(d) Consultation With Congress.—Periodically, but at least annually, the Special Assistant for Biodefense shall consult with the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Budget Committees of the House of Representatives and the Senate, the Appropriations Committees of the House of Representatives and the Senate, and the Congressional Budget Office.
TITLE II—INTELLIGENCE MATTERS

SEC. 201. NATIONAL INTELLIGENCE STRATEGY FOR COUNTERING THE THREAT FROM WEAPONS OF MASS DESTRUCTION.

(a) STRATEGY.—

(1) DEVELOPMENT.—The Director of National Intelligence, in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal departments and agencies, shall develop and implement—

(A) a strategy designed to improve the capabilities of the United States to collect, analyze, and disseminate intelligence related to weapons of mass destruction; and

(B) a plan to implement such strategy.

(2) TITLE.—The strategy required under paragraph (1) shall be known as the “National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction”.

(b) CONTENTS.—The strategy required under subsection (a) shall—

(1) identify and address core capabilities needed for successful intelligence collection on weapons of mass destruction;
(2) include methods for the recruitment, training, and retention of a workforce with expertise in the collection, analysis, and dissemination of intelligence related to all types of weapons of mass destruction and science and technology related to weapons of mass destruction, as well as expertise in science and technology relating to risks posed by weapons of mass destruction; and

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

(c) IMPLEMENTATION PLAN.—The plan for implementing the strategy required under subsection (a) shall include—

(1) actions necessary to increase the effectiveness and efficiency of the sharing of intelligence on weapons of mass destruction throughout the Intelligence Community and with other Federal partners, including a description of statutory, regulatory, policy, technical, security, or other barriers that impede such sharing, and, as appropriate, the development of uniform standards across the Intelligence Community for such sharing;

(2) methods to disseminate intelligence products to national biosecurity and biodefense stakeholders in
classified and unclassified formats to increase the effectiveness and efficiency of the sharing of information;

(3) actions necessary to provide open-source intelligence relating to weapons of mass destruction to—

(A) appropriate Federal departments and agencies;

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

(C) private entities;

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

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

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

(5) assignments of roles and responsibilities to elements of the Intelligence Community to implement the strategy; and
(6) a schedule for assessment of the effectiveness
and efficiency of the strategy, including metrics, and
a description of the components of the assessment.

(d) COORDINATION.—The Director of National Intel-
ligence shall coordinate with State, local, and tribal govern-
ment authorities, the private sector, and nongovernmental
organizations in the development of the National Intel-
ligence Strategy for Countering the Threat from Weapons
of Mass Destruction.

(e) DEADLINE FOR SUBMISSION.—Not later than 6
months after the date of the enactment of this Act, the Direc-
tor of National Intelligence shall submit to the appropriate
congressional committees the strategy and plan required
under subsection (a). The submission shall be in unclassi-
fied form but with a classified annex, as appropriate.

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

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

(a) STRATEGY.—

(1) DEVELOPMENT.—The Director of National
Intelligence, in consultation with the Secretary of
Homeland Security, the Secretary of Health and
Human Services, the Secretary of Agriculture, the
Special Assistant to the President for Biodefense, and the heads of other appropriate Federal departments and agencies, shall develop and implement a strategy and a plan for implementing the strategy that is integrated into the National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction, as required under this title.

(2) TITLE.—The strategy required under paragraph (1) shall be known as the “National Intelligence Strategy for Countering Biological Threats”.

(b) CONTENTS.—The strategy required under subsection (a) shall—

(1) identify and address target capabilities needed for successful intelligence collection on biological threats;

(2) include a plan for establishing in the Intelligence Community a cadre of collectors and analysts in all relevant agencies in the Intelligence Community that are familiar with biological threats, biological science, and biotechnology, including—

(A) biological scientists;

(B) biotechnologists; and

(C) experts with knowledge of the current state of technologies that could be used to develop a weapon of mass destruction;
(3) include a plan for defining the functions, capabilities, and gaps in the Intelligence Community workforce with respect to assessing the biological threat;

(4) include methods for collaboration—

(A) with non-Intelligence Community technical experts within Federal departments and agencies; and

(B) as appropriate, with individuals with expertise described in paragraph (2) who are not employed by the Federal Government, in particular with State and local biodefense stakeholders;

(5) include a plan for defining, integrating, focusing, and enhancing existing capabilities in the Intelligence Community dedicated to current and strategic biological threats; and

(6) include a plan for ensuring the prioritization and sustained commitment of intelligence personnel and resources to address biological threats.

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

(1) include actions necessary to increase the effectiveness and efficiency of the sharing of intelligence throughout the Intelligence Community on biological
weapons and organisms that could be used for biological terrorism, including a description of statutory, regulatory, policy, technical, security, or other barriers that prevent such sharing, and, as appropriate, the development of uniform standards across the Intelligence Community for such sharing;

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

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

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

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

(4) assign roles and responsibilities to elements of the Intelligence Community to implement the strategy;
(5) a schedule for assessment of the effectiveness and efficiency of the strategy, including metrics; and
(6) a schedule for evaluating on a regular basis the efforts of the Intelligence Community and progress on understanding and countering biological threats.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees the strategy and plan required under subsection (a). The report shall be in unclassified form but with a classified annex, as appropriate.

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

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

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

TITLE III—HOMELAND SECURITY MATTERS

SEC. 301. WEAPONS OF MASS DESTRUCTION PREVENTION AND PREPAREDNESS.

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

*HR 2356 RH*
“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION AND PREPAREDNESS

“Subtitle A—Prevention

“SEC. 2101. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

“(a) In General.—The Office of Intelligence and Analysis of the Department shall—

“(1) conduct intelligence and information sharing activities consistent with the National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction under section 201 of the WMD Prevention and Preparedness Act of 2012 and the National Intelligence Strategy for Countering Biological Threats under section 202 of that Act;

“(2) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

“(3) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;

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

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

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

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

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

“(1) In General.—Not later than 1 year after the date of the enactment of this section and annually thereafter, the Secretary shall report to the appropriate congressional committees on—

“(A) the intelligence and information sharing activities under subsection (a) and of all relevant entities within the Department to counter the threat from weapons of mass destruction; and

“(B) the Department’s activities in accordance with relevant intelligence strategies, including the National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction and the National Intelligence Strategy for Countering Biological Threats.

