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111TH CONGRESS
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H. R. 5057

To prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2010

Mr. KING of New York (for himself, Mr. ROGERS of Alabama, Mr. OLSON, and Mr. CAO) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Agriculture, Oversight and Government Reform, Transportation and Infrastructure, Foreign Affairs, Select Intelligence (Permanent Select), and Armed Services, 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

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A BILL

To prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Weapons of Mass Destruction Prevention and Preparedness Act of 2010'' or the ''WMD Prevention and Preparedness Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—ENHANCED BIOSECURITY

SEC. 101. DESIGNATION OF TIER I AGENTS.

(a) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—Section 351A of the Public Health Service Act (42 U.S.C. 262a) is amended in subsection (a)—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2) TIER I AGENTS.—

''(A) DESIGNATION OF TIER I AGENTS.—Not later than 180 days after the date of enactment of the Weapons of Mass Destruction Prevention and Preparedness Act of 2010, the Secretary, in coordination with the Secretary of Homeland Security, shall by regulation designate as 'Tier I agents' those agents and toxins—

''(i) for which the Secretary of Homeland Security has issued a Material Threat Determination under section 319F–2(c)(2) regarding the agent or toxin, unless the Secretary of Health and Human Services determines, in coordination with the Secretary of Homeland Security, that such designation is unwarranted; or

''(ii) that meet the criteria under subparagraph (B).

''(B) CRITERIA.—In determining whether to designate an agent or toxin as a Tier I agent

under subparagraph (A), the Secretary, in coordination with the Secretary of Homeland Security, shall consider—

"(i) whether the agent or toxin has clear potential to be used effectively in a biological attack that causes significant casualties;

"(ii) information available from any biological or bioterrorism risk assessments conducted by the Department of Homeland Security or relevant assessments by other agencies; and

"(iii) such other criteria and information that the Secretary determines appropriate and relevant.

"(C) INCLUSION OF AGENTS AND TOXINS NOT PREVIOUSLY LISTED.—All agents or toxins designated by the Secretary as Tier I agents shall be included on the list maintained by the Secretary pursuant to paragraph (1).

"(D) EVALUATION OF TIER I AGENTS.—The Secretary, in coordination with the Secretary of Homeland Security, shall—

"(i) on an ongoing basis, consider the inclusion of additional agents or toxins on

the list of Tier I agents, as appropriate; and

''(ii) at least biennially, review the list of Tier I agents to determine whether any agents or toxins should be removed from the list.''; and

(3) in paragraph (3), as so redesignated, by striking ''list under paragraph (1)'' and inserting ''lists under paragraphs (1) and (2)''.

(b) AMENDMENTS TO THE AGRICULTURAL BIOTERRORISM PROTECTION ACT OF 2002.—Section 212(a) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2) TIER I AGENTS.—

''(A) DESIGNATION OF TIER I AGENTS.—Not later than 180 days after the date of enactment of the Weapons of Mass Destruction Prevention and Preparedness Act of 2010, the Secretary, in coordination with the Secretary of Homeland Security, shall by regulation des-

ignate as 'Tier I agents' those agents and toxins—

''(i) for which the Secretary of Homeland Security has issued a Material Threat Determination under section 319F–2(c)(2) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(2)) regarding the agent or toxin, unless the Secretary of Agriculture determines, in coordination with the Secretary of Homeland Security, that such designation is unwarranted; or

''(ii) that meet the criteria under subparagraph (B).

''(B) CRITERIA.—In determining whether to designate an agent or toxin as a Tier I agent under subparagraph (A), the Secretary, in coordination with the Secretary of Homeland Security, shall consider—

''(i) whether the agent or toxin has clear potential to be used effectively in a biological attack that causes catastrophic consequences;

''(ii) information available from any biological or bioterrorism risk assessments conducted by the Department of Homeland

Security or relevant assessments by other agencies; and

''(iii) such other criteria and information that the Secretary determines appropriate and relevant.

''(C) INCLUSION OF AGENTS AND TOXINS NOT PREVIOUSLY LISTED.—All agents or toxins designated by the Secretary as Tier I agents shall be included on the list maintained by the Secretary pursuant to paragraph (1).

''(D) EVALUATION OF TIER I AGENTS.—The Secretary, in coordination with the Secretary of Homeland Security, shall—

''(i) on an ongoing basis, consider the inclusion of additional agents or toxins on the list of Tier I agents, as appropriate; and

''(ii) at least biennially, review the list of Tier I agents to determine whether any agents or toxins should be removed from the list.''; and

(3) by striking ''list under paragraph (1)'' and inserting ''lists under paragraphs (1) and (2)''.

SEC. 102. ENHANCED BIOSECURITY MEASURES.

(a) IN GENERAL.—Title III of the Homeland Security Act (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"SEC. 318. ENHANCED BIOSECURITY MEASURES.

"(a) DEFINITIONS.—In this section:

"(1) LISTED AGENT.—The term 'listed agent' means an agent or toxin included on—

"(A) the list established and maintained by the Secretary of Health and Human Services under section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)); or

"(B) the list established and maintained by the Secretary of Agriculture under section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(1)).

"(2) PERSON.—The term 'person' has the meaning given that term in section 351A(l)(6) of the Public Health Service Act (42 U.S.C. 262a(l)(6)).

"(3) TIER I AGENT.—The term 'Tier I agent' means an agent or toxin designated as a Tier I agent under section 351A(a)(2) of the Public Health Service Act (42 U.S.C. 262a(a)(2)) or section 212(a)(2) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(2)).

''(b) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, shall through a negotiated rulemaking under subchapter III of chapter 5 of title 5, United States Code, establish enhanced biosecurity measures for persons that possess, use, or transfer Tier I agents, which shall include—

''(1) standards for personnel reliability programs;

''(2) standards for biosecurity training of responsible officials, laboratory personnel, and support personnel employed by such persons;

''(3) standards for performing laboratory risk assessments;

''(4) risk-based laboratory security performance standards; and

''(5) any other security standards jointly determined necessary by the Secretary and the Secretary of Health and Human Services.

''(c) NEGOTIATED RULEMAKING COMMITTEE.—The negotiated rulemaking committee established by the Secretary under subsection (b) shall include representatives from—

''(1) the Department;

''(2) the Department of Health and Human Services;

''(3) the Department of Agriculture;

''(4) the Department of Defense;

''(5) the Department of Energy;

''(6) the Department of Justice;

''(7) for profit research institutions;

''(8) academic research institutions;

''(9) nonprofit research institutions; and

''(10) other interested parties, as the Secretary determines appropriate.

''(d) TIME REQUIREMENT.—The procedures for the negotiated rulemaking conducted under subsection (b) shall be conducted in a timely manner to ensure that—

''(1) any recommendations with respect to proposed regulations are provided to the Secretary not later than 6 months after the date of enactment of this section; and

''(2) a final rule is promulgated not later than 12 months after the date of enactment of this section.

''(e) FACTORS TO BE CONSIDERED.—In developing proposed and final standards under subsection (b), the Secretary and the negotiated rulemaking committee shall consider factors including—

''(1) the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (established under section 1851 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 501)), the National Science Advisory Board for Biosecurity (established under section 205 of the Pandemic and All-Hazards Preparedness Act (Public Law 109–417; 120 Stat. 2851)), the Trans-Federal Task Force on Optimizing Biosafety and Biocontainment Oversight, and any working group established under Executive Order 13486 (74 Fed. Reg. 2289) relating to strengthening laboratory biosecurity; and

''(2) how any disincentives to biological research arising from enhanced biosecurity measures can be minimized.

''(f) IMPLEMENTATION OF ENHANCED BIOSECURITY MEASURES.—

''(1) ENFORCEMENT.—The Secretary, in consultation as appropriate with the Secretary of Health and Human Services and the Secretary of Agriculture, shall enforce the standards promulgated under subsection (b).

''(2) TRAINING PROGRAMS.—The Secretary of Health and Human Services, in consultation with the Secretary, shall develop or approve training programs that meet the standards promulgated under subsection (b).

''(3) HARMONIZATION OF REGULATIONS.—

''(A) REGULATIONS UNDER PUBLIC HEALTH SERVICE ACT.—Not later than 120 days after the Secretary promulgates regulations or amendments thereto pursuant to this section, the Secretary of Health and Human Services shall amend regulations promulgated under the Select Agent Program under section 351A(b)(1) of the Public Health Service Act (42 U.S.C. 262a(b)(1)) to ensure that such regulations do not overlap or conflict with the regulations promulgated by the Secretary under this section.

''(B) REGULATIONS UNDER AGRICULTURE BIOTERRORISM PROTECTION ACT OF 2002.—Not later than 120 days after the Secretary promulgates regulations or amendments thereto pursuant to this section, the Secretary of Agriculture shall amend regulations promulgated under the Select Agent Program under section 212(b)(1)

of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(b)(1)) to ensure that such regulations do not overlap or conflict with the regulations promulgated by the Secretary under this section.

''(4) PENALTIES.—

''(A) CIVIL MONEY PENALTY.—In addition to any other penalties that may apply under law, any person who violates any provision of regulations promulgated under subsection (b) shall be subject to a civil money penalty in an amount not exceeding $250,000 in the case of an individual and $500,000 in the case of any other person that possesses, uses, or transfers a Tier I agent.

''(B) INTERMEDIATE SANCTIONS.—

''(i) IN GENERAL.—If the Secretary determines that a person has violated any provision of regulations promulgated under this section, the Secretary may impose intermediate sanctions in lieu of the actions authorized by subsection (A).

''(ii) TYPES OF SANCTIONS.—The intermediate sanctions which may be im-

posed under paragraph (1) shall consist of—

"(I) directed plans of correction;

"(II) civil money penalties in an amount not to exceed $10,000 for each violation of, or for each day of substantial noncompliance with, the regulations promulgated under this section;

"(III) payment for the costs of onsite monitoring; or

"(IV) any combination of the actions described in subclauses (I), (II), and (III).

"(C) SUSPENSION OF RESEARCH AND FUNDING.—

"(i) IN GENERAL.—If the Secretary determines that a person has violated any provision of the regulations promulgated under subsection (b) and that the violation has endangered security, the Secretary may suspend the authority of the person to possess, use, or transfer Tier I agents until the violation has been remedied.

