

113TH CONGRESS
2D SESSION

H. R. 4034

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

FEBRUARY 11, 2014

Mr. PASCARELL (for himself and Mr. KING of New York) 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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “WMD Prevention and Preparedness Act of 2014”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—A NATIONAL BIODEFENSE ENTERPRISE

- Sec. 101. Special Assistant for Biodefense.
 Sec. 102. National Biodefense Plan.
 Sec. 103. National Biosurveillance Strategy.
 Sec. 104. Comprehensive cross-cutting biodefense budget analysis.

TITLE II—INTELLIGENCE MATTERS

- Sec. 201. National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction.
 Sec. 202. National Intelligence Strategy for Countering Biological Threats.
 Sec. 203. State, local, and tribal defined.

TITLE III—HOMELAND SECURITY MATTERS

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION
 AND PREPAREDNESS

“Subtitle A—Prevention

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

“Subtitle B—Protection

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

“Subtitle C—Response

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

“Subtitle D—Recovery

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

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

“Sec. 2143. Exercises.

Sec. 302. Enhancing laboratory biosecurity.

Sec. 303. Definitions.

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

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

TITLE IV—PUBLIC HEALTH MATTERS

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

Sec. 402. National Medical Countermeasure Dispensing Strategy.

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

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

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

Sec. 405. Material threat determinations reviews.

Sec. 406. Background checks.

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

TITLE V—FOREIGN RELATIONS MATTERS

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

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

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

Sec. 504. Biological and Toxin Weapons Convention.

1 SEC. 2. DEFINITIONS.

2 In this Act:

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

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

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

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

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

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

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

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

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

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

10 (5) lead the development of a coordinated na-
11 tional research and development strategy and imple-
12 mentation plan for microbial forensics, the latter to
13 be updated not less than once every 4 years;

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

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

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

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

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

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

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

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

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

18 (4) defines research and development needs for
19 improving the capacity for threat awareness and pre-
20 vention, protection, response, and recovery;

21 (5) identifies biodefense assets, interdepend-
22 encies, capability gaps, and gaps in the integration
23 of capabilities;

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

1 (7) identifies resource and investment needs;

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

8 (9) integrates and supports the strategies out-
9 lined in Presidential Policy Directives 2 and 8 and
10 Homeland Security Presidential Directives 5, 9, 10,
11 18, 21, and their successors, the National Bio-
12 surveillance Strategy published under section 103 of
13 this Act, the National Medical Countermeasure Dis-
14 pensing Strategy developed under section 319F-5 of
15 the Public Health Service Act, as amended by this
16 Act, and other strategy documents as appropriate;

17 (10) is consistent with the National Response
18 Framework as published by the Secretary of Home-
19 land Security in May 2013, and any successors
20 thereof;

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

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

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

4 **SEC. 103. NATIONAL BIOSURVEILLANCE STRATEGY.**

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

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

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

13 (3) define and prioritize costs, benefits, and re-
14 source and investment needs, with particular atten-
15 tion to leveraging existing resources;

16 (4) delineate Federal, State, local, tribal, and
17 private roles and responsibilities; and

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

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

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

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

6 (3) risk assessments consistent with section
7 2102 of the Homeland Security Act of 2002, as
8 amended by this Act;

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

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

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

18 (7) costs associated with establishing and main-
19 taining the necessary infrastructure to integrate bio-
20 surveillance systems.

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

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

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

8 (A) to identify potential threats, reduce
9 vulnerabilities, and improve collective response
10 activities to, and investigations of, suspected bi-
11 ological attacks;

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

14 (C) that identifies critical sensitivities to be
15 protected; and

16 (3) include a plan for enhancing the capability
17 of the Federal Government to rapidly identify, char-
18 acterize, localize, and track a biological event of na-
19 tional concern by integrating and analyzing data re-
20 lating to human health, animal, plant, food, and en-
21 vironmental monitoring systems (both national and
22 international).

23 (d) DEADLINE; SUBMISSION; UPDATES.—The Spe-
24 cial Assistant shall—

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

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

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

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

23 (b) CONTENTS.—

24 (1) IN GENERAL.—The comprehensive cross-
25 cutting biodefense budget analysis shall provide a

1 detailed, separate analysis, by budget function, by
2 department or agency, and by initiative area (as de-
3 termined by the Administration), for the prior fiscal
4 year, the current fiscal year, and the fiscal years for
5 which the budget is submitted, identifying the
6 amounts of gross and net appropriations or
7 obligational authority and outlays that contribute to
8 biodefense, with separate displays for mandatory
9 and discretionary amounts, including—

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

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

15 (C) an indication of how the Federal ac-
16 tivities or accounts covered by the analysis sup-
17 port the activities delineated in the National
18 Biodefense Plan under section 102(2).

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

23 (c) COORDINATION.—

24 (1) SUBMISSION TO SPECIAL ASSISTANT.—Each
25 official listed in paragraph (2) shall, by not later

1 than 30 days before submitting the annual appro-
2 priations request for the agency under section 1108
3 of title 31, United States Code, submit to the Spe-
4 cial Assistant—

5 (A) the proposed appropriations request;

6 and

7 (B) a progress report on how the depart-
8 ment or agency under the official's authority
9 agency has met the responsibilities of the offi-
10 cial under the National Biodefense Plan under
11 section 102.