“(2) Assessment of Implementation.—The report shall include—

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

“(B) such assessment.

“SEC. 2102. RISK ASSESSMENTS.

“(a) In General.—The Secretary, acting through the Under Secretary for Science and Technology, shall, in co-
ordination with relevant Department components and other appropriate Federal departments and agencies—

“(1) produce and update periodically a terrorism risk assessment of chemical, biological, radiological, and nuclear threats; and

“(2) produce and update periodically an integrated terrorism risk assessment that assesses all of those threats and compares them against one another according to their relative risk.

“(b) METHODOLOGY.—

“(1) IN GENERAL.—The Secretary shall—

“(A) convene an interagency task force of relevant subject matter experts to assess the proposed methodology to be used for assessments required under subsection (a), and to provide recommendations to the Secretary as to the adequacy of such methodology;

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

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

“(2) INCLUSION IN ASSESSMENT.—Each assessment under subsection (a) shall include a description of the methodology used for the assessment.
“(c) Usage.—The assessments required under subsection (a) shall be used to inform and guide risk management decisions, including—

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

“(2) allocation of resources for research and development for chemical, biological, radiological, and nuclear attack prevention, protection, response, and recovery;

“(3) prioritization of medical countermeasure research, development, acquisition, and distribution activities and other national strategic biodefense research;

“(4) tailored risk assessments and risk mitigation studies, as appropriate, on topics such as radiological materials security or the economic risks of a biological attack; and

“(5) other homeland security activities as determined appropriate by the Secretary and the heads of other agencies.

“(d) Input and Sharing.—The Secretary shall, for each assessment required under subsection (a)—
“(1) seek input from national biosecurity and biodefense stakeholders, and other Federal, State, local, and tribal officials involved in efforts to prevent, protect, respond to, and recover from chemical, biological, radiological, and nuclear threats;

“(2) ensure that written procedures are in place to guide the interagency development of the assessments, including for input, review, and implementation purposes, among relevant Federal partners;

“(3) share the risk assessments with Federal, State, local and tribal officials with appropriate security clearances and a need for the information in the classified version; and

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

“(e) WRITTEN PROCEDURES.—The Secretary shall establish written procedures for appropriate usage of the assessments required under subsection (a), including—

“(1) a description of the types of departmental activities for which the assessments should be considered;
“(2) the extent to which the findings of the assessments should play a role in such activities;

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

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

“SEC. 2103. NATIONAL EXPORT ENFORCEMENT COORDINATION.

“(a) Establishment.—There shall be maintained in the Department the Export Enforcement Coordination Center, with capability for national export enforcement coordination that is managed by the Secretary and coordinates the export enforcement activities among the Department, the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Energy, the Department of Justice, the Department of State, the Department of the Treasury, the Intelligence Community, and other Federal agencies as appropriate.

“(b) Responsibilities.—The Center shall—

“(1) enhance Federal coordination for law enforcement counterproliferation investigations, including coordination and deconfliction with intelligence counterproliferation activities;
“(2) address licensing inquiries, reviews, requests, checks, and verifications; and

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

“SEC. 2104. COMMUNICATION OF THREAT INFORMATION.

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

“(1) The Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism recommended that ‘the Federal Government should practice greater openness of public information so that citizens better understand the threat and the risk this threat poses to them’.

“(2) There are unique challenges for community preparedness for attacks from weapons of mass destruction.

“(b) COMMUNICATIONS PLAN.—

“(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall develop a communications plan designed to provide information to the public related to preventing, preparing for, responding to, and recovering from chemical, biological, radiological, and nuclear attacks;

“(2) CONSULTATION.—As appropriate, the Administrator of the Federal Emergency Management Agency shall consult with State, local, and tribal au-
authorities and coordinate with other Federal departments and agencies in developing the communications plans under paragraph (1).

“(3) Pre-scripted Messages and Message Templates.—

“(A) In general.—The Administrator of the Federal Emergency Management Agency shall develop and disseminate, through an alerts and warnings system, pre-scripted messages and message templates for State, local, and tribal authorities so that those authorities can quickly and rapidly disseminate critical information to the public in anticipation of, during, or in the immediate aftermath of a chemical, biological, radiological, and nuclear attack, and to be included in the Department of Homeland Security’s lessons learned information sharing system.

“(B) Development and design.—The pre-scripted messages or message templates shall—

“(i) be developed in consultation with State, local, and tribal authorities and in coordination with other appropriate Federal departments and agencies;
“(ii) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by an incident, including information regarding an evacuation, sheltering in place, hospital surge operations, health, and safety;

“(iii) be designed to provide accurate, essential, and appropriate information and instructions to children and other special needs populations within the population directly affected by an incident;

“(iv) be designed to provide accurate, essential, and appropriate information and instructions to emergency response providers and medical personnel responding to an incident; and

“(v) include direction for the coordination of Federal, State, local, and tribal communications teams.

“(C) COMMUNICATIONS FORMATS.—The Administrator shall develop pre-scripted messages or message templates under this paragraph in multiple formats to ensure delivery—
“(i) in cases where the usual communications infrastructure is unusable;

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

“(iii) to educational and childcare facilities, including daycare centers, grade schools, universities, hospitals, and elderly care facilities.

“(D) DISSEMINATION AND TECHNICAL ASSISTANCE.—The Administrator shall ensure that all pre-scripted messages and message templates developed under this paragraph are made available to State, local, and tribal authorities so that those authorities may incorporate them, as appropriate, into their emergency plans. The Administrator shall also make available relevant technical assistance to those authorities to support communications planning.

“(E) EXERCISES.—To ensure that the pre-scripted messages or message templates developed under this paragraph can be effectively utilized in a disaster or incident, the Administrator shall incorporate Federal, State, local, and tribal communications teams that deliver such pre-scripted
messages or message templates into exercises, in-
cluding those conducted under the National Ex-
ercise Program.

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

“(c) TERRORISM THREAT AWARENESS.—

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

“(A) ensure that homeland security infor-
mation concerning terrorist threats is provided
to State, local, and tribal authorities and the
public within the United States, as appropriate;
“(B) establish a process to optimize opportunities for qualified heads of State, local, and tribal government entities to obtain appropriate security clearances so that they may receive classified threat information when appropriate.