"(ii) NOTICE.—If the Secretary suspends the authority of a person to possess, use, or transfer Tier I agents under clause (i), the Secretary shall notify each executive agency that provides funding for research on Tier I agents by the person.

"(iii) SUSPENSION.—If the head of an executive agency receives notice under clause (ii), the head of the executive agency may suspend the provision of funds to the person for research on Tier I agents.

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit or modify the authority to suspend the authority of a person to possess, use, or transfer Tier I agents, or to suspend funding for research under any other provision of law.

"(D) PROCEDURES.—The Secretary shall develop and implement procedures with respect to when and how penalties or intermediate sanctions are to be imposed under this paragraph. Such procedures shall provide for notice to the person, a reasonable opportunity to respond to the proposed penalty or intermediate

sanction, and appropriate procedures for appealing determinations relating to the imposition of a penalty or intermediate sanction.

''(5) SIMULTANEOUS LABORATORY INSPECTIONS.—

''(A) INSPECTIONS BY THE DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall have the authority to inspect persons subject to the regulations promulgated under subsection (b) to ensure compliance with the regulations by such persons.

''(B) SIMULTANEOUS INSPECTIONS.—All Federal agencies conducting inspections of a person to ensure compliance with regulations promulgated under subsection (b), regulations promulgated under section 351A(b)(1) of the Public Health Service Act (42 U.S.C. 262a(b)(1)), regulations promulgated under section 212(b)(1) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(b)(1)), or security standards applicable under a contract between a Federal agency and the person shall be conducted simultaneously to the extent practicable.

"(C) JOINT INSPECTION PROCEDURES.—Federal agencies conducting simultaneous inspections of a person under this paragraph shall cooperate, to the maximum extent practicable, to ensure that the inspections are conducted efficiently and in a manner that minimizes the administrative burden on the person.

"(D) INSPECTION REPORTS.—Any report of inspection of a person conducted by a Federal agency to enforce regulations promulgated under subsection (b), regulations promulgated under section 351A(b)(1) of the Public Health Service Act (42 U.S.C. 262a(b)(1)), regulations promulgated under section 212(b)(1) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(b)(1)), or security standards applicable under a contract between the Federal agency and the person shall be made available to any other Federal agency that enforces any such regulations with respect to the person or that funds research of a Tier I agent or a listed agent by the person.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be

necessary to carry out this section and the amendments made by this section.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 317 the following:

''Sec. 318. Enhanced biosecurity measures.''.

SEC. 103. LABORATORY AND FACILITY REGISTRATION AND DATABASE.

(a) IN GENERAL.—Section 351A of the Public Health Service Act (42 U.S.C. 262a) is amended—

(1) by redesignating subsections (f) through (m) as (g) through (n) respectively; and

(2) by inserting after subsection (e) the following:

''(f) LABORATORY AND FACILITY REGISTRATION AND DATABASE.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security and the Secretary of Agriculture, shall by regulation establish criteria defining characteristics, features, or equipment that could facilitate the misuse of a laboratory or other facility for the purposes of developing a biological weapon, which may include—

''(A) technology that is particularly suitable to the development of an effective biological weapon, such as technology that would enable synthesis of Tier I agents;

''(B) features that would enable an individual to develop a biological weapon while escaping detection; and

''(C) such other characteristics as the Secretary determines appropriate.

''(2) REGISTRY AGENTS.—

''(A) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall establish and maintain by regulation a list of biological agents and toxins that have the potential to pose a severe threat to public, animal, or plant health but for which the potential to be used in a biological attack has not been established.

''(B) DESIGNATION.—Agents listed pursuant to subparagraph (A) shall be designated as 'Registry Agents'.

''(C) EXCLUSION OF SELECT AGENTS.—In determining whether to designate a biological agent or toxin as a Registry Agent, the Sec-

retary shall exclude agents or toxins listed pursuant to subsection (a)(1) of this section and section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002.

''(3) REGULATIONS GOVERNING REGISTRATION AND DATABASE.—

''(A) REGULATIONS REQUIRING REGISTRATION.—The Secretary shall by regulation require the registration with the Secretary of laboratories or other facilities that—

''(i) meet the criteria established pursuant to paragraph (1); or

''(ii) possess, use, or transfer Registry Agents designated under paragraph (2).

''(B) DATABASE.—The Secretary shall maintain a national database that includes the locations of each laboratory or other facility required to be registered under this subsection, the criteria established pursuant to paragraph (1) that are applicable to the laboratory or facility, the Registry Agents that are possessed or used at or transferred by the laboratory or facility, and the name of the person that owns or controls the laboratory or facility.

"(C) ADDITIONAL REGISTRATION REQUIREMENTS.—An individual who possesses, uses, or transfers Registry Agents at a location other than a laboratory or other facility shall be required to register with the Secretary pursuant to this subsection.

"(4) PENALTIES.—In addition to any other penalties that may apply under law, any person who violates any provision of this subsection shall be subject to the United States for a civil penalty in an amount not to exceed $25,000 in the case of an individual and $50,000 in the case of any other person.

"(5) ACCESS TO DATABASE.—The Secretary shall make the database established under paragraph (3) available to the Secretary of Homeland Security, the Secretary of Agriculture, the Secretary of Defense, the Attorney General, and such agencies as the Secretary determines appropriate.

"(6) BIOSECURITY AND BIOSAFETY BEST PRACTICES.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall promote biosecurity and biosafety best practices to entities registered under paragraph (3).

"(7) DISCLOSURE OF INFORMATION.—No Federal agency shall disclose under section 552 of title 5, United States Code, any information contained in the database established pursuant to paragraph (3).".

(b) REVISION OF THE LIST OF BIOLOGICAL AGENTS AND TOXINS.—

(1) REVIEW OF LISTED AGENTS.—

(A) REVIEW BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the establishment of the list pursuant to subsection (f)(2) of section 351A of the Public Health Service Act (as added by subsection (a)), the Secretary of Health and Human Services shall conduct a comprehensive review of the list of biological agents and toxins maintained pursuant to subsection (a)(1) of such section to determine which listed agents and toxins should instead be listed as Registry Agents (as described under such subsection (f)(2)).

(B) REVIEW BY THE SECRETARY OF AGRICULTURE.—Not later than 180 days after the establishment of the list pursuant to subsection (f)(2) of section 351A of the Public Health

Service Act (as amended by subsection (a)), the Secretary of Agriculture shall conduct a comprehensive review of the list of biological agents and toxins maintained pursuant to section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(1)) to determine which listed agents and toxins should instead be listed as Registry Agents (as described under such subsection (f)(2)).

(2) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(A) CRITERIA.—Section 351A(a)(1)(B)(i) of the Public Health Service Act (42 U.S.C. 262a(a)(1)(B)(i)) is amended—

(i) by redesignating subclauses (III) and (IV) as subclauses (IV) and (V), respectively; and

(ii) by inserting after subclause (II) the following:

''(III) the suitability of the agent or toxin to be used in a biological attack;''.

(B) EXEMPTIONS FOR CLINICAL OR DIAGNOSTIC LABORATORIES.—Section 351A(h)(1) of the Public Health Service Act (42 U.S.C.

262a(h)(1)), as redesignated by subsection (a), is amended by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c), and (f)''.

(3) AMENDMENTS TO THE AGRICULTURAL BIOTERRORISM PROTECTION ACT.—Section 212(a)(1)(B)(i) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(1)(B)(i)) is amended—

(A) by redesignating subclauses (III) and (IV) as subclauses (IV) and (V), respectively; and

(B) by inserting after subclause (II) the following:

''(III) the suitability of the agent or toxin to be used in a biological attack;''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) CONFORMING AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—Section 351A of the Public Health Service Act (42 U.S.C. 262a) is amended—

(A) in subsection (e)(7)(B)(ii) by striking ''subsection (h)'' and inserting ''subsection (i)'';

(B) in subsection (i)(1)(E), as redesignated by subsection (a), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(C) in subsection (k), as so redesignated, by striking ''subsection (l)'' and inserting ''subsection (m)''; and

(D) in subsection (l), as so redesignated, by striking ''subsection (j)'' and inserting ''subsection (k)''.

(2) AGRICULTURAL BIOTERRORISM PROTECTION ACT OF 2002.—Section 212(g)(1)(E) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(g)(1)(E)) is amended by striking ''351A(g)(3)'' and inserting ''351A(h)(3)''.

SEC. 104. BACKGROUND CHECKS.

Section 351A(e)(3)(A) of the Public Health Service Act (42 U.S.C. 262a(e)(3)(A)) is amended by adding at the end the following: ''In identifying whether an individual is within a category specified in subparagraph (B)(ii)(II), the Attorney General shall consult with the Secretary of Homeland Security to determine if the Department of Homeland Security possesses any information

relevant to the identification of such an individual by the Attorney General.''.

SEC. 105. BIOLOGICAL LABORATORY PROTECTION.

(a) ACADEMIC AND NONPROFIT HIGH CONTAINMENT BIOLOGICAL LABORATORY PROTECTION GRANTS.—

(1) GRANTS AUTHORIZED.—The Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency, may award grants to academic and nonprofit organizations and to State, local, and tribal governments to implement security improvements at laboratories of such organizations and governments that possess, use, or transfer Tier I agents or toxins, as so designated under section 351A(a)(2) of the Public Health Service Act or section 212(a)(2) of the Agricultural Bioterrorism Protection Act of 2002, as amended by this Act.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security to carry out this subsection, $50,000,000 for each of fiscal years 2011 through 2014.

(b) VOLUNTARY VULNERABILITY ASSESSMENTS.—In carrying out section 201(d)(2) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(2)), the Secretary of Home-

land Security shall encourage the voluntary participation of laboratories working with biological agents and toxins, as so designated under section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)) or section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(1)), commensurate with the risks such agents and toxins pose.

SEC. 106. BIOSECURITY INFORMATION SHARING.