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

14 (A) the Secretary of Agriculture;

15 (B) the Secretary of Commerce;

16 (C) the Secretary of Defense;

17 (D) the Secretary of Energy;

18 (E) the Secretary of Health and Human
19 Services;

20 (F) the Secretary of Homeland Security;

21 (G) the Secretary of State;

22 (H) the Secretary of Veterans Affairs;

23 (I) the Attorney General;

24 (J) the Administrator of the Environ-
25 mental Protection Agency;

1 (K) the Director of the National Science
2 Foundation;

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

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

8 (d) CONSULTATION WITH CONGRESS.—Periodically,
9 but at least annually, the Special Assistant for Biodefense
10 shall consult with the Committee on Homeland Security
11 of the House of Representatives, the Committee on Home-
12 land Security and Governmental Affairs of the Senate, the
13 Budget Committees of the House of Representatives and
14 the Senate, the Appropriations Committees of the House
15 of Representatives and the Senate, and the Congressional
16 Budget Office.

17 **TITLE II—INTELLIGENCE**
18 **MATTERS**

19 **SEC. 201. NATIONAL INTELLIGENCE STRATEGY FOR COUN-**
20 **TERING THE THREAT FROM WEAPONS OF**
21 **MASS DESTRUCTION.**

22 (a) STRATEGY.—

23 (1) DEVELOPMENT.—The Director of National
24 Intelligence, in consultation with the Secretary of
25 Homeland Security and the heads of other appro-

1 appropriate Federal departments and agencies, shall de-
2 velop and implement—

3 (A) a strategy designed to improve the ca-
4 pabilities of the United States to collect, ana-
5 lyze, and disseminate intelligence related to
6 weapons of mass destruction; and

7 (B) a plan to implement such strategy.

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

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

14 (1) identify and address core capabilities needed
15 for successful intelligence collection on weapons of
16 mass destruction;

17 (2) include methods for the recruitment, train-
18 ing, and retention of a workforce with expertise in
19 the collection, analysis, and dissemination of intel-
20 ligence related to all types of weapons of mass de-
21 struction and science and technology related to
22 weapons of mass destruction, as well as expertise in
23 science and technology relating to risks posed by
24 weapons of mass destruction; and

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

4 (c) IMPLEMENTATION PLAN.—The plan for imple-
5 menting the strategy required under subsection (a) shall
6 include—

7 (1) actions necessary to increase the effective-
8 ness and efficiency of the sharing of intelligence on
9 weapons of mass destruction throughout the Intel-
10 ligence Community and with other Federal partners,
11 including a description of statutory, regulatory, pol-
12 icy, technical, security, or other barriers that impede
13 such sharing, and, as appropriate, the development
14 of uniform standards across the Intelligence Com-
15 munity for such sharing;

16 (2) methods to disseminate intelligence prod-
17 ucts to national biosecurity and biodefense stake-
18 holders in classified and unclassified formats to in-
19 crease the effectiveness and efficiency of the sharing
20 of information;

21 (3) actions necessary to provide open-source in-
22 telligence relating to weapons of mass destruction
23 to—

24 (A) appropriate Federal departments and
25 agencies;

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

2 (C) private entities;

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

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

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

13 (5) assignments of roles and responsibilities to
14 elements of the Intelligence Community to imple-
15 ment the strategy; and

16 (6) a schedule for assessment of the effective-
17 ness and efficiency of the strategy, including
18 metrics, and a description of the components of the
19 assessment.

20 (d) COORDINATION.—The Director of National Intel-
21 ligence shall coordinate with State, local, and tribal gov-
22 ernment authorities, the private sector, and nongovern-
23 mental organizations in the development of the National
24 Intelligence Strategy for Countering the Threat from
25 Weapons of Mass Destruction.

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

8 (f) UPDATES.—The Director of National Intelligence
9 shall update the implementation plan at least once every
10 4 years.

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

13 (a) STRATEGY.—

14 (1) DEVELOPMENT.—The Director of National
15 Intelligence, in consultation with the Secretary of
16 Homeland Security, the Secretary of Health and
17 Human Services, the Secretary of Agriculture, the
18 Special Assistant to the President for Biodefense,
19 and the heads of other appropriate Federal depart-
20 ments and agencies, shall develop and implement a
21 strategy and a plan for implementing the strategy
22 that is integrated into the National Intelligence
23 Strategy for Countering the Threat from Weapons
24 of Mass Destruction, as required under this title.

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

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

6 (1) identify and address target capabilities
7 needed for successful intelligence collection on bio-
8 logical threats;

9 (2) include a plan for establishing in the Intel-
10 ligence Community a cadre of collectors and analysts
11 in all relevant agencies in the Intelligence Commu-
12 nity that are familiar with biological threats, biologi-
13 cal science, and biotechnology, including—

14 (A) biological scientists;

15 (B) biotechnologists; and

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

19 (3) include a plan for defining the functions,
20 capabilities, and gaps in the Intelligence Community
21 workforce with respect to assessing the biological
22 threat;

23 (4) include methods for collaboration—

1 (A) with non-Intelligence Community tech-
2 nical experts within Federal departments and
3 agencies; and

4 (B) as appropriate, with individuals with
5 expertise described in paragraph (2) who are
6 not employed by the Federal Government, in
7 particular with State and local biodefense stake-
8 holders;

9 (5) include a plan for defining, integrating, fo-
10 cusing, and enhancing existing capabilities in the In-
11 telligence Community dedicated to current and stra-
12 tegic biological threats; and

13 (6) include a plan for ensuring the
14 prioritization and sustained commitment of intel-
15 ligence personnel and resources to address biological
16 threats.