“(2) THREAT BULLETINS.—

“(A) IN GENERAL.—Consistent with the requirements of paragraph (1), the Secretary shall, on a timely basis, prepare unclassified threat bulletins on chemical, biological, radiological, and nuclear threats.

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

“(i) include guidance to the public for preventing and responding to acts of terrorism arising from such threats; and

“(ii) be made available on the Internet Web site of the Department and other publicly accessible Internet Web sites, communication systems, and information networks.

“(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL AUTHORITIES.—The Secretary, using information provided by the terrorism risk assessments under section 2102 and material threat assessments and deter-
minations under the Project BioShield Act of 2004 (Public Law 108–276) and the amendments made by that Act—

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

“(B) shall identify and articulate the governmental rationale for identifying particular communities as being at heightened risk of exploitation.

“(4) USE OF EXISTING RESOURCES.—The Secretary shall use Internet Web sites, communication systems, and information networks in operation on the date of an assessment under this subsection, and shall coordinate with other heads of Federal departments and agencies to provide information through existing channels to satisfy the requirements of paragraph (2)(B)(ii). The Secretary shall provide guidance on how State, local, tribal, and private entities can partner with public television stations to disseminate information provided by the Department and shall provide information on best practices on disseminating information to residents of local communities, including leveraging public television stations.
“SEC. 2105. INDIVIDUAL AND COMMUNITY PREPAREDNESS
FOR CHEMICAL, BIOLOGICAL, RADIOLOGICAL,
AND NUCLEAR ATTACKS.

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

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

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

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

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

“(5) conducting individual and community pre-
paredness outreach efforts; and
“(6) such other actions as the Secretary determines appropriate.

“(b) COORDINATION.—The Secretary shall coordinate with Federal departments and agencies and with private sector and nongovernmental organizations to promote individual and community preparedness and collective response to terrorist attacks involving chemical, biological, radiological, and nuclear materials against the United States.

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

“Subtitle B—Protection

“SEC. 2121. DETECTION OF BIOLOGICAL ATTACKS.

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

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

“(2) consider multiple deployment strategies including surge capability;
“(3) provide information to participating laboratories and programs for their use in monitoring public health, and biological material or other data from those detectors to participating laboratories and programs for testing and evaluation;

“(4) regularly communicate with, and provide information about the presence of biological agents to, appropriate Federal, State, and local agencies responsible for public health, law enforcement, and emergency services, in a manner that ensures transparency with the governments served by such personnel;

“(5) provide advanced planning tools, concepts of operations (including alarm resolution protocols and response guidance), standard operating procedures, and training exercises (including in collaboration with relevant national level exercises) for collective response to and recovery from biological attacks; and

“(6) provide technical assistance to jurisdictions hosting the program to improve their ability to respond to a detected pathogen.

“(b) PROGRAM REQUIREMENTS.—Under the program required under subsection (a), the Secretary shall—

“(1) enter into memoranda of agreement or interagency agreements under the Economy Act of
1933 (31 U.S.C. 1535 et seq.) with the Director of the Centers of Disease Control and Prevention and the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies, setting forth roles and responsibilities, including with respect to validating performance and developing testing protocols for participating laboratories and coordination with appropriate State, local, and tribal agencies;

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

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

“(A) evaluates biological threat detection assays, their protocols for use, and their associated response algorithms for confirmation of biological threat agents, taking performance measures and concepts of operation into consideration;
“(B) develops interagency peer-reviewed assay performance and equivalency standards based on the findings of the evaluation under subparagraph (A);

“(C) requires implementation of the standards developed under subparagraph (B) for all Department biological detection programs;

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

“(E) is updated as necessary;

“(4) prior to obligating funds to acquire biodetection systems for purposes of operational testing and evaluation, require—

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

“(B) an assessment of the sensitivity and specificity of the next generation biodetection system or systems under consideration for acquisition and whether it meets established operational requirements;
“(C) provision of all raw data to the Science and Technology Directorate to enable the Under Secretary to—

“(i) conduct a trade-off study comparing the results of subparagraphs (A) and (B); and

“(ii) perform a technical readiness assessment in accordance with section 308(b); and

“(D) that the findings under subparagraph (C) inform the cost-benefit analysis under paragraph (5)(A) and any Departmental acquisition review board decision regarding the biodetection system or systems under consideration; and

“(5) prior to acquiring and deploying biodetection technology, require—

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

“(B) operational testing and evaluation;

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

“(D) the Department, other relevant executive agencies, and local jurisdictions intended to
host the systems to agree on concepts of operations for resolving alarms.

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

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

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

“(d) DEFINITIONS.—In this section:

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

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

“(B) provides biocontainment and microbiological analysis in support of the Department and relevant law enforcement agencies with responsibilities for investigating biological incidents; and

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

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

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

“(a) In General.—The Secretary of Homeland Security shall require the Under Secretary for Science and Technology, in consultation with the heads of other relevant operational components of the Department of Homeland Security, to assess whether the development of technological screening capabilities for biological agents, pandemic influenza, and other infectious diseases should be undertaken by the Directorate of Science and Technology to support entry and exit screening at ports of entry and for other homeland security purposes.

“(b) Development of Methods.—If the Under Secretary determines that the development of such screening capabilities should be undertaken, the Secretary shall, to the extent possible, initiate development of safe and effective methods to—
“(1) rapidly screen incoming persons at ports of entry for biological agents, pandemic influenza, and other infectious diseases; and

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

“SEC. 2123. EVALUATING DETECTION TECHNOLOGY.

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

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

“(2) establish a process for voluntary testing and evaluation of technology by an accredited laboratory to demonstrate conformance to such consensus standards, or performance metrics if standards do not exist, for the effective detection of high-priority biological agents and toxins and high-priority chemical agents, including incentivization for the program through potential cost sharing with technology manu-
facturers and for SAFETY Act certification or placement on the authorized equipment list, or both; and

“(3) with permission from the detection technology manufacturer, make available to Federal departments and agencies, State, territorial, local, and tribal entities, and the private sector the results of detection system testing and evaluation under paragraph (2).

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

“(a) Securing the Cities.—The Director of the Domestic Nuclear Detection Office shall establish and maintain a multilayered system of detection technologies, programs, and guidelines designed to enhance the Nation’s ability to detect and prevent a radiological or nuclear attack in high-risk United States cities, as determined by the Secretary.