(a) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 351A(d) of the Public Health Service Act (42 U.S.C. 262a(d)) is amended by inserting after paragraph (2) the following:

''(3) FEDERAL AGENCY ACCESS.—The Secretary shall ensure access to the database established pursuant to paragraph (2) by the Secretary of Agriculture, the Secretary of Homeland Security, the Attorney General, the Secretary of Energy, the Secretary of Defense, and any other Federal agency that the Secretary determines appropriate.''.

(b) AMENDMENT TO THE AGRICULTURAL BIOTERRORISM PROTECTION ACT OF 2002.—Section 212(d) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(d)) is amended by inserting after paragraph (2) the following:

''(3) FEDERAL AGENCY ACCESS.—The Secretary shall ensure access to the database established pursuant to paragraph (2) by the Secretary of Health and Human Services, the Secretary of Homeland Security, the Attorney General, the Secretary of Energy, the Secretary of Defense, and any other Federal agency that the Secretary determines appropriate.''.

(c) AMENDMENT TO THE HOMELAND SECURITY ACT OF 2002.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 102, is amended by adding at the end the following:

''SEC. 319. BIOSECURITY INFORMATION SHARING.

''(a) IN GENERAL.—Consistent with the responsibilities under section 201(d), the Secretary shall ensure that State, local, and tribal governments have access to relevant safety and security information relating to biological laboratories and facilities in or in close proximity to the jurisdiction of the State, local, or tribal government, as the Secretary determines appropriate.

''(b) ACCESS TO INFORMATION IN DATABASES.—In carrying out this section, the Secretary may utilize information from the national databases established under subsections (d)(2) and (f)(3) of section 351A of the Public Health Service Act (42 U.S.C. 262a) and section

212(d)(2) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(d)(2)).

''(c) CLASSIFIED AND SENSITIVE INFORMATION.—The Secretary shall ensure that any information disseminated under this section is disseminated consistent with—

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

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

''(3) other relevant laws.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 318, as added by section 102, the following:

''Sec. 319. Biosecurity information sharing.''.

SEC. 107. RESEARCH WITH THE VARIOLA VIRUS GENOME.

(a) REGULATIONS.—For the purposes of preventing a reengineering of the live Variola virus from Variola virus DNA fragments or parts of the Variola virus genome, not later than 180 days after the date of enactment of this

Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, shall promulgate regulations governing the distribution, synthesis, and handling of Variola virus DNA.

(b) CONSIDERATIONS.—The regulations promulgated under subsection (a) shall take into account—

(1) the recommendations issued by the World Health Organization concerning the distribution, handling, and synthesis or Variola virus DNA in May 2008; and

(2) the continuing importance of research by the legitimate scientific community with fragments of the Variola virus genome for the purposes of preventing smallpox or developing vaccines or treatments against smallpox.

(c) INCLUSIONS.—The regulations promulgated under subsection (a) shall include regulations regarding—

(1) which research entities are qualified to receive Variola virus DNA fragments taking into account adequate security and safety measures;

(2) the rules under which distribution to qualifying research entities may occur;

(3) the appropriate limits on the numbers of and length of base pairs of Variola virus DNA that can be handled by a qualifying laboratory;

(4) the appropriate limits on the total genome size of Variola virus DNA fragments that may be handled by a qualifying laboratory;

(5) the appropriate limits on synthesizing Variola virus DNA; and

(6) any other matters determined necessary by the Secretary to carry out the purposes of section 351A(a) of the Public Health Service Act (as amended by this Act).

TITLE II—RESPONSE TO A WEAPON OF MASS DESTRUCTION ATTACK

Subtitle A—Ensuring Access to Medical Countermeasures During Emergencies

SEC. 201. NATIONAL MEDICAL COUNTERMEASURE DISPENSING STRATEGY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319M the following:

"SEC. 319N. NATIONAL MEDICAL COUNTERMEASURE DISPENSING STRATEGY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

''(B) the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on Oversight and Government Reform of the House of Representatives;

''(2) the term 'dispense' means to provide medical countermeasures to an affected population in response to a threat or incident;

''(3) the term 'medical countermeasure' means a drug (as that term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), a device (as that term is defined in section 201(h) of such Act), or a biological product (as that term is defined in section 351 of this Act), to—

''(A) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency; or

''(B) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be

caused by administering a drug, biological product, or device; and

''(4) the term 'public health emergency' means a public health emergency declared by the Secretary under section 319.

''(b) STRATEGY.—The Secretary, in coordination with the Secretary of Homeland Security and the Postmaster General, shall develop, coordinate, and maintain a National Medical Countermeasure Dispensing Strategy (referred to in this section as the 'National MCM Dispensing Strategy').

''(c) CONTENTS.—The National MCM Dispensing Strategy shall—

''(1) encompass all aspects of the Federal role in dispensing medical countermeasures (referred to in this section as 'MCMs') and describe methods by which the Federal Government may assist State, local, and tribal governments to dispense MCMs;

''(2) address a variety of geographical areas, population densities, and demographics;

''(3) create a multilayered approach for the dispensing of MCMs that includes redundancies;

''(4) address—

''(A) a staffing plan for dispensing MCMs, including—

"(i) for MCM dispensing locations; and

"(ii) for dispensing through the United States Postal Service;

"(B) requirements for timeliness of MCM dispensing;

"(C) appropriateness, effectiveness, and efficiency of differing methods of MCM dispensing;

"(D) measures and evaluations of MCM dispensing effectiveness and efficiency;

"(E) liability issues associated with MCM dispensing, considering—

"(i) the volunteer force;

"(ii) medical personnel;

"(iii) potential adverse reactions to medications;

"(iv) participating employees of the United States Postal Service; and

"(v) security personnel;

"(F) security issues, including—

"(i) partnerships with law enforcement; and

"(ii) necessary levels of security to protect MCM dispensing locations and re-

lated personnel, participating employees of the United States Postal Service, and transportation of MCMs;

"(G) communications issues, including—

"(i) communications between the Federal, State, local, and tribal government officials that may be involved in dispensing MCMs;

"(ii) communications between the government and private sector; and

"(iii) the creation of prescripted messages or message templates so that information about how people can acquire MCMs can be disseminated quickly in anticipation of or in the immediate aftermath of a biological attack or a naturally occurring disease outbreak;

"(H) transportation of MCMs to dispensing locations;

"(I) implementation and operations of dispensing plans;

"(J) necessary levels of Federal technical assistance in developing MCM dispensing capabilities;

"(K) measures that are necessary in order so that actions taken pursuant to the National MCM Dispensing Strategy will comply with applicable requirements of the Federal Food, Drug, and Cosmetic Act and of section 351 of this Act; and

"(L) any other topics that the Secretary determines appropriate; and

"(5) be exercised regularly in various jurisdictions.

"(d) COORDINATION.—Where appropriate, the Secretary, in coordination with the Secretary of Homeland Security and the Postmaster General, shall coordinate with State, local, and tribal government officials, private sector, and nongovernmental organizations in development of the National MCM Dispensing Strategy.

"(e) REPORTS TO CONGRESS.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security and the Postmaster General, shall—

"(A) not later than 180 days after the date of enactment of this section, submit the National MCM Dispensing Strategy to the appropriate committees of Congress; and

"(B) not later than 180 days after the submission of the Strategy under subparagraph (A), submit an implementation plan for such Strategy to the appropriate committees of Congress.

"(2) STATUS REPORT.—Not later than 1 year after the submission of the implementation plan under paragraph (1)(B), the Secretary, in coordination with the Secretary of Homeland Security and the Postmaster General, shall submit to the appropriate committees of Congress a report describing the status of the activities taken pursuant to the implementation plan.".

SEC. 202. TAILORING OF THE NATIONAL MEDICAL COUNTERMEASURE DISPENSING STRATEGY.

(a) IN GENERAL.—

(1) PLANS.—The Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security and, where appropriate, the Postmaster General, shall tailor implementation of the National MCM Dispensing Strategy established under section 319N of the Public Health Service Act (as added by section 201) for—

(A) Cities Readiness Initiative jurisdictions and other densely populated metropolitan areas

deemed at highest risk of being the target of a terrorist attack;

(B) representative localities of varying geographic sizes, population densities, and demographics; and

(C) any other unique or specific local needs the Secretary of Health and Human Services deems appropriate.

(2) CONSULTATION WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS.—In fulfilling the requirements of paragraph (1), the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security and, where appropriate, the Postmaster General, shall consult with State, local, and tribal officials.

(3) REVIEW.—The Secretary of Homeland Security, during and in conjunction with the creation of tailored National MCM Dispensing Strategy plans under paragraph (1), shall—

(A) provide a review of transportation and logistics capabilities for moving medical countermeasures from State, local, and tribal receiving, staging, and storing sites to dispensing locations;

(B) review security plans and capabilities for protecting transportation of medical countermeasures and dispensing locations;

(C) work in coordination with the Postmaster General to review security for protecting United States Postal Service employees performing dispensing;

(D) assist State, local, and tribal governments in building partnerships with law enforcement to perform security for medical countermeasure transportation and dispensing;

(E) assist State, local, and tribal governments in working with emergency response providers to create appropriate roles for their participation in the tailored Strategy plans; and

(F) determine other assistance that may be offered to State, local, and tribal governments with respect to logistics, transportation, security, or other issues that the Secretary of Homeland Security determines appropriate.

(b) DEFINITION.—In this section, the term ''emergency response provider'' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

SEC. 203. EXPANSION IN THE USE OF THE U.S. POSTAL SERVICE TO DELIVER MEDICAL COUNTERMEASURES.

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Postmaster General and the Secretary of Homeland Security, and in a manner that complies with the applicable requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of section 351 of the Public Health Service Act (42 U.S.C. 262), shall expand existing pilot programs to utilize the United States Postal Service to deliver medical countermeasures in an emergency.

(b) TIMELINE.—The Postmaster General shall increase the ability of the United States Postal Service, contingent on the voluntary participation of additional jurisdictions, to deliver medical countermeasures to homes in—

(1) 5 additional Cities Readiness Initiative jurisdictions not later than 1 year after the date of enactment of this Act; and

(2) 15 additional Cities Readiness Initiative jurisdictions not later than 2 years after the date of enactment of this Act.