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

19 (1) include actions necessary to increase the ef-
20 fectiveness and efficiency of the sharing of intel-
21 ligence throughout the Intelligence Community on
22 biological weapons and organisms that could be used
23 for biological terrorism, including a description of
24 statutory, regulatory, policy, technical, security, or
25 other barriers that prevent such sharing, and, as ap-

1 appropriate, the development of uniform standards
2 across the Intelligence Community for such sharing;

3 (2) address strategic and tactical human intel-
4 ligence, measurement and signature intelligence,
5 technical intelligence, medical intelligence, and open-
6 source intelligence activities necessary to implement
7 the strategy;

8 (3) identify specific objectives to be accom-
9 plished during each year of the 5-year period that
10 begins on the date on which the strategy is sub-
11 mitted to the appropriate congressional committees
12 under subsection (d) and tasks to accomplish such
13 objectives, including—

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

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

18 (4) assign roles and responsibilities to elements
19 of the Intelligence Community to implement the
20 strategy;

21 (5) a schedule for assessment of the effective-
22 ness and efficiency of the strategy, including
23 metrics; and

24 (6) a schedule for evaluating on a regular basis
25 the efforts of the Intelligence Community and

1 progress on understanding and countering biological
2 threats.

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

9 (e) UPDATES.—The Director of National Intelligence
10 shall update the implementation plan at least once every
11 4 years.

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

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

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

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

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

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

4 **“Subtitle A—Prevention**

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

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

9 “(1) conduct intelligence and information shar-
10 ing activities consistent with the National Intel-
11 ligence Strategy for Countering the Threat from
12 Weapons of Mass Destruction under section 201 of
13 the WMD Prevention and Preparedness Act of 2014
14 and the National Intelligence Strategy for Coun-
15 tering Biological Threats under section 202 of that
16 Act;

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

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

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

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

12 “(6) share information and provide tailored an-
13 alytical support on these threats to State, local, and
14 tribal authorities as well as other national biosecu-
15 rity and biodefense stakeholders; and

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

18 “(b) COORDINATION.—Where appropriate, the Office
19 of Intelligence and Analysis shall coordinate with other
20 relevant Department components, others in the Intel-
21 ligence Community, including the National Counter Pro-
22 liferation Center, and other Federal, State, local, and trib-
23 al authorities, including officials from high-threat areas,
24 and enable such entities to provide recommendations on
25 optimal information sharing mechanisms, including expe-

1 ditious sharing of classified information, and on how they
2 can provide information to the Department.

3 “(c) REPORT.—

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

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

13 “(B) the Department’s activities in accord-
14 ance with relevant intelligence strategies, in-
15 cluding the National Intelligence Strategy for
16 Countering the Threat from Weapons of Mass
17 Destruction and the National Intelligence Strat-
18 egy for Countering Biological Threats.

19 “(2) ASSESSMENT OF IMPLEMENTATION.—The
20 report shall include—

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

24 “(B) such assessment.

1 **“SEC. 2102. RISK ASSESSMENTS.**

2 “(a) IN GENERAL.—The Secretary, acting through
3 the Under Secretary for Science and Technology, shall, in
4 coordination with relevant Department components and
5 other appropriate Federal departments and agencies—

6 “(1) produce and update periodically a ter-
7 rorism risk assessment of chemical, biological, radio-
8 logical, and nuclear threats; and

9 “(2) produce and update periodically an inte-
10 grated terrorism risk assessment that assesses all of
11 those threats and compares them against one an-
12 other according to their relative risk.

13 “(b) METHODOLOGY.—

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

15 “(A) convene an interagency task force of
16 relevant subject matter experts to assess the
17 proposed methodology to be used for assess-
18 ments required under subsection (a), and to
19 provide recommendations to the Secretary as to
20 the adequacy of such methodology;

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

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

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

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

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

11 “(2) allocation of resources for research and de-
12 velopment for chemical, biological, radiological, and
13 nuclear attack prevention, protection, response, and
14 recovery;

15 “(3) prioritization of medical countermeasure
16 research, development, acquisition, and distribution
17 activities and other national strategic biodefense re-
18 search;

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

23 “(5) other homeland security activities as deter-
24 mined appropriate by the Secretary and the heads of
25 other agencies.

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

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

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

12 “(3) share the risk assessments with Federal,
13 State, local and tribal officials with appropriate se-
14 curity clearances and a need for the information in
15 the classified version; and

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

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

1 “(1) a description of the types of departmental
2 activities for which the assessments should be con-
3 sidered;

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

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

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

11 **“SEC. 2103. NATIONAL EXPORT ENFORCEMENT COORDINA-**
12 **TION.**

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

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

24 “(1) enhance Federal coordination for law en-
25 forcement counterproliferation investigations, includ-

1 ing coordination and deconfliction with intelligence
2 counterproliferation activities;

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

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

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

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

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

15 “(2) There are unique challenges for commu-
16 nity preparedness for attacks from weapons of mass
17 destruction.

18 “(b) COMMUNICATIONS PLAN.—

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

1 “(2) CONSULTATION.—As appropriate, the Ad-
2 ministrator of the Federal Emergency Management
3 Agency shall consult with State, local, and tribal au-
4 thorities and coordinate with other Federal depart-
5 ments and agencies in developing the communica-
6 tions plans under paragraph (1).

