

114TH CONGRESS  
2D SESSION

# S. 2967

To amend the Homeland Security Act of 2002 to require the Office of Management and Budget to execute a national biodefense strategy, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 2016

Mr. JOHNSON (for himself and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Homeland Security Act of 2002 to require the Office of Management and Budget to execute a national biodefense strategy, 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.**

4 This Act may be cited as the “National Biodefense  
5 Strategy Act of 2016”.

6 **SEC. 2. BIODEFENSE STRATEGY.**

7 (a) IN GENERAL.—Title V of the Homeland Security  
8 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding  
9 at the end the following:

1 **“SEC. 526. NATIONAL BIODEFENSE STRATEGY.**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘biodefense’ means any involve-  
4 ment in mitigating the risks of major biological inci-  
5 dents and public health emergencies to the United  
6 States, including with respect to—

7 “(A) threat awareness;

8 “(B) prevention and protection;

9 “(C) surveillance and detection;

10 “(D) response and recovery; and

11 “(E) attribution of an intentional biological  
12 incident;

13 “(2) the term ‘biodefense enterprise’ means the  
14 programs, projects, activities, and resources across  
15 the Federal Government that are involved in bio-  
16 defense;

17 “(3) the term ‘Council’ means the Biodefense  
18 Coordination Council established under subsection  
19 (b); and

20 “(4) the term ‘Strategy’ means the National  
21 Biodefense Strategy required to be established under  
22 subsection (b)(5).

23 “(b) BIODEFENSE COORDINATION COUNCIL.—

24 “(1) ESTABLISHMENT.—The President shall es-  
25 tablish a Biodefense Coordination Council, which  
26 shall be comprised of, at a minimum—

1           “(A) the Secretary of Health and Human  
2 Services;

3           “(B) the Secretary of Agriculture;

4           “(C) the Secretary of Defense;

5           “(D) the Secretary of Homeland Security;

6           “(E) the Secretary of State;

7           “(F) the Director of National Intelligence;

8 and

9           “(G) the Administrator of the Environ-  
10 mental Protection Agency.

11       “(2) DUTIES.—The Council shall—

12           “(A) provide the expertise necessary to de-  
13 velop the Strategy; and

14           “(B) in coordination with the Office of  
15 Management and Budget, review, prioritize, and  
16 align necessary biodefense activities and spend-  
17 ing across the Federal Government, in a man-  
18 ner consistent with the Strategy.

19       “(3) ROTATING CHAIR.—During the 4-year pe-  
20 riod beginning on the date on which the Council is  
21 established, and each 4-year period thereafter, each  
22 of the 4 Secretaries described in subparagraphs (A)  
23 through (D) of paragraph (1) shall serve as the  
24 chairperson for the Council for 1 year. The first

1 chairperson of the Council shall be the Secretary of  
2 Health and Human Services.

3 “(4) PRESIDENT’S ANNUAL BUDGET.—The rec-  
4 ommendations of the Council shall inform the budg-  
5 et submitted by the President under section 1105 of  
6 title 31, United States Code, with respect to bio-  
7 defense activities.

8 “(5) STRATEGY.—The President shall develop a  
9 National Biodefense Strategy to direct and align the  
10 inter-governmental and multi-disciplinary efforts of  
11 the Federal Government towards an effective and  
12 continuously improving biodefense enterprise, includ-  
13 ing threat awareness, prevention and protection, sur-  
14 veillance and detection, and response and recovery to  
15 major biological incidents.

16 “(c) COORDINATION.—

17 “(1) COUNCIL.—In developing the Strategy, the  
18 President shall utilize the Council.

19 “(2) OTHER AGENCIES.—In developing the  
20 Strategy, the President may utilize—

21 “(A) the Secretary of Commerce;

22 “(B) the Attorney General; and

23 “(C) any other Federal department or  
24 agency the President determines appropriate.

1           “(3) PRIVATE SECTOR ENTITIES.—The Presi-  
2           dent may receive input on elements of the Strategy  
3           from private sector biodefense entities.

4           “(4) ACADEMIC INSTITUTIONS.—The President  
5           may receive input on elements of the Strategy from  
6           academic institutions.

7           “(d) COORDINATION WITH EXISTING STRATEGIES.—  
8           The Strategy shall serve as a comprehensive guide for  
9           United States biodefense that directs and harmonizes all  
10          other strategies or plans established or maintained by a  
11          Federal department or agency with respect to biodefense.