(c) USPS MEDKITS.—The Secretary of Health and Human Services, in coordination with the Postmaster General and the Secretary of Homeland Security, shall, on a biennial basis, reevaluate the contents of medkits pro-

vided to enrolled United States Postal Service employees and immediate family members of those employees under the U.S. Postal Service Dispensing Plan.

(d) CONTENT CONSIDERATION.—In establishing the appropriate contents for medkits under subsection (c), the Secretary of Health and Human Services shall—

(1) consider information available from any biological or bioterrorism risk assessments conducted by the Department of Homeland Security or other relevant assessments by other departments or the intelligence community;

(2) consider the criteria described in section 351A(a)(1)(B) of the Public Health Service Act (42 U.S.C. 262a(a)(1)(B));

(3) consult with private and public organizations, as appropriate;

(4) comply with applicable requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of section 351 of the Public Health Service Act (42 U.S.C. 262); and

(5) consider such other criteria and information that the Secretary of Health and Human Services determines appropriate.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and

Human Services, the Postmaster General, and the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the implementation of this section.

(f) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on Oversight and Government Reform of the House of Representatives;

(2) the term ''medkit'' means a cache of antibiotics and other medical countermeasures to be used during a public health emergency; and

(3) the term ''public health emergency'' means a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 204. DISPENSING MEDICAL COUNTERMEASURES THROUGH EMPLOYERS.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives;

(2) the terms ''biological agent'' and ''toxin'' have the meanings given those terms in section 178 of title 18, United States Code;

(3) the term ''covered Federal facility'' means a Federal facility determined by the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, to be of sufficient size, workforce level, and geographic location to warrant developing a plan for receiving and dispensing medical countermeasures to employees working in the Federal facility;

(4) the term ''dispense'' means to provide medical countermeasures to an affected population in response to a threat or incident;

(5) the term ''medical countermeasure'' means a drug (as that term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), a device (as that term is defined in section 201(h) of such Act), or a biological product (as that term is defined in section 351 of this Act), to—

(A) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency; or

(B) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device; and

(6) the term ''public health emergency'' means a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) FEDERAL PLAN.—

(1) IN GENERAL.—The head of each executive agency, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, and in a manner that complies with the

applicable requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of section 351 of the Public Health Service Act (42 U.S.C. 262), shall develop a plan to receive and dispense medical countermeasures to individuals employed by the executive agency—

(A) if the individuals work in a covered Federal facility that is likely the target, or located in an area that is likely a target, of an act of terrorism involving a biological agent or toxin; or

(B) in the event of a naturally occurring outbreak of an infectious disease that may result in a national epidemic.

(2) CONTENTS.—The plans developed under paragraph (1) shall identify individuals in the covered Federal facility who will be performing receiving and dispensing of medical countermeasures to employees.

(3) REVIEW.—The Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, shall review and approve the plans developed under paragraph (1).

(4) EXERCISES.—On a biennial basis, the head of each executive agency shall conduct exercises of

the plan developed by the head of the executive agency under paragraph (1).

(c) OTHER EMPLOYERS.—The Secretary of Health and Human Services, in coordination with Secretary of Homeland Security, shall establish a set of best practices to guide and promote medical countermeasure dispensing capabilities among private sector entities.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the implementation of this section.

SEC. 205. PERSONAL MEDKITS FOR EMERGENCY RESPONSE PROVIDERS AND MEMBERS OF PREPAREDNESS ORGANIZATIONS.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 106, is further amended by adding at the end the following:

"SEC. 320. PERSONAL MEDKITS FOR EMERGENCY RESPONSE PROVIDERS AND MEMBERS OF PREPAREDNESS ORGANIZATIONS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

''(B) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives;

''(2) the term 'immediate family member' means an individual who is a cohabitating family member or domestic partner;

''(3) the term 'preparedness organization' means an organization that contributes to State or local preparedness for an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), including Community Emergency Response Teams, the Medical Reserve Corps, the Fire Corps, and the citizen preparedness programs of the American Red Cross;

''(4) the term 'medkit' means a cache of antibiotics and other medical countermeasures to be used during a public health emergency;

''(5) the term 'medkit program' means the program established under subsection (b); and

''(6) the term 'public health emergency' means a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

''(b) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Health and Human Services and in a manner that complies with applicable requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of section 351 of the Public Health Service Act (42 U.S.C. 262), shall establish a program to distribute medkits to emergency response providers, members of preparedness organizations, and immediate family members of an emergency response provider or member of a preparedness organization.

''(c) MEDKIT PROGRAM COMPONENTS.—

''(1) IN GENERAL.—An emergency response provider, member of a preparedness organization, or immediate family member of an emergency response provider or member of a preparedness organization participating in the medkit program shall—

''(A) register with the Secretary;

''(B) before the distribution of a medkit, receive training regarding—

''(i) the proper use and dosing of medical countermeasures;

''(ii) reporting of the use of a medkit;

''(iii) the proper storage of a medkit; and

''(iv) any other topic determined appropriate by the Secretary;

''(C) before the distribution of a medkit, undergo appropriate medical screening; and

''(D) report the use of a medkit within a reasonable time period, as established by the Secretary.

''(2) INVENTORY.—The Secretary shall conduct an annual inventory of medkits distributed under the medkit program.

''(d) AUTHORIZATION AND CONTENTS.—

''(1) IN GENERAL.—The Secretary shall coordinate with the Secretary of Health and Human Services and the Commissioner of Food and Drugs to—

''(A) seek an emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3), if needed, to allow distribution and use of medkits under the medkit program; and

"(B) establish the appropriate contents for medkits distributed under the medkit program.

"(2) CONTENT CONSIDERATION.—In establishing the appropriate contents for medkits under paragraph (1)(B), the Secretary, in coordination with the Secretary of Health and Human Services, shall—

"(A) consider information available from any biological or bioterrorism risk assessments conducted by the Department of Homeland Security or other relevant assessments by other departments or the intelligence community;

"(B) consider the criteria described in section 351A(a)(1)(B) of the Public Health Service Act (42 U.S.C. 262a(a)(1)(B));

"(C) consult with relevant private and public organizations; and

"(D) consider such other criteria and information that the Secretary, in coordination with the Secretary of Health and Human Services, determines appropriate.

"(e) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report on the implementation of this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $20,000,000 for each of fiscal years 2011 through 2013.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 319, as added by section 106 of this Act, the following:

''Sec. 320. Personal medkits for emergency response providers and members of preparedness organizations.''.

SEC. 206. GENERAL PUBLIC MEDKIT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''medical countermeasures'' means a drug or biological product used to mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin or chemical, radiological, or nuclear agent that may cause a public health emergency; and

(2) the term ''medkit'' means a cache of antibiotics and other medical countermeasures to be used during a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) PILOT PROGRAM.—The Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, shall conduct a pilot program to study the feasibility of providing personal medkits to the public.

(c) REQUIREMENTS.—In carrying out the pilot program, the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security and in a manner that complies with applicable requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of section 351 of the Public Health Service Act (42 U.S.C. 262), shall ensure that—

(1) enrollment of participants in the pilot program encompasses a diverse range of municipality sizes, various geographic locations, and different socioeconomic statuses;

(2) the number of enrolled participants in the program shall be expanded significantly beyond the number of those enrolled in the 2006 St. Louis Medkit evaluation study, conducted by the Centers for Disease Control and Prevention;

(3) the program shall evaluate the ability of households to maintain medkits in the home as directed and reserve for emergency use; and

(4) prior to obtaining a medkit, participants are required to receive training regarding—

(A) proper use and dosing of medical countermeasures;

(B) reporting of use of medkits;

(C) proper storage of medkits; and

(D) any other information that the Secretary of Health and Human Services and the Secretary of Homeland Security determine appropriate.

(d) AUTHORIZATION AND CONTENT.—The Secretary of Health and Human Services and the Secretary of Homeland Security shall coordinate with the Commissioner of Food and Drugs—

(1) to seek an emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3), if needed, to allow distribution of medkits for the purpose of the pilot program; and

(2) to establish the appropriate contents of medkits to the public for the pilot program.

(e) REPORT.—

(1) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee

on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(2) REPORT.—Not later than 90 days after completion of the program under this section, the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the conclusions of such program. The report shall include recommendations and conclusions on the feasibility of creating a national medkit program, through which medkits would be distributed widely to the public.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 207. REPORT ON THE USE OF EXPIRING COUNTERMEASURES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Director of the Institute of Medicine to conduct a study to be completed not later than 1 year after the date of enactment of this Act that examines the feasibility and effectiveness of alter-

native uses of medical countermeasures (as defined in section 319N of the Public Health Service Act, as added by section 201 of this Act), including vaccines, in the Strategic National Stockpile before the expiration of the medical countermeasures.

(b) AREAS.—The study under subsection (a) shall include the examination of—

(1) the effectiveness of allowing States to access medical countermeasures approaching expiration in a timely way to allow emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) in those States to voluntarily choose pre-event or post-event vaccination or treatment; and

(2) the ability of States to effectively determine which personnel should receive pre-event treatment using the medical countermeasures approaching expiration from the Strategic National Stockpile.

Subtitle B—Bioforensics Capabilities and Strategy

SEC. 211. BIOFORENSICS CAPABILITIES AND STRATEGY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 205, is further amended by adding at the end the following:

"SEC. 321. BIOFORENSICS CAPABILITIES AND STRATEGY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate; and

''(B) the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Energy and Commerce, the Committee on Agriculture, and the Committee on Armed Services of the House of Representatives;

''(2) the term 'bioforensic' means the scientific discipline dedicated to analyzing evidence from a bioterrorism act, biological agent or toxin based criminal act, or inadvertent biological agent or toxin release for attribution purposes;

''(3) the term 'National Bioforensics Analysis Center' means the National Bioforensics Analysis Center established under subsection (b);

''(4) the term 'national bioforensics repository collection' means the national bioforensics repository collection established under subsection (c)(1); and

''(5) the term 'national bioforensics strategy' means the national bioforensics strategy developed under subsection (d)(1).