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

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

22 “(B) DEVELOPMENT AND DESIGN.—The
23 pre-scripted messages or message templates
24 shall—

1 “(i) be developed in consultation with
2 State, local, and tribal authorities and in
3 coordination with other appropriate Fed-
4 eral departments and agencies;

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

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

17 “(iv) be designed to provide accurate,
18 essential, and appropriate information and
19 instructions to emergency response pro-
20 viders and medical personnel responding to
21 an incident; and

22 “(v) include direction for the coordi-
23 nation of Federal, State, local, and tribal
24 communications teams.

1 “(C) COMMUNICATIONS FORMATS.—The
2 Administrator shall develop pre-scripted mes-
3 sages or message templates under this para-
4 graph in multiple formats to ensure delivery—

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

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

10 “(iii) to educational and childcare fa-
11 cilities, including daycare centers, grade
12 schools, universities, hospitals, and elderly
13 care facilities.

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

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

10 “(4) REPORT.—Not later than 1 year after the
11 date of the enactment of this subsection, the Admin-
12 istrator of the Federal Emergency Management
13 Agency shall submit to the appropriate congressional
14 committees the communications plans required to be
15 developed under this subsection, including pre-
16 scribed messages or message templates developed in
17 conjunction with the plans and a description of the
18 means that will be used to deliver these messages
19 during such incidents.

20 “(c) TERRORISM THREAT AWARENESS.—

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

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

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

11 “(2) THREAT BULLETINS.—

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

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

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

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

1 munication systems, and information net-
2 works.

3 “(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL
4 AUTHORITIES.—The Secretary, using information
5 provided by the terrorism risk assessments under
6 section 2102 and material threat assessments and
7 determinations under the Project BioShield Act of
8 2004 (Public Law 108–276) and the amendments
9 made by that Act—

10 “(A) shall provide to State, local, and trib-
11 al authorities written guidance on commu-
12 nicating terrorism-related threats and risks to
13 the public within their jurisdictions; and

14 “(B) shall identify and articulate the gov-
15 ernmental rationale for identifying particular
16 communities as being at heightened risk of ex-
17 ploitation.

18 “(4) USE OF EXISTING RESOURCES.—The Sec-
19 retary shall use Internet Web sites, communication
20 systems, and information networks in operation on
21 the date of an assessment under this subsection, and
22 shall coordinate with other heads of Federal depart-
23 ments and agencies to provide information through
24 existing channels to satisfy the requirements of
25 paragraph (2)(B)(ii). The Secretary shall provide

1 guidance on how State, local, tribal, and private en-
2 tities can partner with public television stations to
3 disseminate information provided by the Department
4 and shall provide information on best practices on
5 disseminating information to residents of local com-
6 munities, including leveraging public television sta-
7 tions.

8 **“SEC. 2105. INDIVIDUAL AND COMMUNITY PREPAREDNESS**
9 **FOR CHEMICAL, BIOLOGICAL, RADIO-**
10 **LOGICAL, AND NUCLEAR ATTACKS.**

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

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

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

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

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

7 “(5) conducting individual and community pre-
8 paredness outreach efforts; and

9 “(6) such other actions as the Secretary deter-
10 mines appropriate.

11 “(b) COORDINATION.—The Secretary shall coordi-
12 nate with Federal departments and agencies and with pri-
13 vate sector and nongovernmental organizations to promote
14 individual and community preparedness and collective re-
15 sponse to terrorist attacks involving chemical, biological,
16 radiological, and nuclear materials against the United
17 States.

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

1 **“Subtitle B—Protection**

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

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

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

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

12 “(3) provide information to participating lab-
13 oratories and programs for their use in monitoring
14 public health, and biological material or other data
15 from those detectors to participating laboratories
16 and programs for testing and evaluation;

17 “(4) regularly communicate with, and provide
18 information about the presence of biological agents
19 to, appropriate Federal, State, and local agencies re-
20 sponsible for public health, law enforcement, and
21 emergency services, in a manner that ensures trans-
22 parency with the governments served by such per-
23 sonnel;

24 “(5) provide advanced planning tools, concepts
25 of operations (including alarm resolution protocols

1 and response guidance), standard operating proce-
2 dures, and training exercises (including in collabora-
3 tion with relevant national level exercises) for collec-
4 tive response to and recovery from biological attacks;
5 and

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

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

11 “(1) enter into memoranda of agreement or
12 interagency agreements under the Economy Act of
13 1933 (31 U.S.C. 1535 et seq.) with the Director of
14 the Centers for Disease Control and Prevention and
15 the Administrator of the Environmental Protection
16 Agency, and the heads of other Federal departments
17 and agencies, setting forth roles and responsibilities,
18 including with respect to validating performance and
19 developing testing protocols for participating labora-
20 tories and coordination with appropriate State, local,
21 and tribal agencies;

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

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

7 “(A) evaluates biological threat detection
8 assays, their protocols for use, and their associ-
9 ated response algorithms for confirmation of bi-
10 ological threat agents, taking performance
11 measures and concepts of operation into consid-
12 eration;

13 “(B) develops interagency peer-reviewed
14 assay performance and equivalency standards
15 based on the findings of the evaluation under
16 subparagraph (A);

17 “(C) requires implementation of the stand-
18 ards developed under subparagraph (B) for all
19 Department biological detection programs;

20 “(D) promotes use of such standards
21 among all other Federal biological detection
22 programs and makes them available to the pri-
23 vate sector and other end-users as appropriate;
24 and