“(b) Surge Capabilities.—The Director shall develop a surge capability for radiological and nuclear detection systems that can be deployed within the United States rapidly in response to actionable intelligence or warnings, and includes procurement of appropriate technology, training, and exercises.

“(c) Integration.—The programs under subsections (a) and (b) shall be integrated into the Global Nuclear De-
tection Architecture and shall inform architecture studies, technology gaps, and research activities of the Domestic Nuclear Detection Office.

“Subtitle C—Response

“SEC. 2131. FIRST RESPONDER GUIDANCE CONCERNING CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ATTACKS.

“(a) Establishment of Voluntary Guidance.—
Not later than 1 year after the date of the enactment of this section, the Secretary, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Attorney General, and the heads of other Federal departments and agencies, as appropriate, shall—

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

“(2) make such guidance available to State, local, and tribal authorities, including primary and secondary schools and other educational institutions, nongovernmental organizations, the private sector, and the public; and
“(3) in developing the guidance under paragraph (1)—

“(A) review the experiences of other countries and the expertise of academic institutions and nongovernmental organizations; and

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

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

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

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

“(3) best practices for emergency response providers to effectively diagnose, handle, and otherwise manage individuals affected by an incident involving chemical, biological, radiological, or nuclear material.

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

“(1) review the guidance developed under subsection (a)(1) at least once every 2 years;
“(2) make revisions to the guidance as appro-
priate; and
“(3) make any revised guidance available to
State, local, and tribal authorities, nongovernmental
organizations, the private sector, and the public.
“(d) PROCEDURES FOR DEVELOPING AND REVISING
GUIDANCE.—In carrying out the requirements of this sec-
tion, the Secretary shall establish procedures to—
“(1) enable members of the first responder and
first provider community to submit recommendations
of areas in which guidance is needed and could be de-
veloped under subsection (a)(1);
“(2) determine which entities should be consulted
in developing or revising the guidance;
“(3) prioritize, on a regular basis, guidance that
should be developed or revised; and
“(4) develop and disseminate the guidance in ac-
cordance with the prioritization under paragraph (3).
“SEC. 2132. INTEGRATED PLUME MODELING FOR COLLEC-
TIVE RESPONSE.
“(a) DEVELOPMENT.—
“(1) IN GENERAL.—The Secretary shall acquire,
use, and disseminate the best available integrated
plume models to enable rapid response activities fol-
lowing a chemical, biological, nuclear, or radiological attack or event.

“(2) SCOPE.—The Secretary shall—

“(A) identify Federal, State, and local needs regarding plume models and ensure the rapid development and distribution of integrated plume models that meet those needs to appropriate officials of the Federal Government and State, local, and tribal authorities to enable immediate response to a chemical, biological, radiological, or nuclear attack or event;

“(B) establish mechanisms for dissemination by appropriate emergency response officials of the integrated plume models described in paragraph (1) to nongovernmental organizations and the public to enable appropriate collective response activities;

“(C) ensure that guidance and training in how to appropriately use such models are provided; and

“(D) ensure that lessons learned from assessing the development and dissemination of integrated plume models during exercises administered by the Department are put into the lessons
learned information sharing system maintained by the Department.

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

“(1) The term ‘plume model’ means the assessment of the location and prediction of the spread of agents following a chemical, biological, radiological, or nuclear attack or event.

“(2) The term ‘integrated plume model’ means a plume model that integrates protective action guidance and other information as the Secretary determines appropriate.

“SEC. 2133. ESTABLISHMENT OF THE SYSTEM ASSESSMENT AND VALIDATION FOR EMERGENCY RESPONDERS (SAVER) PROGRAM.

“The Secretary shall carry out a program for system assessment and validation of emergency response equipment at the Department, to be known as the ‘SAVER Program’.

The Secretary shall ensure that such program—

“(1) conducts objective, impartial, practitioner-relevant, and operationally oriented assessments and validations of commercial emergency responder equipment and systems, including hand-held detectors for chemical, biological, radiological, and nuclear agents;
“(2) prioritizes such evaluation based on the
technical results obtained from the program estab-
lished under section 2123, if available;
“(3) is supported by a network of scientists who,
in coordination with subject matter experts, perform
the assessment and validation activities using strict
scientific and testing protocols;
“(4) provides results along with other relevant
equipment information to the emergency response
provider community in an operationally useful form;
“(5) provides information on equipment that
falls within the categories listed in the Department’s
authorized equipment list;
“(6) provides information that enables decision-
makers and responders to better select, procure, use,
and maintain emergency responder equipment; and
“(7) shares such information nationally with the
emergency response provider community.

“SEC. 2134. PAYMENT FOR LABORATORY RESPONSE SERV-
ICES.

“In carrying out their functions, responsibilities, au-
thorities, and duties to counter biological terrorism, the Sec-
retary, the Attorney General, and the heads of other partici-
pating Federal agencies are authorized, subject to the avail-
ability of appropriations, to enter into contracts with lab-
oratories that comprise the Laboratory Response Network for Biological Terrorism and other federally networked laboratories that agree to participate in such a contract, for the provision of laboratory testing services on a fee-for-service basis or on a prepayment or other similar basis. Prior to entering into such a contract with any laboratory in the Laboratory Response Network for Biological Terrorism, the Secretary, the Attorney General, or the head of any other participating Federal agency shall inform the Centers for Disease Control and Prevention.

“SEC. 2135. BIOFORENSICS CAPABILITIES.

“(a) BIOFORENSICS ANALYSIS CENTER.—There is authorized in the Department a bioforensics analysis center to provide support for law enforcement and intelligence-related investigations and actions to—

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

“(2) undertake other related bioforensics activities.

“(b) PAYMENT FOR SERVICES.—The center shall charge and retain fees to reimburse the cost of any service provided to an executive agency that requested such service.
“(c) DETAILLEE PROGRAM.—Subject to the availability of appropriations, the Secretary may implement a program under which executive agencies as considered appropriate by the Secretary provide personnel, on a reimbursable basis, to the center for the purpose of—

“(1) providing training and other educational benefits for such stakeholders to help them to better understand the policies, procedures, and laws governing national bioforensics activities; and

“(2) bolstering the capabilities and information sharing activities of the bioforensics analysis center authorized under subsection (a) with national biosecurity and biodefense stakeholders.