''(b) NATIONAL BIOFORENSICS ANALYSIS CENTER.—There is in the Department a National Bioforensics Analysis Center which shall—

''(1) serve as the lead Federal facility to conduct and facilitate bioforensic analysis in support of the executive agency with primary responsibility for responding to the biological incident;

''(2) maintain the national bioforensics repository collection as a reference collection of biological agents and toxins for comparative bioforensic identifications; and

''(3) support threat agent characterization studies and bioforensic assay development.

''(c) NATIONAL BIOFORENSIC REPOSITORY COLLECTION.—

''(1) IN GENERAL.—The National Bioforensics Analysis Center shall maintain a national bioforensics repository collection.

''(2) ACTIVITIES.—The national bioforensics repository collection shall—

''(A) receive, store, and distribute biological threat agents and toxins and related biological agents and toxins;

''(B) serve as a reference collection for comparative bioforensic identifications; and

''(C) support threat agent characterization studies and bioforensic assay development.

''(3) PARTICIPATION.—

''(A) IN GENERAL.—The Secretary, the Attorney General, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Defense, and the head of any other appropriate executive agency with a biological agent or toxin collection that is useful for the bioforensic analysis of biological incidents, performance of biological threat agent characterization studies, or development of bioforensic assays shall provide samples of relevant biological agents and toxins, as determined by the Secretary, in consultation with the head of the executive agency possessing the agent or toxin, which shall not include any variola virus, to the national bioforensics repository collection.

''(B) OTHER BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall encourage the contribution of public and private biological agent and toxin collections to the national bioforensics repository collection that were collected or created with support from a Federal grant or contract and that support the functions described in paragraph (2).

''(4) ACCESS.—The Secretary shall—

''(A) provide an executive agency that submits a biological agent or toxin to the national bioforensics repository collection with access to the national bioforensics repository collection; and

''(B) establish a mechanism to provide public and private entities with access to the national bioforensics repository collection, as appropriate, for scientific analysis of a biological agent or toxin in the national bioforensics repository collection, with appropriate protection for intellectual property rights.

''(5) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Attorney

General, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Defense, and the head of any other appropriate executive agency that will participate in or contribute to the national bioforensics repository collection, shall submit to the appropriate committees of Congress a report regarding the national bioforensics repository collection.

''(B) CONTENTS.—The report submitted under subparagraph (A) shall—

''(i) discuss the status of the establishment of the national bioforensics repository collection;

''(ii) identify domestic and international biological agent and toxin collections that would prove useful in carrying out the functions of the national bioforensics repository collection;

''(iii) examine any access or participation issues affecting the establishment of the national bioforensics repository collection or the ability to support bioforensic analysis, threat characterization studies, or bioforensic assay development, including—

''(I) intellectual property concerns;

''(II) access to collected or created biological agent or toxin collections funded by a Federal grant or contract;

''(III) costs for the national bioforensics repository collection associated with accessing domestic and international biological agent and toxin collections;

''(IV) costs incurred by domestic and international biological agent and toxin collections to allow broad access or contribute biological agents or toxins to the national bioforensics repository collection; and

''(V) access to the national bioforensics repository collection by public and private researchers to support threat characterization studies and bioforensic assay development; and

''(iv) other issues determined appropriate by the Secretary.

''(d) NATIONAL BIOFORENSIC STRATEGY.—

''(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Defense, and the head of any other appropriate executive agency, as determined by the Secretary, shall develop, coordinate, and maintain a national bioforensics strategy.

''(2) CONTENTS.—The national bioforensics strategy shall—

''(A) provide for a coordinated approach across all executive agencies with responsibilities for analyzing evidence from a bioterrorism act, biological agent or toxin based criminal act, or inadvertent biological agent or toxin release for attribution purposes;

''(B) describe the roles and responsibilities of all relevant executive agencies;

''(C) establish mechanisms, in coordination with State, local, and tribal governments, for coordinating with law enforcement agencies in analyzing bioforensic evidence;

''(D) include guidance for collecting, processing, and analyzing samples; and

''(E) provide for a coordinated approach across all executive agencies to support threat agent characterization research, funding, and assay development.

''(3) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Attorney General, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Defense, and the head of any other appropriate executive agency, as determined by the Secretary, shall submit to the appropriate committees of Congress the national bioforensics strategy.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 320, as added by section 205 of this Act, the following:

''Sec. 321. Bioforensics capabilities and strategy.''.

Subtitle C—Communications Planning

SEC. 221. COMMUNICATIONS PLANNING.

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

"SEC. 525. COMMUNICATIONS PLANNING.

''(a) INCORPORATION OF COMMUNICATIONS PLANS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Emergency Management Agency, shall incorporate into each operational plan developed under sections 653(a)(4) and 653(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note) a communications plan for providing information to the public related to preventing, preparing for, protecting against, and responding to imminent natural disasters, acts of terrorism, and other man-made disasters, including incidents involving the use of weapons of mass destruction and other potentially catastrophic events.

''(2) CONSULTATION.—In developing communications plans under paragraph (1), the Administrator shall consult with State, local, and tribal gov-

ernments and coordinate, as the Administrator considers appropriate, with other Federal departments and agencies that have responsibilities under the National Response Framework and other relevant Federal departments and agencies.

''(b) PRESCRIPTED MESSAGES AND MESSAGE TEMPLATES.—

''(1) IN GENERAL.—As part of the communication plans, the Administrator shall develop prescripted messages or message templates, as appropriate, to be included in the plans to be provided to State, local, and tribal officials so that those officials can quickly and rapidly disseminate critical information to the public in anticipation or in the immediate aftermath of a disaster or incident.

''(2) DEVELOPMENT AND DESIGN.—The prescripted messages or message templates shall—

''(A) be developed, as the Administrator determines appropriate, in consultation with State, local, and tribal governments and in coordination with other Federal departments and agencies that have responsibilities under the National Response Framework and other relevant Federal departments and agencies;

''(B) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by a disaster or incident, including information related to evacuation, sheltering in place, and issues of immediate health and safety; and

''(C) be designed to provide accurate, essential, and appropriate technical information and instructions to emergency response providers and medical personnel responding to a disaster or incident.

''(c) COMMUNICATIONS FORMATS.—In developing the prescripted messages or message templates required under subsection (b), the Administrator shall develop each such prescripted message or message template in multiple formats to ensure delivery—

''(1) in cases where the usual communications infrastructure is unusable as a result of the nature of a disaster or incident; and

''(2) to individuals with disabilities or other special needs and individuals with limited English proficiency in accordance with section 616 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note).

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

''(e) EXERCISES.—To ensure that the prescripted messages or message templates developed under this section can be effectively utilized in a disaster or incident, the Administrator shall incorporate such prescripted messages or message templates into exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note).

''(f) REPORT.—Not later than 1 year after the date of the enactment of this section, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of the communications plans required to be developed under this section, including prescripted messages or message templates developed in conjunction with the plans

and a description of the means that will be used to deliver such messages in a natural disaster, act of terrorism, or other man-made disaster.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 524 the following:

''Sec. 525. Communications planning.''.

SEC. 222. PLUME MODELING.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on Armed Services of the House of Representatives;

(2) the term ''executive agency'' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);

(3) the term ''integrated plume model'' means a plume model that integrates protective action guidance and other information as the Secretary of Homeland Security determines appropriate; and

(4) the term ''plume model'' means the assessment of the location and prediction of the spread of nuclear, radioactive, or chemical fallout and biological pathogens resulting from an explosion or release of nuclear, radioactive, chemical, or biological substances.

(b) DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall develop and disseminate integrated plume models to enable rapid response activities following a nuclear, radiological, chemical, or biological explosion or release.

(2) SCOPE.—The Secretary of Homeland Security shall—

(A) ensure the rapid development and distribution of integrated plume models to appropriate officials of the Federal Government and State, local, and tribal governments to enable immediate response to a nuclear, radiological, chemical, or biological incident; and

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

(3) CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES.—In developing the integrated plume models described in this section, the Secretary of Homeland Security shall consult, as appropriate, with—

(A) the Secretary of Energy, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other executive agencies determined appropriate by the Secretary of Homeland Security; and

(B) State, local, and tribal governments and nongovernmental organizations.

(c) EXERCISES.—The Secretary of Homeland Security shall ensure that the development and dissemination of integrated plume models are assessed during exercises administered by the Department of Homeland Security.

(d) REPORTING.—Not later than 180 days after the date of enactment of this Act, and every year thereafter

for 3 years, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report regarding—

(1) the development and dissemination of integrated plume models under this section; and

(2) lessons learned from assessing the development and dissemination of integrated plume models during exercises administered by the Department of Homeland Security, and plans for improving the development and dissemination of integrated plume models, as appropriate.

TITLE III—INTERNATIONAL MEASURES TO PREVENT BIOLOGICAL TERRORISM

Subtitle A—Prevention and Protection Against International Biological Threats

SEC. 301. INTERNATIONAL THREAT ASSESSMENT: TIER I PATHOGEN FACILITIES.

(a) REVIEW.—Not later than 6 months after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Agriculture, and the heads of other appropriate

Federal agencies, shall complete a global review of international biological security threats to the United States.

(b) CONTENT.—The review under this section shall—

(1) assess global biological risks, including by describing regions or countries with the greatest biological security risk, taking into account factors such as—

(A) the presence and capabilities of a foreign terrorist organization;

(B) the location of highest risk pathogen collections; and

(C) the location of biological laboratories operating with inadequate security measures; and

(2) assess any gaps in knowledge about international biosecurity threats.

(c) UPDATES.—The Director shall update the review under this section as new or revised intelligence becomes available, but not less frequently than biennially.

(d) SUBMISSION OF REVIEW OR UPDATE.—Not later than 6 months after the date of the enactment of this Act, and biennially thereafter, the Director shall submit the classified review or update to—

(1) the Select Committee on Intelligence of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Foreign Relations of the Senate;

(4) the Permanent Select Committee on Intelligence of the House of Representatives;

(5) the Committee on Armed Services of the House of Representatives; and

(6) the Committee on Foreign Affairs of the House of Representatives.