25 “(E) is updated as necessary;

1 “(4) prior to obligating funds to acquire bio-
2 detection systems for purposes of operational testing
3 and evaluation, require—

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

7 “(B) an assessment of the sensitivity and
8 specificity of the next generation biodetection
9 system or systems under consideration for ac-
10 quisition and whether it meets established oper-
11 ational requirements;

12 “(C) provision of all raw data to the
13 Science and Technology Directorate to enable
14 the Under Secretary to—

15 “(i) conduct a trade-off study com-
16 paring the results of subparagraphs (A)
17 and (B); and

18 “(ii) perform a technical readiness as-
19 sessment in accordance with section
20 308(b); and

21 “(D) that the findings under subparagraph
22 (C) inform the cost-benefit analysis under para-
23 graph (5)(A) and any Departmental acquisition
24 review board decision regarding the biodetection
25 system or systems under consideration; and

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

3 “(A) a cost-benefit analysis, including an
4 analysis of alternatives, that shall be informed
5 by the terrorism risk assessments under section
6 2102;

7 “(B) operational testing and evaluation;

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

10 “(D) the Department, other relevant execu-
11 tive agencies, and local jurisdictions intended
12 to host the systems to agree on concepts of op-
13 erations for resolving alarms.

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

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

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

24 “(d) DEFINITIONS.—In this section:

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

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

7 “(B) provides biocontainment and micro-
8 biological analysis in support of the Department
9 and relevant law enforcement agencies with re-
10 sponsibilities for investigating biological inci-
11 dents; and

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

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

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

20 “(a) IN GENERAL.—The Secretary of Homeland Se-
21 curity shall require the Under Secretary for Science and
22 Technology, in consultation with the heads of other rel-
23 evant operational components of the Department of
24 Homeland Security, to assess whether the development of
25 technological screening capabilities for biological agents,

1 pandemic influenza, and other infectious diseases should
2 be undertaken by the Directorate of Science and Tech-
3 nology to support entry and exit screening at ports of
4 entry and for other homeland security purposes.

5 “(b) DEVELOPMENT OF METHODS.—If the Under
6 Secretary determines that the development of such screen-
7 ing capabilities should be undertaken, the Secretary shall,
8 to the extent possible, initiate development of safe and ef-
9 fective methods to—

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

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

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

16 “To inform the purchase of detection technology, the
17 Secretary, in coordination with the Director of the Na-
18 tional Institute of Standards and Technology, may carry
19 out a program to—

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

1 “(2) establish a process for voluntary testing
2 and evaluation of technology by an accredited lab-
3 oratory to demonstrate conformance to such con-
4 sensus standards, or performance metrics if stand-
5 ards do not exist, for the effective detection of high-
6 priority biological agents and toxins and high-pri-
7 ority chemical agents, including incentivization for
8 the program through potential cost sharing with
9 technology manufacturers and for SAFETY Act cer-
10 tification or placement on the authorized equipment
11 list, or both; and

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

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

20 “(a) SECURING THE CITIES.—The Director of the
21 Domestic Nuclear Detection Office shall establish and
22 maintain a multilayered system of detection technologies,
23 programs, and guidelines designed to enhance the Na-
24 tion’s ability to detect and prevent a radiological or nu-

1 clear attack in high-risk United States cities, as deter-
2 mined by the Secretary.

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

9 “(c) INTEGRATION.—The programs under sub-
10 sections (a) and (b) shall be integrated into the Global
11 Nuclear Detection Architecture and shall inform architec-
12 ture studies, technology gaps, and research activities of
13 the Domestic Nuclear Detection Office.

14 **“Subtitle C—Response**

15 **“SEC. 2131. FIRST RESPONDER GUIDANCE CONCERNING**
16 **CHEMICAL, BIOLOGICAL, RADIOLOGICAL,**
17 **AND NUCLEAR ATTACKS.**

18 “(a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—
19 Not later than 1 year after the date of the enactment of
20 this section, the Secretary, in coordination with the Sec-
21 retary of Health and Human Services, the Secretary of
22 Agriculture, the Administrator of the Environmental Pro-
23 tection Agency, the Attorney General, and the heads of
24 other Federal departments and agencies, as appropriate,
25 shall—

1 “(1) develop for police, fire, emergency medical
2 services, emergency management, and medical and
3 public health personnel, voluntary guidance for re-
4 sponding to a release of chemical, biological, radio-
5 logical, and nuclear material;

6 “(2) make such guidance available to State,
7 local, and tribal authorities, including primary and
8 secondary schools and other educational institutions,
9 nongovernmental organizations, the private sector,
10 and the public; and

11 “(3) in developing the guidance under para-
12 graph (1)—

13 “(A) review the experiences of other coun-
14 tries and the expertise of academic institutions
15 and nongovernmental organizations; and

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

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

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

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

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

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

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

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

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

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

20 “(1) enable members of the first responder and
21 first provider community to submit recommendations
22 of areas in which guidance is needed and could be
23 developed under subsection (a)(1);

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

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

3 “(4) develop and disseminate the guidance in
4 accordance with the prioritization under paragraph
5 (3).