“SEC. 2136. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

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

“(b) FINANCIAL ASSISTANCE.—

“(1) AUTHORIZATION OF GRANTS.—

“(A) IN GENERAL.—The Secretary, through
Management Agency, may make grants under this section to State and local governments to assist in preparing for and responding to mass casualty incidents resulting from acts of terrorism, natural disasters, and other man-made disasters.

“(B) Consultation.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Chief Medical Officer.

“(2) Use of funds.—A grant made under this section may be used to support the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard, including—

“(A) to strengthen medical surge capacity;

“(B) to strengthen mass prophylaxis capabilities including development and maintenance of an initial pharmaceutical stockpile sufficient to protect first responders, their families, and immediate victims from a chemical or biological event, including the procurement of home medical kits that are approved pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
301 et seq.) or the Public Health Service Act (42
U.S.C. 201 et seq.), as applicable;

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

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

“(E) for planning;

“(F) to support efforts to strengthen inform-

tion sharing and collaboration capabilities of
regional, State, and urban areas in support of
public health and medical preparedness;

“(G) for medical supplies management and
distribution;

“(H) for training and exercises;

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

“(J) for such other activities as the Admin-
istrator provides.
“(3) Eligibility.—

“(A) In general.—Except as provided in subparagraph (C), any jurisdiction that received funds through the Metropolitan Medical Response System Program in fiscal year 2009 shall be eligible to receive a grant under this section.

“(B) Additional jurisdictions.—

“(i) Unrepresented states.—

“(I) In general.—Except as provided in subparagraph (C), the Administrator may make grants under this section to the metropolitan statistical area with the largest population in any State in which no jurisdiction received funds through the Metropolitan Medical Response Program in fiscal year 2009, or in which funding was received only through another State.

“(II) Limitation.—For each of fiscal years 2012 through 2014, no jurisdiction that would otherwise be eligible to receive grants under subclause (I) shall receive a grant under this section if it would result in any jurisdiction under subparagraph (A) receiving
less funding than such jurisdiction received in fiscal year 2009.

“(ii) OTHER JURISDICTIONS.—

“(I) IN GENERAL.—Subject to subparagraph (C), the Administrator may determine that additional jurisdictions are eligible to receive grants under this section.

“(II) LIMITATION.—For each of fiscal years 2012 through 2014, the eligibility of any additional jurisdiction to receive grants under this section is subject to the availability of appropriations beyond that necessary to—

“(aa) ensure that each jurisdiction eligible to receive a grant under subparagraph (A) does not receive less funding than such jurisdiction received in fiscal year 2009; and

“(bb) provide grants to jurisdictions eligible under clause (i).

“(C) PERFORMANCE REQUIREMENT AFTER FISCAL YEAR 2012.—A jurisdiction shall not be eligible for a grant under this subsection from
funds available after fiscal year 2012 unless the Secretary determines that the jurisdiction maintains a sufficient measured degree of capability in accordance with the performance measures issued under subsection (c).

“(4) DISTRIBUTION OF FUNDS.—

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

“(B) PASS THROUGH.—Subject to subparagraph (C), not later than 45 days after the date on which a State receives grant funds under subparagraph (A), the State shall provide the jurisdiction receiving the grant 100 percent of the grant funds, and not later than 45 days after the State releases the funds, all fiscal agents shall make the grant funds available for expenditure.

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

“(5) REGIONAL COORDINATION.—The Administrator shall ensure that each jurisdiction that receives a grant under this section, as a condition of receiving such grant, is actively coordinating its preparedness efforts with surrounding jurisdictions, with the official with primary responsibility for homeland security (other than the Governor) of the government of the State in which the jurisdiction is located, and with emergency response providers from all relevant disciplines, as determined by the Administrator, to effectively enhance regional preparedness.

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

“(d) METROPOLITAN MEDICAL RESPONSE SYSTEM WORKING GROUP DEFINED.—In this section, the term ‘National Metropolitan Medical Response System Working Group’ means—
“(1) 10 Metropolitan Medical Response System Program grant managers, who shall—

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

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

“(C) include—

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

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

“(2) 3 State officials who are responsible for administration of State programs that are carried out with grants under this section, who shall be selected by the Administrator.

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

“Subtitle D—Recovery

“SEC. 2141. IDENTIFYING AND ADDRESSING GAPS IN RECOVERY CAPABILITIES.

“(a) Risk Assessment.—
“(1) TAILORED RISK ASSESSMENT.—The Secretary, acting through the Under Secretary for Science and Technology and in coordination with the Administrator of the Environmental Protection Agency, shall conduct tailored risk assessments to inform prioritization of national recovery activities for chemical, biological, radiological, and nuclear incidents, to be updated as necessary.

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

“(A) consult with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of the Interior, the Chairman of the Nuclear Regulatory Commission, and the heads of other relevant Federal departments and agencies;

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

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

“(3) COLLABORATION.—Upon completion of the risk assessments required by this section, the Secretary shall provide the findings to the Administrator
of the Environmental Protection Agency and heads of other relevant Federal agencies in order to inform on-going and future work, including research and guidance development, undertaken by those agencies in recovery and remediation from chemical, biological, radiological, or nuclear incidents.

“(b) Research.—The results of the risk assessment under this section shall inform appropriate Federal research to address the high-risk capability gaps uncovered by each assessment.

“(c) Submission to Congress.—The results of each risk assessment shall be submitted to the appropriate congressional committees within 30 days after completion of the assessment.

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

“(a) Establishment of Guidance.—The Secretary shall develop and issue guidance for clean-up and restoration of indoor and outdoor areas, including subways and other mass transportation facilities, that have been exposed to chemical, biological, radiological, or nuclear materials. The Secretary shall develop and issue the guidance, within 24 months after the date of enactment of this section, in consultation with—
“(1) the Secretary of Agriculture;
“(2) the Secretary of Commerce;
“(3) the Secretary of Education;
“(4) the Secretary of the Interior;
“(5) the Attorney General;
“(6) the Secretary of Labor;
“(7) the Secretary of Transportation;
“(8) the Secretary of Housing and Urban Development;
“(9) the Secretary of Health and Human Services;
“(10) the Secretary of Veterans Affairs;
“(11) the Secretary of the Treasury;
“(12) the Administrator of the Environmental Protection Agency; and
“(13) the Administrator of the Small Business Administration.
“(b) CONTENTS.—The guidance developed under subsection (a) shall clarify Federal roles and responsibilities for assisting State, local, and tribal authorities and include risk-based recommendations for—
“(1) standards for effective decontamination of affected sites;
“(2) standards for safe post-event occupancy of affected sites, including for vulnerable populations...
such as children and individuals with health concerns;

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

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

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

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

“(7) air sampling procedures;

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

“(9) waste disposal.