12          “(e) CONTENTS.—

13                 “(1) REQUIREMENTS.—The Strategy shall in-  
14                 clude, at a minimum—

15                         “(A) a comprehensive description of the  
16                         entities and positions of leadership with respon-  
17                         sibility, authority, and accountability for imple-  
18                         menting, overseeing, and coordinating Federal  
19                         biodefense activities described in subsection  
20                         (b)(5), including a description of how such enti-  
21                         ties coordinate on each aspect of biodefense;

22                         “(B) a review of current and previous col-  
23                         laborative efforts between the Armed Forces  
24                         and the civilian sector of the Federal Govern-  
25                         ment on biodefense activities and coordination;

1 “(C) a detailed analysis of the—

2 “(i) relevant recommendations issued  
3 by external biodefense review panels or  
4 commissions, and the extent to which the  
5 recommendations have been considered and  
6 implemented by Federal departments and  
7 agencies;

8 “(ii) lessons learned from the response  
9 of the Federal Government to public health  
10 emergencies occurring within the 5 years  
11 preceding the submission of the strategy;

12 “(iii) risks associated with major bio-  
13 logical incidents;

14 “(iv) resources and capabilities needed  
15 to address identified risks;

16 “(v) resource and capability gaps in  
17 the biodefense enterprise, including gaps  
18 in—

19 “(I) each category of biodefense  
20 activity described in subsection (a)(1);

21 “(II) identification and research  
22 of emerging biological threats;

23 “(III) programs, projects, and  
24 activities in effect before the date of  
25 enactment of this section;

1                   “(IV) strategies and implementa-  
2                   tion plans related to biodefense activi-  
3                   ties in effect before the date of enact-  
4                   ment of this section;

5                   “(V) the ability to reallocate Fed-  
6                   eral resources to address risks posed  
7                   by emerging biological threats; and

8                   “(VI) meeting the needs of vul-  
9                   nerable populations during the re-  
10                  sponse to and recovery from a public  
11                  health emergency; and

12                  “(vi) prioritization and allocation of  
13                  investment across the biodefense enter-  
14                  prise;

15                  “(D) 5-year goals, priorities, and metrics  
16                  to improve and strengthen the ability of the  
17                  Federal Government to prevent, detect, respond  
18                  to, and recover from a major biological incident;

19                  “(E) short- and long-term research and de-  
20                  velopment projects or initiatives planned to im-  
21                  prove biodefense capability; and

22                  “(F) recommendations for legislative ac-  
23                  tion needed to expedite progression toward the  
24                  goals identified in the Strategy.

1           “(2) CONSIDERATIONS.—In developing the  
2 Strategy, the President may consider—

3           “(A) the trade-offs made between differing  
4 goals and requirements, due to constraints in  
5 expected assets and resources over the time pe-  
6 riod of such goals and requirements; and

7           “(B) any other analysis the President de-  
8 termines appropriate.

9           “(f) DEADLINE.—Not later than 24 months after the  
10 date of enactment of this section and notwithstanding sub-  
11 section (k), the President shall submit the Strategy to the  
12 Committee on Homeland Security and Governmental Af-  
13 fairs of the Senate and the Committee on Homeland Secu-  
14 rity of the House of Representatives.

15          “(g) STATUS UPDATES.—Not later than 180 days  
16 after the date of enactment of this section, and every 180  
17 days thereafter until the date on which the Strategy is  
18 submitted to the congressional committees described in  
19 subsection (f), the President shall submit to such congres-  
20 sional committees an update on the status of the Strategy.

21          “(h) REQUIREMENT.—Notwithstanding subsection  
22 (k), the Strategy shall be made available on a public Inter-  
23 net website.

24          “(i) FIVE-YEAR UPDATE.—Beginning 5 years after  
25 the date on which the Strategy is submitted to the con-

1 gressional committees described in subsection (f), and not  
2 less frequently than every 5 years thereafter, the President  
3 shall update the Strategy.

4 “(j) ANNUAL BIODEFENSE EXPENDITURES RE-  
5 PORT.—

6 “(1) IN GENERAL.—Not later than 30 days  
7 after the date on which the President submits a  
8 budget to Congress under section 1105 of title 31,  
9 United States Code, the President shall submit to  
10 the appropriate congressional committees a report  
11 detailing the total amount of expenditures on bio-  
12 defense activities by all Federal departments and  
13 agencies.

14 “(2) REQUIREMENT.—The first report sub-  
15 mitted under paragraph (1) shall provide historical  
16 context by detailing the total amount of expenditures  
17 on biodefense for the 3 preceding fiscal years, in ad-  
18 dition to the fiscal year requirements for the fiscal  
19 year covered by the report.

20 “(k) CLASSIFIED ANNEX.—To the fullest extent pos-  
21 sible, any reports required to be made publicly available  
22 under this section shall be unclassified, but may include  
23 classified annexes that shall be submitted concurrently to  
24 the congressional homeland security committees.”.

1 (b) TABLE OF CONTENTS.—The table of contents in  
2 section 1(b) of the Homeland Security Act of 2002 (6  
3 U.S.C. 101 note) is amended by inserting after the item  
4 relating to section 525 the following:

“Sec. 526. National Biodefense Strategy.”.

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