6 **“SEC. 2132. INTEGRATED PLUME MODELING FOR COLLEC-**
7 **TIVE RESPONSE.**

8 “(a) DEVELOPMENT.—

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

14 “(2) SCOPE.—The Secretary shall—

15 “(A) identify Federal, State, and local
16 needs regarding plume models and ensure the
17 rapid development and distribution of inte-
18 grated plume models that meet those needs to
19 appropriate officials of the Federal Government
20 and State, local, and tribal authorities to enable
21 immediate response to a chemical, biological,
22 radiological, or nuclear attack or event;

23 “(B) establish mechanisms for dissemina-
24 tion by appropriate emergency response officials
25 of the integrated plume models described in

1 paragraph (1) to nongovernmental organiza-
2 tions and the public to enable appropriate col-
3 lective response activities;

4 “(C) ensure that guidance and training in
5 how to appropriately use such models are pro-
6 vided; and

7 “(D) ensure that lessons learned from as-
8 sessing the development and dissemination of
9 integrated plume models during exercises ad-
10 ministered by the Department are put into the
11 lessons learned information sharing system
12 maintained by the Department.

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

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

18 “(2) The term ‘integrated plume model’ means
19 a plume model that integrates protective action guid-
20 ance and other information as the Secretary deter-
21 mines appropriate.

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

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

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

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

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

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

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

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

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

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

8 “*In carrying out their functions, responsibilities, au-*
9 *thorities, and duties to counter biological terrorism, the*
10 Secretary, the Attorney General, and the heads of other
11 participating Federal agencies are authorized, subject to
12 the availability of appropriations, to enter into contracts
13 with laboratories that comprise the Laboratory Response
14 Network for Biological Terrorism and other federally
15 networked laboratories that agree to participate in such
16 a contract, for the provision of laboratory testing services
17 on a fee-for-service basis or on a prepayment or other
18 similar basis. Prior to entering into such a contract with
19 any laboratory in the Laboratory Response Network for
20 Biological Terrorism, the Secretary, the Attorney General,
21 or the head of any other participating Federal agency shall
22 inform the Centers for Disease Control and Prevention.

23 **“SEC. 2135. BIOFORENSICS CAPABILITIES.**

24 “(a) **BIOFORENSICS ANALYSIS CENTER.**—There is
25 authorized in the Department a bioforensics analysis cen-

1 ter to provide support for law enforcement and intel-
2 ligence-related investigations and actions to—

3 “(1) provide definitive bioforensics analysis in
4 support of the executive agencies with primary re-
5 sponsibilities for preventing, deterring, responding
6 to, attributing, and recovering from biological at-
7 tacks; and

8 “(2) undertake other related bioforensics activi-
9 ties.

10 “(b) PAYMENT FOR SERVICES.—The center shall
11 charge and retain fees to reimburse the cost of any service
12 provided to an executive agency that requested such serv-
13 ice.

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

19 “(1) providing training and other educational
20 benefits for such stakeholders to help them to better
21 understand the policies, procedures, and laws gov-
22 erning national bioforensics activities; and

23 “(2) bolstering the capabilities and information
24 sharing activities of the bioforensics analysis center

1 authorized under subsection (a) with national bio-
2 security and biodefense stakeholders.

3 **“SEC. 2136. METROPOLITAN MEDICAL RESPONSE SYSTEM**
4 **PROGRAM.**

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

11 “(b) FINANCIAL ASSISTANCE.—

12 “(1) AUTHORIZATION OF GRANTS.—

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

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

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

6 “(A) to strengthen medical surge capacity;

7 “(B) to strengthen mass prophylaxis capa-
8 bilities including development and maintenance
9 of an initial pharmaceutical stockpile sufficient
10 to protect first responders, their families, and
11 immediate victims from a chemical or biological
12 event, including the procurement of home med-
13 ical kits that are approved pursuant to the Fed-
14 eral Food, Drug, and Cosmetic Act (21 U.S.C.
15 301 et seq.) or the Public Health Service Act
16 (42 U.S.C. 201 et seq.), as applicable;

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

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

23 “(E) for planning;

24 “(F) to support efforts to strengthen infor-
25 mation sharing and collaboration capabilities of

1 regional, State, and urban areas in support of
2 public health and medical preparedness;

3 “(G) for medical supplies management and
4 distribution;

5 “(H) for training and exercises;

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

13 “(J) for such other activities as the Ad-
14 ministrator provides.

15 “(3) ELIGIBILITY.—

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

22 “(B) ADDITIONAL JURISDICTIONS.—

23 “(i) UNREPRESENTED STATES.—

24 “(I) IN GENERAL.—Except as
25 provided in subparagraph (C), the Ad-

1 administrator may make grants under
2 this section to the metropolitan statis-
3 tical area with the largest population
4 in any State in which no jurisdiction
5 received funds through the Metropoli-
6 tan Medical Response Program in fis-
7 cal year 2009, or in which funding
8 was received only through another
9 State.

10 “(II) LIMITATION.—For each of
11 fiscal years 2014 through 2016, no
12 jurisdiction that would otherwise be
13 eligible to receive grants under sub-
14 clause (I) shall receive a grant under
15 this section if it would result in any
16 jurisdiction under subparagraph (A)
17 receiving less funding than such juris-
18 diction received in fiscal year 2009.

19 “(ii) OTHER JURISDICTIONS.—

20 “(I) IN GENERAL.—Subject to
21 subparagraph (C), the Administrator
22 may determine that additional juris-
23 dictions are eligible to receive grants
24 under this section.