(e) SUBMISSION OF UNCLASSIFIED SUMMARY AND CLASSIFIED ANNEX.—Not later than 6 months after the date of the enactment of this Act, and biennially thereafter, the Director shall submit an unclassified report and a classified annex summarizing the review or update to—

(1) the Committee on Agriculture of the Senate;

(2) the Committee on Health, Education, Labor, and Pensions of the Senate;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) the Committee on Agriculture of the House of the Representatives;

(5) the Committee on Energy and Commerce of the House of Representatives; and

(6) the Committee on Homeland Security of the House of Representatives.

(f) SUNSET DATE.—The requirements specified in subsections (c), (d), and (e) of this section shall terminate five years after the date of the enactment of this Act.

SEC. 302. STRENGTHENING INTERNATIONAL BIOSECURITY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE AUTHORIZED.—The Secretary of State, in coordination with the Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Homeland Security, and other appropriate agencies, shall provide technical and financial assistance, including the activities described in subsection (b), to countries or regions identified by the Threat Assessment mandated in section 301.

(b) AUTHORIZED ACTIVITIES.—

(1) REDUCING AND SECURING DANGEROUS PATHOGEN COLLECTIONS.—The Secretary of State shall—

(A) provide assistance to remove or consolidate an agent or toxin designated as a Tier I agent under section 351A(a)(2) of the Public Health Service Act or section 212(a)(2) of the Agricultural Bioterrorism Protection Act of 2002 (in this subtitle referred to as a ''Tier I

agent'') and other dangerous pathogen collections spread among multiple locations within a country or region into facilities with appropriate safety and security;

(B) provide assistance to replace dangerous or obsolete pathogen isolation techniques with modern diagnostic tools to improve safety and security and to reduce the number and size of dangerous pathogen collections in high risk regions and countries;

(C) encourage countries to eliminate stores of Tier I agents and other dangerous pathogen collections in exchange for facilitating access to state-of-the-art civilian research at international facilities;

(D) provide assistance to identify and secure Tier I agents and other dangerous pathogen collections in high risk regions and countries; and

(E) carry out such other activities as the Secretary of State considers necessary to achieve the purposes of this subtitle.

(2) PREVENTION AND PROTECTION.—The Secretary of State shall—

(A) raise awareness of international biological threats with foreign governments, academic institutions, and industrial laboratories that possess, use, or transfer Tier I agents and other dangerous pathogen collections through conferences, seminars and workshops;

(B) provide biosecurity upgrades at high risk laboratories;

(C) train foreign partners in high risk regions on best laboratory biosecurity practices within facilities that possess, use, or transfer Tier I agents and other dangerous pathogen collections;

(D) assist foreign countries in establishing personnel reliability measures, as part of a comprehensive laboratory management system;

(E) partner with foreign governments, laboratories, and scientists in activities that strengthen and reinforce best biological safety and security practices within facilities that possess, use, or transfer Tier I agents and other dangerous pathogen collections;

(F) enhance information sharing through regular meetings of relevant United States and foreign government agencies with subject mat-

ter expertise on pathogen security and laboratory best practices in high risk regions;

(G) increase support for United States science and technology agreements and initiatives in high risk regions and countries, including collaborative projects in the areas of bioterrorism prevention, infectious disease control, disease surveillance, bioforensics, laboratory biosafety, and hazardous waste management; and

(H) develop laboratory biosafety and biosecurity standards and guidelines, including personnel reliability measures, for facilities that possess, use, or transfer Tier I agents and other dangerous pathogen collections.

(3) SCIENCE AND TECHNOLOGY EXCHANGE.—The Secretary of State shall—

(A) promote research and development collaboration on highly infectious human, animal and plant disease agents in facilities with appropriate safety and security measures;

(B) provide opportunities for foreign scientists, particularly those located in highest risk countries identified in section 301, to receive training in the United States on biological safety and security best practices, standard oper-

ating procedures, and maintenance for high containment facilities; and

(C) facilitate the secure exchange of research samples between laboratories in the United States and foreign national laboratories for the development of vaccines and diagnostics for Tier I agents and other dangerous pathogens.

SEC. 303. PROMOTING SECURE BIOTECHNOLOGY ADVANCEMENT.

(a) PLAN TO PROMOTE INTERNATIONAL ADHERENCE TO INTERNATIONAL AGREEMENTS.—The Secretary of State, in coordination with appropriate agencies, shall produce and implement a plan for promoting international adherence to, and implementation of, frameworks, treaties, and other international agreements regarding weapons of mass destruction, including the Biological Weapons Convention, World Health Organization International Health Regulations, and United Nations Security Council Resolution 1540.

(b) BIOTECHNOLOGY DISCUSSIONS.—

(1) IN GENERAL.—The Secretary of State, in coordination with appropriate agencies, shall pursue discussions with government, academic, and industry representatives in countries that possess established

or emerging biotechnology sectors or are identified as high-risk countries in the Threat Assessment required under section 301.

(2) TOPICS.—Topics to be discussed under paragraph (1) shall include—

(A) multilateral initiatives intended to promote safe and secure biotechnology;

(B) norms and safeguards necessary to prevent the misuse of biotechnology;

(C) multilateral initiatives intended to counter the threat of biological terrorism; and

(D) other topics on international biosecurity that the Secretary of State considers to be relevant.

Subtitle B—Global Pathogen Surveillance

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''Global Pathogen Surveillance Act of 2010''.

SEC. 322. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The frequency of the occurrence of biological events that could threaten the national security of the United States has increased and is likely in-

creasing. The threat to the United States from such events includes threats from diseases that infect humans, animals, or plants regardless of whether such diseases are introduced naturally, accidentally, or intentionally.

(2) Bioterrorism poses a grave national security threat to the United States. The insidious nature of a bioterrorist attack, the likelihood that the recognition of such an attack would be delayed, and the underpreparedness of the domestic public health infrastructure to respond to such an attack could result in catastrophic consequences following a biological weapons attack against the United States.

(3) The ability to recognize that a country or organization is carrying out a covert biological weapons program is dependent on a number of indications and warnings. A critical component of this recognition is the timely detection of sentinel events such as community-level outbreaks that could be the earliest indication of an emerging bioterrorist program in a foreign country. Early detection of such events may enable earlier counterproliferation intervention.

(4) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or

released in a foreign country could quickly spread to the United States. Considering the realities of international travel, trade, and migration patterns, a dangerous pathogen appearing naturally, accidentally, or intentionally anywhere in the world can spread to the United States in a matter of days, before any effective quarantine or isolation measures could be implemented.

(5) To combat bioterrorism effectively and ensure that the United States is fully prepared to prevent, recognize, and contain a biological weapons attack or emerging infectious disease, measures to strengthen the domestic public health infrastructure and improve domestic event detection, surveillance, and response, while absolutely essential, are not sufficient.

(6) The United States should enhance cooperation with the World Health Organization, regional international health organizations, and individual countries, including data sharing with appropriate agencies and departments of the United States, to help detect and quickly contain infectious disease outbreaks or a bioterrorism agent before such a disease or agent is spread.

(7) The World Health Organization has done an impressive job in monitoring infectious disease outbreaks around the world, notably in the April 2000 establishment and subsequent operation of the Global Outbreak Alert and Response Network.

(8) The capabilities of the World Health Organization depend on the timeliness and quality of the data and information the Organization receives from the countries that are members of the Organization, pursuant to the 2005 revision of the International Health Regulations. Developing countries, in particular, often lack the necessary resources to build and maintain effective public health infrastructures.

(9) Developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting systems that—

(i) are based on disease and syndrome surveillance; and

(ii) could enable an effective response to a biological event to begin at the earliest possible opportunity;

(D) a narrowing of the existing technology gap in disease and syndrome surveillance capabilities, based on reported symptoms, and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national, international regional, and international health networks, including inexpensive, Internet-based geographic information systems and relevant telephone-based systems for early recognition and diagnosis of diseases.

(10) An effective international capability to detect, monitor, and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter or contain terrorist use of biological weapons, mitigating the intended effects of such malevolent uses.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To enhance the capability of the international community, through international health organizations and individual countries, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based disease and syndrome surveillance systems, in addition to traditional epidemiology methods, so that such professionals and epidemiologists may better detect, diagnose, and contain infectious disease outbreaks, especially such outbreaks caused by the pathogens that may be likely to be used in a biological weapons attack.

(3) To provide assistance to eligible developing countries to purchase appropriate communications equipment and information technology to detect, analyze, and report biological threats, including—

(A) relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis; and

(B) appropriate computer equipment and Internet connectivity mechanisms—

(i) to facilitate the exchange of Geographic Information Systems-based disease and syndrome surveillance information; and

(ii) to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(4) To make available greater numbers of public health professionals who are employed by the Government of the United States to international regional and international health organizations, international regional and international health networks, and United States diplomatic missions, as appropriate.

(5) To expand the training and outreach activities of United States laboratories located in foreign countries, including the Centers for Disease Control and Prevention or Department of Defense laboratories, to enhance the public health capabilities of developing countries.

(6) To provide appropriate technical assistance to existing international regional and international health networks and, as appropriate, seed money for

new international regional and international networks.

SEC. 323. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE DEVELOPING COUNTRY.—The term ''eligible developing country'' means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary of State, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), to have repeatedly provided support for acts of international terrorism, unless the Secretary of State exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this subtitle; and

(C) is a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at Washington, London, and Moscow April 10, 1972 (26 UST 583).

(2) ELIGIBLE NATIONAL.—The term ''eligible national'' means any citizen or national of an eligible developing country who—

(A) does not have a criminal background;

(B) is not on any immigration or other United States watch list; and

(C) is not affiliated with any foreign terrorist organization.

(3) INTERNATIONAL HEALTH ORGANIZATION.—The term ''international health organization'' includes the World Health Organization, regional offices of the World Health Organization, and such similar international organizations as the Pan American Health Organization.

(4) LABORATORY.—The term ''laboratory'' means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other medical examination of materials derived

from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(5) DISEASE AND SYNDROME SURVEILLANCE.—The term ''disease and syndrome surveillance'' means the recording of clinician-reported symptoms (patient complaints) and signs (derived from physical examination and laboratory data) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 324. ELIGIBILITY FOR ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), assistance may be provided to an eligible developing country under any provision of this subtitle only if the government of the eligible developing country—

(1) permits personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases within the borders of such country; and

(2) provides pathogen surveillance data to the appropriate agencies and departments of the United States and to international health organizations.