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

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

“(2) make revisions to the guidance as appropriate; and

“(3) make the revised guidance available to the Federal Government, State, local, and tribal authori-
ties, nongovernmental organizations, the private sector, and the public.

“(d) PROCEDURES FOR DEVELOPING AND REVISING GUIDANCE.—In carrying out the requirements of this section, the Secretary shall establish procedures to—

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

“(2) inventory existing relevant guidance;

“(3) enable the public to submit recommendations of areas in which guidance is needed;

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

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

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

“(e) CONSULTATIONS.—The Secretary shall develop and revise the guidance developed under subsection (a), and the procedures required under subsection (d), in consultation with—

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

“(2) State, local, and tribal authorities; and
“(3) nongovernmental organizations and private industry.

“(f) REPORT.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary shall provide appropriate congressional committees with—

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

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

“(3) a list of entities to which the guidance described in paragraph (2) was disseminated;

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

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

“(6) a plan for developing, revising, and disseminating the guidance.

“SEC. 2143. EXERCISES.

“(a) IN GENERAL.—To facilitate recovery from a chemical, biological, radiological, or nuclear attack or other incident involving chemical, biological, radiological, or nuclear materials and to foster collective response to terrorism, the Secretary shall develop exercises in consultation with
State, local, and tribal authorities and other appropriate Federal agencies, and, as appropriate, in collaboration with national level exercises, including exercises that address, to the best knowledge available at the time, analysis, indoor environmental cleanup methods, and decontamination standards, including those published in the guidance issued under section 2142.

“(b) Lessons Learned for National Level Exercises.—The Secretary shall provide electronically, to the maximum extent practicable, lessons learned reports to each designated representative of State, local, and tribal jurisdictions and private sector entities that participate in National Level Exercises of the Department. Each lessons learned report shall be tailored to convey information on that exercise that could be leveraged to enhance preparedness and response.”.

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION AND PREPAREDNESS

Subtitle A—Prevention

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

Sec. 2102. Risk assessments.

Sec. 2103. National Export Enforcement Coordination.

Sec. 2104. Communication of threat information.

Sec. 2105. Individual and community preparedness for chemical, biological, radiological, and nuclear attacks.

Subtitle B—Protection

Sec. 2121. Detection of biological attacks.
"Sec. 2122. Rapid biological threat detection and identification at ports of entry.
"Sec. 2123. Evaluating detection technology.
"Sec. 2124. Domestic implementation of the Global Nuclear Detection Architecture.

"Subtitle C—Response

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

"Subtitle D—Recovery

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

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

(d) METROPOLITAN MEDICAL RESPONSE PROGRAM REVIEW.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, the Chief Medical Officer of the Department of Homeland Security, and the National Metropolitan Medical Response System Working Group shall conduct a review of the Metropolitan Medical Response System Program authorized under section 2136 of the Homeland Security Act of 2002, as added by this section, including an examination of—
(A) the extent to which the program goals and objectives are being met;

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

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

(D) how the Metropolitan Medical Response System Program complements and enhances other preparedness programs supported by the Department of Homeland Security and the Department of Health and Human Services;

(E) the degree to which the strategic goals, objectives, and capabilities of the Metropolitan Medical Response System Program are incorporated in State and local homeland security plans;

(F) how eligibility for financial assistance, and the allocation of financial assistance, under the Metropolitan Medical Response System Program should be determined, including how allocation of assistance could be based on risk;

(G) implications for the Metropolitan Medical Response System Program if it were managed as a contractual agreement; and
(H) the resource requirements of the Metropolitan Medical Response System Program.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Medical Officer shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review under this section.

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

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

SEC. 302. ENHANCING LABORATORY BIOSECURITY.

(a) FEDERAL EXPERTS SECURITY ADVISORY PANEL.—

(1) PANEL.—

(A) ESTABLISHMENT.—The President shall establish a permanent advisory panel to be known as the Federal Experts Security Advisory
Panel to make technical and substantive rec-
ommendations on biological agent and toxin se-
curity.

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

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

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

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

(D) VOTING MEMBERS.—The voting mem-
ers of the Panel shall consist of 1 voting re-
representative of each of the following Government
entities, appointed (except with respect to the
National Security Council) by the head of the re-
spective entity:

(i) The Department of Agriculture.

(ii) The Department of Commerce.

(iii) The Department of Defense.
(iv) The Department of Energy.

(v) The Department of Health and Human Services.


(vii) The Department of Justice.

(viii) The Department of Labor.

(ix) The Department of State.

(x) The Department of Transportation.

(xi) The Department of Veterans Affairs.

(xii) The Environmental Protection Agency.

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

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

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

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

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

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

(F) ADMINISTRATIVE SUPPORT.—The Secretary of Health and Human Services shall provide to the Panel such facilities, staff, and support services as may be necessary for the Panel to carry out its responsibilities under paragraph (2).

(2) RESPONSIBILITIES.—Not later than 6 months after the date of the enactment of this section, the Panel shall, with respect to biological agent and toxin security, deliver to the Secretaries of Agriculture, Health and Human Services, and Homeland Security plurality recommendations, including any statements of dissent, concerning—

(A) the designation as highest risk of that subset of biological agents and toxins listed pursuant to section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)) that presents the greatest risk of deliberate misuse with significant potential for mass casualties or devastating effects to the economy, informed by—
(i) any biological or bioterrorism risk assessments conducted by the Department of Homeland Security and relevant assessments by other agencies; and

(ii) determinations made by the Secretary of Homeland Security pursuant to section 319F–2(c)(2)(A) of such Act (42 U.S.C. 247d–6b(c)(2)(A));

(B) the development of a set of minimum risk-based prescriptive laboratory security performance standards based on the risk at the lowest level, allowing for enhancements as risk increases;

(C) the establishment of appropriate standards and practices to improve vetting and monitoring of, and ensure reliability of, personnel with access to highest risk biological agents and toxins at facilities registered under section 351A(d) of the Public Health Service Act (42 U.S.C. 262a(d));

(D) the establishment of appropriate practices for physical security and cyber security for facilities that possess highest risk biological agents or toxins;
(E) standards for training of laboratory personnel in security measures;

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

(G) adequacy of information sharing protocols with biodefense and biosecurity stakeholders; and

(H) any other security standards determined necessary.