1 “(II) LIMITATION.—For each of
2 fiscal years 2014 through 2016, the
3 eligibility of any additional jurisdic-
4 tion to receive grants under this sec-
5 tion is subject to the availability of
6 appropriations beyond that necessary
7 to—

8 “(aa) ensure that each juris-
9 diction eligible to receive a grant
10 under subparagraph (A) does not
11 receive less funding than such ju-
12 risdiction received in fiscal year
13 2009; and

14 “(bb) provide grants to ju-
15 risdictions eligible under clause
16 (i).

17 “(4) DISTRIBUTION OF FUNDS.—

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

22 “(B) PASS THROUGH.—Subject to sub-
23 paragraph (C), not later than 45 days after the
24 date on which a State receives grant funds
25 under subparagraph (A), the State shall provide

1 the jurisdiction receiving the grant 100 percent
2 of the grant funds, and not later than 45 days
3 after the State releases the funds, all fiscal
4 agents shall make the grant funds available for
5 expenditure.

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

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

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

9 “(d) METROPOLITAN MEDICAL RESPONSE SYSTEM
10 WORKING GROUP DEFINED.—In this section, the term
11 ‘National Metropolitan Medical Response System Working
12 Group’ means—

13 “(1) 10 Metropolitan Medical Response System
14 Program grant managers, who shall—

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

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

21 “(C) include—

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

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

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

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated \$42,000,000 to carry out
9 the program for each of fiscal years 2014 through 2018.

10 **“Subtitle D—Recovery**

11 **“SEC. 2141. IDENTIFYING AND ADDRESSING GAPS IN RE-** 12 **COVERY CAPABILITIES.**

13 “(a) RISK ASSESSMENT.—

14 “(1) TAILORED RISK ASSESSMENT.—The Sec-
15 retary, acting through the Under Secretary for
16 Science and Technology and in coordination with the
17 Administrator of the Environmental Protection
18 Agency, shall conduct tailored risk assessments to
19 inform prioritization of national recovery activities
20 for chemical, biological, radiological, and nuclear in-
21 cidents, to be updated as necessary.

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

1 “(A) consult with the Secretary of Health
2 and Human Services, the Secretary of Agri-
3 culture, the Secretary of the Interior, the Chair-
4 man of the Nuclear Regulatory Commission,
5 and the heads of other relevant Federal depart-
6 ments and agencies;

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

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

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

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

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

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

8 “(a) ESTABLISHMENT OF GUIDANCE.—The Sec-
9 retary shall develop and issue guidance for clean-up and
10 restoration of indoor and outdoor areas, including subways
11 and other mass transportation facilities, that have been
12 exposed to chemical, biological, radiological, or nuclear
13 materials. The Secretary shall develop and issue the guid-
14 ance, within 24 months after the date of enactment of this
15 section, in consultation with—

16 “(1) the Secretary of Agriculture;

17 “(2) the Secretary of Commerce;

18 “(3) the Secretary of Education;

19 “(4) the Secretary of the Interior;

20 “(5) the Attorney General;

21 “(6) the Secretary of Labor;

22 “(7) the Secretary of Transportation;

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

1 “(9) the Secretary of Health and Human Serv-
2 ices;

3 “(10) the Secretary of Veterans Affairs;

4 “(11) the Secretary of the Treasury;

5 “(12) the Administrator of the Environmental
6 Protection Agency; and

7 “(13) the Administrator of the Small Business
8 Administration.

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

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

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

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

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

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

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

5 “(7) air sampling procedures;

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

9 “(9) waste disposal.

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

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

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

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

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

1 “(1) prioritize issuance of guidance based on
2 the results of the risk assessment under section
3 2131;

4 “(2) inventory existing relevant guidance;

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

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

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

11 “(6) develop and disseminate the guidance in
12 accordance with the prioritization under paragraph
13 (5).

14 “(e) CONSULTATIONS.—The Secretary shall develop
15 and revise the guidance developed under subsection (a),
16 and the procedures required under subsection (d), in con-
17 sultation with—

18 “(1) the heads of other Federal departments
19 and agencies that are not required to be consulted
20 under subsection (a), as the Secretary considers ap-
21 propriate;

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

23 “(3) nongovernmental organizations and private
24 industry.

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

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

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

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

11 “(4) a plan for reviewing the guidance de-
12 scribed in paragraph (2), in accordance with sub-
13 section (e);

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

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

19 **“SEC. 2143. EXERCISES.**

20 “(a) IN GENERAL.—To facilitate recovery from a
21 chemical, biological, radiological, or nuclear attack or
22 other incident involving chemical, biological, radiological,
23 or nuclear materials and to foster collective response to
24 terrorism, the Secretary shall develop exercises in con-
25 sultation with State, local, and tribal authorities and other

1 appropriate Federal agencies, and, as appropriate, in col-
 2 laboration with national level exercises, including exercises
 3 that address, to the best knowledge available at the time,
 4 analysis, indoor environmental cleanup methods, and de-
 5 contamination standards, including those published in the
 6 guidance issued under section 2142.

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

16 (b) CLERICAL AMENDMENT.—The table of contents
 17 in section 1(b) of such Act is amended by adding at the
 18 end the following new items:

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION
 AND PREPAREDNESS

“Subtitle A—Prevention

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

“Sec. 2102. Risk assessments.

“Sec. 2103. National Export Enforcement Coordination.

“Sec. 2104. Communication of threat information.

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

“Subtitle B—Protection

“Sec. 2121. Detection of biological attacks.

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

“Sec. 2123. Evaluating detection technology.