(b) WAIVER.—The Secretary of State may waive the prohibition set out in subsection (a) if the Secretary of

State determines that it is in the national interest of the United States to provide such a waiver.

(c) PRIOR NOTICE OF WAIVERS.—A waiver pursuant to subsection (b) may not be executed until 15 days after the Secretary of State provides to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives written notice of the intent to issue such waiver and the reasons for doing so.

SEC. 325. RESTRICTION.

(a) IN GENERAL.—Notwithstanding any other provision of this subtitle, no foreign national participating in a program authorized under this subtitle shall have access, during the course of such participation, to a select agent or toxin described in section 73.4 of title 42, Code of Federal Regulations (or any corresponding similar regulation) or an overlap select agent or toxin described in section 73.5 of such title (or any corresponding similar regulation) that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

(b) RELATIONSHIP TO REGULATIONS.—The restriction set out in subsection (a) may not be construed to limit the ability of the Secretary of Health and Human Services to prescribe, through regulation, standards for the posses-

sion, use, or transfer of a select agent or toxin or an overlap select agent or toxin described in such subsection.

SEC. 326. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program under which the Secretary of State, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Director of the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology for public health professionals from eligible developing countries to be carried out at the Centers for Disease Control and Prevention, an appropriate facility of a State, or an appropriate facility of another agency or department of the United States (other than a facility of the Department of

Defense or a national laboratory of the Department of Energy) for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM RESPONSE.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a ''fellow'') may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—A fellow shall enter into an agreement with the Secretary of State under which the fellow agrees—

(A) to maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary of State and confirmed in regularly scheduled updates to the Secretary of State from the institution providing the education or training on the progress of the fellow's education or training;

(B) upon completion of such education or training, to return to the fellow's country of nationality or last habitual residence (so long as it is an eligible developing country) and com-

plete at least 4 years of employment in a public health position in the government or a non-governmental, not-for-profit entity in that country or, with the approval of the Secretary of State, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) that, if the fellow is unable to meet the requirements described in subparagraph (A) or (B), the fellow shall reimburse the United States for the value of the assistance provided to the fellow under the fellowship program, together with interest at a rate that—

(i) is determined in accordance with regulations issued by the Secretary of State; and

(ii) is not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary of State may waive the application of subparagraph (B) or (C) of paragraph (1) on a case by case basis if the Secretary of State determines that—

(A) it is in the national interest of the United States to provide such a waiver; or

(B) humanitarian considerations require such a waiver.

(d) AGREEMENT.—The Secretary of State, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, is authorized to enter into an agreement with the government of an eligible developing country under which such government agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the developing country upon completion of the fellow's studies; and

(3) to submit to the Secretary of State a certification stating that a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, including an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary of State may provide for the participation of a citizen of the United States in the fellowship program under the provisions of this section if—

(1) the Secretary of State determines that it is in the national interest of the United States to provide for such participation; and

(2) the citizen of the United States agrees to complete, at the conclusion of such participation, at least 5 years of employment in a public health position in an eligible developing country or at an international health organization.

(f) USE OF EXISTING PROGRAMS.—The Secretary of State, with the concurrence of the Secretary of Health and Human Services, may elect to use existing programs of the Department of Health and Human Services to provide the education and training described in subsection (a) if the requirements of subsections (b), (c), and (d) will be substantially met under such existing programs.

SEC. 327. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND DISEASE AND SYNDROME SURVEILLANCE.

(a) LABORATORY TECHNIQUES.—

(1) IN GENERAL.—The Secretary of State, after consultation with the Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Homeland Security and in conjunction with elements of those departments that engage in activities of this type overseas, and subject to the

availability of appropriations, shall provide assistance for short training courses for eligible nationals who are laboratory technicians or other public health personnel in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks.

(2) LOCATION.—The training described in paragraph (1) shall be held outside the United States and may be conducted in facilities of the Centers for Disease Control and Prevention located in foreign countries or in Overseas Medical Research Units of the Department of Defense, as appropriate.

(3) COORDINATION WITH EXISTING PROGRAMS.—The Secretary of State shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international health organizations.

(b) DISEASE AND SYNDROME SURVEILLANCE.—

(1) IN GENERAL.—The Secretary of State, after consultation with the Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Homeland Security and in conjunction with elements of those departments that engage in activities of this type overseas, and subject to the availability of appropriations, shall establish and

provide assistance for short training courses for eligible nationals who are health care providers or other public health personnel in techniques of disease and syndrome surveillance reporting and rapid analysis of syndrome information using geographic information system tools.

(2) LOCATION.—The training described in paragraph (1) shall be conducted via the Internet or in appropriate facilities located in a foreign country, as determined by the Secretary of State.

(3) COORDINATION WITH EXISTING PROGRAMS.—The Secretary of State shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international regional and international health organizations.

SEC. 328. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT AND SUPPLIES.

(a) AUTHORIZATION.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the public health laboratory equipment and supplies described in subsection (b).

(b) EQUIPMENT AND SUPPLIES COVERED.—The equipment and supplies described in this subsection are equipment and supplies that are—

(1) appropriate, to the extent possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogen strains, which may cause disease outbreaks or may be used in a biological weapon;

(3) compatible with general standards set forth by the World Health Organization and, as appropriate, the Centers for Disease Control and Prevention, to ensure interoperability with international regional and international public health networks; and

(4) not defense articles, defense services, or training, as such terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the pur-

chase from a foreign country of equipment or supplies that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds authorized under subsection (a), preference should be given to the purchase of equipment and supplies of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) COUNTRY COMMITMENTS.—The assistance provided under this section for equipment and supplies may be provided only if the eligible developing country that receives such equipment and supplies agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and supplies.

SEC. 329. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.—The

President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the communications equipment and information technology described in subsection (b), and the supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) COVERED EQUIPMENT.—The communications equipment and information technology described in this subsection are communications equipment and information technology that—

(1) are suitable for use under the particular conditions of the geographic area of intended use;

(2) meet the standards set forth by the World Health Organization and, as appropriate, the Secretary of Health and Human Services, to ensure interoperability with like equipment of other countries and international organizations; and

(3) are not defense articles, defense services, or training, as those terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect

pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of communications equipment or information technology that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds under subsection (a), preference should be given to the purchase of communications equipment and information technology of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) ASSISTANCE FOR STANDARDIZATION OF REPORTING.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among

developing countries and international health organizations.

(g) COUNTRY COMMITMENTS.—The assistance provided under this section for communications equipment and information technology may be provided only if the eligible developing country that receives such equipment and technology agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and technology.

SEC. 330. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Upon the request of the chief of a diplomatic mission of the United States or of the head of an international regional or international health organization, and with the concurrence of the Secretary of State and of the employee concerned, the head of an agency or department of the United States may assign to the mission or the organization any officer or employee of the agency or department that occupies a public health position within the agency or department for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) REIMBURSEMENT.—The costs incurred by an agency or department of the United States by reason of the detail of personnel under subsection (a) may be reimbursed to that agency or department out of the applicable appropriations account of the Department of State if the Secretary of State determines that the agency or department may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 331. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) IN GENERAL.—Subject to the availability of appropriations and with the concurrence of the government of each host country, the Director of the Centers for Disease Control and Prevention and the Secretary of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers for Disease Control and Prevention or the Department of Defense, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of such laboratories, especially with respect to the implementation of on-site training of foreign nationals and activities affecting the region in which the country is located.

(b) COOPERATION AND COORDINATION BETWEEN LABORATORIES.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

SEC. 332. ASSISTANCE FOR INTERNATIONAL HEALTH NETWORKS AND EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities of the World Health Organization and existing international regional and international health networks; and

(2) developing new international regional and international health networks.

(b) EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional international Field Epidemiology Training Programs in eligible developing countries, with the concurrence of the government of each host country.

SEC. 333. REPORTS.

Not later than 90 days after the date of enactment of this Act, the Secretary of State, in conjunction with

the Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Homeland Security, shall submit to the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Foreign Affairs and the Committee on Homeland Security of the House of Representatives a report on the implementation of programs under this subtitle, including an estimate of the level of funding required to carry out such programs.

SEC. 334. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Not more than 10 percent of the amount appropriated pursuant to subsection (a)(1) may be obligated before the date on which a report is submitted, or required to be submitted, whichever first occurs, under section 333.

Subtitle C—Strengthening the Oversight of Nuclear Nonproliferation

SEC. 351. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Energy and Commerce of the House of Representatives.

(2) COMMISSION.—The term ''Commission'' means the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established by section 1851 of the Implementing Recommendation of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 501).

(3) COORDINATOR.—The term ''Coordinator'' means the President's Coordinator for the Prevention of Weapons of Mass Destruction Proliferation

and Terrorism established by section 1841(b)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(1)).

(4) DEPUTY COORDINATOR.—The term ''Deputy Coordinator'' means the Deputy United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under section 1841(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(2)).

(5) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium that contains at least 20 percent of the uranium isotope 235.

(6) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(7) SPECIAL NUCLEAR MATERIAL.—The term ''special nuclear material'' has the meaning given the term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 352. REPORT ON UNITED STATES NUCLEAR NONPROLIFERATION EFFORTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Coordinator shall submit to the appropriate congressional committees an unclassified report, with classified

annexes as necessary, on the findings and recommendations of the Commission described in subsection (b).

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the financial incentives the United States Government used during the previous year to promote civilian nuclear energy abroad, including the types, amounts, and recipients of such financial incentives.

(2) A description of the actions the United States Government has taken for improving the secure civilian storage of, and minimizing the use and export of, weapons useable highly enriched uranium during the previous year, and the amount the United States Government spends annually to fuel United States civilian reactors that use highly enriched uranium.

(3) A description of the actions that have been taken by the United States Government to implement title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.) during the previous year and any obstacles pertaining to its implementation with recommended actions.

(4) A description of the steps the United States Government has taken during the previous year to

upgrade the physical security of civilian nuclear reactors in the United States that store or handle special nuclear material.