(b) REVISION OF RULES AND REGULATIONS.—

(1) PROPOSED RULES.—The Secretaries of Health and Human Services and Agriculture, in coordination with the Secretary of Homeland Security, no later than 1 year after the date of receipt of recommendations under subsection (a)(2), shall, as appropriate, propose rules under section 351A of the Public Health Service Act (42 U.S.C. 262a) establishing security standards and procedures that are specific to highest risk biological agents and toxins.

(2) FINAL RULES.—The Secretaries of Health and Human Services and Agriculture, in coordination with the Secretary of Homeland Security, no later than 24 months after the date of the enactment of this section, shall promulgate final rules described in paragraph (1).
(c) COORDINATION OF FEDERAL OVERSIGHT.—To ensure that the Federal Government provides for comprehensive and effective oversight of biological agents and toxins security, the heads of the Government entities listed in subsection (a)(1)(D) shall for facilities in which the entity supports biological agent or toxin laboratory activities and by no later than 6 months after the submission of recommendations under subsection (a)(2), develop and implement a plan for the coordination of biological agents and toxins security oversight that—

(1) articulates a mechanism for coordinated inspections of and harmonized administrative practices for facilities registered under section 351A(d) of the Public Health Service Act (42 U.S.C. 262a(d)), pursuant to subsection (d) of this section; and

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

(d) COMMON INSPECTION PROCEDURES.—The heads of the entities listed in subsection (a)(1)(D) shall coordinate or consolidate laboratory inspections and ensure that such inspections are conducted using a common set of inspection procedures across such entities in order to minimize the administrative burden on such laboratory.
(e) Inspection Reports.—Any inspection report resulting from an inspection described in paragraph (1) shall be available to—

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

(2) the laboratories that are the object of inspection.

(f) Laboratory Biosecurity Information Sharing.—

(1) Federal Sharing.—The Secretaries of Health and Human Services and Agriculture shall—

(A) develop a process for sharing of information pertaining to biological agents and toxins with agencies that support biological agent or toxin laboratory activities, that identifies the purpose for sharing, and a mechanism for securing, such information;

(B) share relevant information pertaining to biological agents and toxins, including identification of laboratories possessing highest risk biological agents and toxins, and compliance issues with the Secretary of Homeland Security; and

(C) share relevant information pertaining to biological agents and toxins, including identi-
ification of laboratories possessing highest risk bi-
ological agents and toxins, with appropriate
State, local, and tribal government authorities,
including law enforcement authorities and emer-
gency response providers.

(2) CLASSIFIED AND SENSITIVE INFORMATION.—
The Secretaries of Agriculture and Health and
Human Services shall ensure that any information
disseminated under this section is handled consist-
ently with—

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

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

(C) other relevant laws.

(g) DEFINITIONS.—In this section:

(1) The terms “biological agent” and “toxin”
refer to a biological agent or toxin, respectively, listed
pursuant to section 351A(a)(1) of the Public Health
Service Act (42 U.S.C. 262(a)(1)).
(2) The term “highest risk” means, with respect to a biological agent or toxin, designated as highest risk as described in subsection (a)(2)(A).

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

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

SEC. 303. DEFINITIONS.

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

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

“(20) The term ‘national biosecurity and biodefense stakeholders’ means officials from the Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other biological incidents that may have serious health or economic consequences for the United States, including wide-scale fatalities or infectious disease outbreaks.”.
SEC. 304. DUAL-USE TERRORIST RISKS FROM SYNTHETIC BIOLOGY.

(a) Sense of Congress.—It is the sense of Congress that the field of synthetic biology has the potential to facilitate enormous gains in fundamental discovery, public health, and biotechnological applications, but that it also presents inherent dual-use homeland security risks that must be managed.

(b) Assessment of Risk.—Not less frequently than once every two years, the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology, shall undertake a risk assessment of the dual-use and other risks associated with synthetic biology.

(c) Establishment of Guidance.—Not later than six months after the date of the enactment of this Act, the Secretary shall develop and provide to the heads of all departments and agencies that fund life sciences research, guidance on compliance with United States laws, arms control agreements to which the United States is a party or signatory, and individual department and agency policy, including consideration of—

(1) best practices for establishing a department or agency process that achieves compliance for department or agency research, development, or acquisition projects in the life sciences;

(2) the types of projects that should be assessed;
(3) at what stage or stages such projects should be assessed; and

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

(d) RESEARCH AND DEVELOPMENT.—Based upon the findings of the risk assessment undertaken in accordance with subsection (b), the Under Secretary may conduct research into the risks and ways to mitigate such risks of synthetic biology, including—

(1) determining the current capability of synthetic nucleic acid providers to effectively differentiate a legitimate customer from a potential terrorist or other malicious actor;

(2) determining the current capability of synthetic nucleic acid providers to effectively screen orders for sequences of homeland security concern; and

(3) making recommendations regarding screening software, protocols, and other remaining capability gaps uncovered by such risk assessment.

SEC. 305. DISSEMINATION OF INFORMATION ANALYZED BY THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPONSIBILITIES RELATING TO HOMELAND SECURITY.

Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended by striking “and to
agencies of State” and all that follows and inserting “to
State, local, tribal, and private entities with such respon-
sibilities, and, as appropriate, to the public, in order to
assist in preventing, deterring, or responding to acts of ter-
rorism against the United States.”.

**TITLE IV—PUBLIC HEALTH**

**MATTERS**

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

It is the sense of Congress that—

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

(2) aggressive action should be taken by the De-
partment of Health and Human Services (in par-
ticular, the heads of the National Institutes of Health,
the Biomedical Advanced Research and Development
Authority, the Centers for Disease Control and Pre-
vention, and the Food and Drug Administration), the
Department of Homeland Security, and the Depart-
ment of Defense to foster greater coordination with re-
spect to such activities, including adoption of an
interagency agreement that sets forth the relative
areas of responsibility with respect to establishing
medical countermeasure requirements and research-
ing, developing, and acquiring medical counter-
measures to meet those requirements.

SEC. 402. NATIONAL MEDICAL COUNTERMEASURE DIS-
PENSING STRATEGY.