“Sec. 2124. Domestic implementation of the Global Nuclear Detection Architecture.

“Subtitle C—Response

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

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

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

“Sec. 2134. Payment for laboratory response services.

“Sec. 2135. Bioforensics capabilities.

“Sec. 2136. Metropolitan Medical Response System Program.

“Subtitle D—Recovery

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

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

“Sec. 2143. Exercises.”.

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

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

7 (1) IN GENERAL.—The Administrator of the
8 Federal Emergency Management Agency, the Chief
9 Medical Officer of the Department of Homeland Se-
10 curity, and the National Metropolitan Medical Re-
11 sponse System Working Group shall conduct a re-
12 view of the Metropolitan Medical Response System
13 Program authorized under section 2136 of the
14 Homeland Security Act of 2002, as added by this
15 section, including an examination of—

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

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

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

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

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

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

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

1 (H) the resource requirements of the Met-
2 ropolitan Medical Response System Program.

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

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

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

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

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

22 (1) PANEL.—

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

1 sory Panel to make technical and substantive
2 recommendations on biological agent and toxin
3 security.

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

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

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

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

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

23 (i) The Department of Agriculture.

24 (ii) The Department of Commerce.

25 (iii) The Department of Defense.

1 (iv) The Department of Energy.

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

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

6 (vii) The Department of Justice.

7 (viii) The Department of Labor.

8 (ix) The Department of State.

9 (x) The Department of Transpor-
10 tation.

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

13 (xii) The Environmental Protection
14 Agency.

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

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

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

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

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

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

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

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

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

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

1 devastating effects to the economy, informed
2 by—

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

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

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

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

23 (D) the establishment of appropriate prac-
24 tices for physical security and cyber security for

1 facilities that possess highest risk biological
2 agents or toxins;

3 (E) standards for training of laboratory
4 personnel in security measures;

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

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

10 (H) any other security standards deter-
11 mined necessary.

12 (b) REVISION OF RULES AND REGULATIONS.—

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

22 (2) FINAL RULES.—The Secretaries of Health
23 and Human Services and Agriculture, in coordina-
24 tion with the Secretary of Homeland Security, no
25 later than 24 months after the date of the enact-

1 ment of this section, shall promulgate final rules de-
2 scribed in paragraph (1).

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

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

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

21 (d) COMMON INSPECTION PROCEDURES.—The heads
22 of the entities listed in subsection (a)(1)(D) shall coordi-
23 nate or consolidate laboratory inspections and ensure that
24 such inspections are conducted using a common set of in-

1 inspection procedures across such entities in order to mini-
2 mize the administrative burden on such laboratory.

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

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

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

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

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

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

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

1 issues with the Secretary of Homeland Security;
2 and

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

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

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

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

25 (C) other relevant laws.

1 (g) DEFINITIONS.—In this section:

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

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

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

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

14 **SEC. 303. DEFINITIONS.**

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

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

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

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

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

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

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

18 (c) ESTABLISHMENT OF GUIDANCE.—Not later than
19 six months after the date of the enactment of this Act,
20 the Secretary shall develop and provide to the heads of
21 all departments and agencies that fund life sciences re-
22 search, guidance on compliance with United States laws,
23 arms control agreements to which the United States is a
24 party or signatory, and individual department and agency
25 policy, including consideration of—

1 (1) best practices for establishing a department
2 or agency process that achieves compliance for de-
3 partment or agency research, development, or acqui-
4 sition projects in the life sciences;

5 (2) the types of projects that should be as-
6 sessed;

7 (3) at what stage or stages such projects should
8 be assessed; and

9 (4) means for preventing the release of home-
10 land or national security information.

11 (d) RESEARCH AND DEVELOPMENT.—Based upon
12 the findings of the risk assessment undertaken in accord-
13 ance with subsection (b), the Under Secretary may con-
14 duct research into the risks and ways to mitigate such
15 risks of synthetic biology, including—

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

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

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

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

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

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

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

21 It is the sense of Congress that—

22 (1) 10 years after the terrorist attacks of Sep-
23 tember 11, 2001, and 7 years after enactment of the
24 Project BioShield Act of 2004 (Public Law 108–
25 276), coordination among Federal agencies involved

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

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

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

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

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

25 “(a) DEFINITIONS.—In this section—

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

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

7 “(b) STRATEGY.—

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

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

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

1 “(B) post-incident requirements for emer-
 2 gency use authorizations before counter-
 3 measures can be distributed legally;

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

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

12 “(c) COORDINATION.—The Secretary shall coordinate
 13 with the Administrator of the Federal Emergency Man-
 14 agement Agency, State, local, and tribal authorities, rep-
 15 resentatives from the private sector, and nongovernmental
 16 organizations on the National Medical Countermeasures
 17 Dispensing Strategy.

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

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

24 (a) REQUIREMENT.—The Secretary of Health and
 25 Human Services, in coordination with the Secretary of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (A) risk assessments;

11 (B) prevention;

12 (C) protection;

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

15 (i) security of the stockpile;

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

20 (iii) delivery planning; and

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

23 (E) response and attribution;

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

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

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

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

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

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

17 (1) the Department of Homeland Security;

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

21 (3) the Department of Agriculture;

22 (4) the Department of Defense;

23 (5) the Department of Justice;

24 (6) the Department of State;

25 (7) the Director of National Intelligence;

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

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

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

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

14 The Secretary of State shall—

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

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

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

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

○