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

“SEC. 319F–5. NATIONAL MEDICAL COUNTERMEASURE DIS-
PENSING STRATEGY.

“(a) DEFINITIONS.—In this section—

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

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

“(b) STRATEGY.—

“(1) IN GENERAL.—The Secretary, in coordina-
tion with the Secretary of Homeland Security, the
Secretary of Agriculture, and other appropriate Fed-
eral agencies, shall develop, implement, and, as app-
propriate, periodically update a National Medical
Countermeasure Dispensing Strategy to enhance pre-
paredness and collective response to a terrorist attack
on humans or animals with any chemical, biological,
radiological, or nuclear material, that delineates Fed-
eral, State, and local responsibilities.

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

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

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

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

“(D) distribution to the public of home
medical kits for personal stockpiling purposes,
within 30 days after a domestic or international bioterrorist attack resulting in human infection.

“(c) COORDINATION.—The Secretary shall coordinate with the Administrator of the Federal Emergency Management Agency, State, local, and tribal authorities, representatives from the private sector, and nongovernmental organizations on the National Medical Countermeasures Dispensing Strategy.

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

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

(a) REQUIREMENT.—The Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security and the Secretary of Agriculture, shall review the adequacy of domestic vaccination and antimicrobial dispensing policy, guidance, and information provided to the public in light of any known terrorist risk of a biological attack or other phenomena that may have serious health consequences for the United States, including wide-scale fatalities or infectious disease outbreaks including outbreaks associated with the avian flu. In carrying out the review under this section, the Secretary shall consider—
(1) terrorism risk assessments under section 2102 of the Homeland Security Act of 2002, as amended by this Act, and material threat assessments and determinations under the Project BioShield Act of 2004 (Public Law 108–276) and the amendments made by that Act;

(2) reports on global trends and intelligence produced by the Office of the Director of National Intelligence and the Intelligence Community regarding biological threats;

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

(4) applicability of Federal shelf-life extension programs to locally held stockpiles of medical countermeasures, to the extent that information on local stockpiles is available;

(5) making expiring products available to appropriate international organizations or foreign partners once the requests of domestic stakeholders have been fulfilled;

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

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

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

The Secretary of Health and Human Services shall
make available surplus vaccines and antimicrobials, and
vaccines and antimicrobials with short shelf lives, from the
strategic national stockpile under section 319F–2(a) of the
Public Health Service Act (42 U.S.C. 247d–6b(a)) to State,
local, and tribal first responders, including health care re-
sponders, for administration to such responders who volun-
tarily consent to such administration, and shall—
(1) establish any necessary logistical and tracking systems to facilitate making such vaccines and
antimicrobials so available; and

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

SEC. 405. MATERIAL THREAT DETERMINATIONS REVIEWS.

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

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

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

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

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

(4) in clause (iii), as so redesignated, by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(iv) review and reassess determinations under clause (iii) to determine whether agents continue to present a material threat against the United States population sufficient to affect national security and homeland security.”.

SEC. 406. BACKGROUND CHECKS.

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

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

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

TITLE V—FOREIGN RELATIONS MATTERS

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

The Secretary of State, in consultation with the Special Assistant to the President for Biodefense, and the heads of appropriate Federal agencies, shall, as appropriate—

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

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

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

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

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

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

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

(1) support efforts in other countries and regions
to develop mechanisms and capabilities for reporting
to United Nations organizations validated data on bi-
ological attacks or other phenomena that may have se-
rious health consequences for the United States, in-
including wide-scale fatalities or infectious disease outbreaks;

(2) engage other Federal and nongovernmental entities and other countries to advance awareness and understanding of the risk posed by information derived from the life sciences that has the potential for misuse to cause harm, and advance recommendations on how best to address such risk;

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

(4) promote the development and use of mechanisms for reporting, preserving, and sharing data on Federal programs and investments in international scientific, agricultural, medical, and public health collaborations in support of efforts to enhance global biosecurity.

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

(a) Sense of Congress.—It is the sense of Congress that preparedness for a chemical, biological, radiological, or nuclear incident must be undertaken not only domestically but also internationally. Specifically, there is a need for a global preparedness architecture for such an event.
Congress supports efforts to provide an international forum for discussion of key health security policies with international dimensions, and the establishment of a formal United States interagency task force to develop best practices and recommendations for implementation of a global preparedness architecture could enhance global preparedness.

(b) Establishment of Task Force.—The Secretary of State shall convene and lead an interagency task force to examine—

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

(2) necessary components of a global biopreparedness architecture that would advance international health security, including considerations of—

(A) risk assessments;

(B) prevention;

(C) protection;

(D) regional stockpiling of medical countermeasures, including considerations of—

(i) security of the stockpile;

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

(iii) delivery planning; and

(iv) legal considerations for implementing such an architecture;

(E) response and attribution;

(F) other elements that should be a component of such an architecture; and

(G) obstacles to implementing such an architecture;

(3) best practices for preparedness based on lessons learned from domestic efforts to address the above issues, and that may be applicable internationally;

(4) activities undertaken through the National Intelligence Strategy for Countering Biological Threats developed under section 202 and the International Health Regulations 2005, as well as other activities deemed relevant by the task force; and

(5) the utility of working through existing international forums as a mechanism for distributing this information to the international community.

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

(1) the Department of Homeland Security;
(2) the Department of Health and Human Services, including the Centers for Disease Control and Prevention;

(3) the Department of Agriculture;

(4) the Department of Defense;

(5) the Department of Justice;

(6) the Department of State;

(7) the Director of National Intelligence;

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

(9) national biosecurity and biodefense stakeholder community, including from the pharmaceutical and biotechnology industries, and the diagnostic laboratory community, as determined by the Secretary.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the findings of the task force established under this section.

SEC. 504. BIOLOGICAL AND TOXIN WEAPONS CONVENTION.

The Secretary of State shall—

(1) promote confidence in effective implementation of and compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (commonly re-
ferred to as the “Biological and Toxin Weapons Convention”) by the States party to the Convention by promoting transparency with respect to legitimate activities and pursuing compliance diplomatically to address concerns;

(2) promote universal membership in the Convention;

(3) develop an action plan for increasing international adherence to the Convention; and

(4) ensure that United States participation in Convention meetings is broadly inclusive of representatives of relevant Federal departments and agencies.
A BILL

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

November 30, 2012

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