(5) A United States Government assessment of the capabilities of the IAEA, completed in consultation with all relevant United States Government agencies, including the Office of the Director of National Intelligence, including—

(A) the ability of IAEA to meet its own timely detection inspection goals;

(B) the ability of IAEA to afford timely detection of possible military diversions and whether or not the IAEA has met its own timely detection inspection goals;

(C) recommendations for whether and how the IAEA should update its definitions of how much special nuclear material is needed to create a nuclear bomb and how long it takes to convert such special nuclear material into nuclear bombs; and

(D) recommendations regarding how the United States could improve the capabilities of the IAEA.

(c) ABSENCE OF THE COORDINATOR AND THE DEPUTY COORDINATOR.—The President shall submit the re-

port required under this section if neither the Coordinator nor the Deputy Coordinator have been appointed pursuant to section 1841(b)(3) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).

SEC. 353. REPORT ON UNITED STATES WORK WITH IAEA ON NUCLEAR NONPROLIFERATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Coordinator shall submit to the appropriate congressional committees an unclassified report, with classified annexes as necessary, on the findings and recommendations of the Commission under subsection (b).

(b) CONTENT.—The report required under subsection (a) shall include details about the progress of the work of the United States Government with the IAEA Director General to—

(1) establish a safeguards user fee, whereby countries with inspected facilities would be assessed a fee to help cover the costs of IAEA inspections;

(2) assess whether the IAEA can meet its own inspection goals, whether those goals afford timely detection to account for a bomb's worth of special nuclear material, whether there are situations in which achieving those goals is not possible, and what

corrective actions, if any, might help the IAEA to achieve its inspection goals;

(3) promote transparency at suspect sites and to encourage IAEA member states to maintain a registry, made available to other IAEA members upon request, of all foreign visitors at safeguarded sites;

(4) provide for the acquisition and implementation of near-real-time surveillance equipment in the use of safeguards, including at sites where nuclear fuel rods are located;

(5) require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA in advance and develop a system to process and analyze the information; and

(6) provide recommendations on how the United States could improve the capabilities of the IAEA.

(c) ABSENCE OF THE COORDINATOR AND THE DEPUTY COORDINATOR.—The President shall submit the report required under this section if neither the Coordinator nor the Deputy Coordinator have been appointed pursuant to section 1841(b)(3) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).

SEC. 354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the reporting requirements under sections 352 and 353 for fiscal year 2010 and each subsequent year thereafter.

Subtitle D—Energy Development Program Implementation

SEC. 361. FINDINGS.

Congress finds that—

(1) title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.) requires the United States to work with developing countries in assessing and finding ways to meet their energy needs through alternatives to nuclear energy that are consistent with economic factors, material resources, and environmental protection; and

(2) in December 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism noted that the Federal Government had failed to implement title V of that Act and recommended that the Federal Government implement title V of that Act to help reduce the risk of nuclear proliferation.

SEC. 362. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

(2) ENERGY DEVELOPMENT PROGRAM.—The term ''energy development program'' means the program established under title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, in cooperation with the Secretary of State and the Administrator of the United States Agency for International Development.

SEC. 363. ENERGY DEVELOPMENT PROGRAM IMPLEMENTATION.

(a) STRATEGIC AND IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop—

(A) strategic plans for the energy development program consistent with title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.); and

(B) implementation plans for the energy development program consistent with title V of that Act.

(2) REVIEW OF PLANS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit the strategic and implementation plans to the appropriate congressional committees for review.

(b) IMPLEMENTATION.—Not later than 180 days after the date on which the plans are submitted to the appropriate congressional committees for review under subsection (a), the Secretary shall implement the plans.

(c) ALLOWANCES, PRIVILEGES, AND OTHER BENEFITS.—

(1) IN GENERAL.—A Federal employee serving in an exchange capacity in the energy development program shall be considered to be detailed.

(2) EMPLOYING AGENCY.—For the purpose of preserving allowance, privileges, rights, seniority, and other benefits with respect to the Federal employee, the employee shall be—

(A) considered an employee of the original employing agency; and

(B) entitled to the pay, allowances, and benefits from funds available to the original employing agency.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2010 and each fiscal year thereafter.

SEC. 364. REPORTS.

(a) ANNUAL REPORT.—Not later than 1 year after the date of implementation of the plans under section 363(b) and every year thereafter, the Secretary shall report annually to the appropriate congressional committees on the plans consistent with section 501 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261).

(b) REPORT ON THE ALTERNATIVE ENERGY CORPS.—

(1) COOPERATIVE ACTIVITIES.—Not later than 1 year after the date of implementation of the plans under section 363(b), the Secretary shall report to

the appropriate congressional committees on the feasibility of expanding the cooperative activities established pursuant to section 502(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3262) into an international cooperative effort.

(2) REQUIREMENTS.—The report required under paragraph (1) shall include an analysis and description of—

(A) an Alternative Energy Corps that is designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of those countries through—

(i) the search for and use of non-nuclear indigenous energy resources; and

(ii) the application of suitable technology, including the widespread use of renewable and unconventional energy technologies; and

(B) other mechanisms that are available to coordinate an international effort to develop, demonstrate, and encourage the use of suitable technologies in developing countries.

TITLE IV—GOVERNMENT ORGANIZATION

SEC. 401. INTELLIGENCE ON WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of National Intelligence.

(3) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(4) WEAPON OF MASS DESTRUCTION.—The term ''weapon of mass destruction'' has the meaning given that term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302).

(b) STRATEGY FOR IMPROVING INTELLIGENCE CAPABILITIES.—

(1) REQUIREMENT FOR STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the Director shall develop, implement, and submit to the appropriate committees of Congress a strategy for improving the capabilities of the United States for the collection, analysis, and dissemination of intelligence related to weapons of mass destruction, including intelligence related to the relationship between weapons of mass destruction and terrorism.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include a description of each of the following:

(A) Methods for recruitment, training, and retention of individuals with expertise in the collection, analysis, and dissemination of intelligence related to weapons of mass destruction, including appropriate scientific and technical expertise.

(B) Methods for collaboration, as appropriate, with individuals with expertise described in subparagraph (A) who are employed by nongovernmental entities or who are foreign nationals.

(C) Analytic questions and gaps in information related to intelligence on weapons of mass destruction, including such intelligence concerning state actors and nonstate actors, such as smugglers, criminal enterprises, and financiers, that will be used to guide intelligence collection.

(D) Activities for the development of innovative human and technical intelligence collection capabilities and techniques.

(E) Actions necessary to increase the effectiveness and efficiency of the sharing of intelligence on weapons of mass destruction throughout the intelligence community, including a description of statutory, regulatory, policy, technical, security, or other barriers that prevent such sharing, and, as appropriate, the development of uniform standards across the intelligence community for such sharing.

(F) Actions necessary to identify and overcome activities by a foreign government or person to deny or deceive the intelligence community concerning intelligence regarding weapons of mass destruction.

(G) Specific objectives to be accomplished during each year of the first 5-year period after the strategy is submitted to the appropriate committees of Congress and tasks to accomplish such objectives, including—

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

(ii) a schedule for meeting such objectives and carrying out such tasks.

(H) Assignments of roles and responsibilities to elements of the intelligence community to implement the strategy.

(I) The personnel, financial, and other resources necessary to implement the strategy and a plan for obtaining such resources.

(J) Metrics for measuring the effectiveness and efficiency of the strategy.

(K) A schedule for assessment, review, and, as appropriate, revision of the strategy.

(3) REQUIREMENT TO CONSULT.—In developing the strategy required by paragraph (1), the Director shall consult with the Secretary of Homeland Security, the Secretary of Defense, and other officials as the Director determines appropriate.

(4) FORM.—The strategy required by paragraph (1) may be submitted in a classified form.

(c) REQUIREMENT FOR REPORTS.—

(1) IN GENERAL.—Not less frequently than once during each 180-day period after the date of the submission of the strategy required by subsection (b)(1) to the appropriate committees of Congress, the Director shall submit to the appropriate committees of Congress a report on the implementation of such strategy.

(2) CONTENT.—Each report required by paragraph (1) shall include the following:

(A) An assessment of whether the objectives and tasks referred to in subsection (b)(2)(G) have been accomplished in accordance with the proposed schedule.

(B) Data corresponding to the metrics required by subsection (b)(2)(J) for measuring the effectiveness and efficiency of the strategy.

(C) An assessment of the actions of the elements of the intelligence community to implement the strategy.

(D) An assessment of whether the personnel, financial, and other resources available are sufficient to implement the strategy.

(E) A description of any revisions to, or plans to revise, any component of the strategy.

(3) SUNSET DATE.—The requirement set forth in paragraph (1) shall terminate three years after the date of the submission of the strategy required by subsection (b)(1) to the appropriate committees of Congress.

SEC. 402. INTELLIGENCE COMMUNITY LANGUAGE CAPABILITIES AND CULTURAL KNOWLEDGE.

(a) DEFINITIONS.—In this section, the terms ''appropriate committees of Congress'', ''Director'', ''intelligence community'', and ''weapons of mass destruction'' have the meaning given such terms in section 401.

(b) STRATEGY FOR IMPROVING LANGUAGE CAPABILITIES AND CULTURAL KNOWLEDGE.—

(1) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Director shall develop, implement, and submit to the appropriate committees of Congress a

strategy for improving the recruiting, training, and retention of employees of the elements of the intelligence community who possess critical language capabilities and cultural backgrounds relevant to countering terrorism or collecting, analyzing, and disseminating intelligence related to weapons of mass destruction, including individuals who are first or second-generation United States citizens and United States citizens with immediate relatives who are foreign nationals.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include a description of each of the following:

(A) The current and projected needs of the intelligence community during the ten-year period, beginning on the date the strategy is submitted to the appropriate committees of Congress, for employees with critical language capabilities and cultural backgrounds relevant to countering terrorism or collecting, analyzing, and disseminating intelligence related to weapons of mass destruction.

(B) Actions necessary to recruit, train, and retain employees with such capabilities or backgrounds.

(C) Barriers to effective recruitment, training, and retention of employees with such capabilities or backgrounds, including security clearance processing, and actions necessary to overcome such barriers.

(D) Specific objectives to be accomplished during each year of the first 5-year period beginning on the date that the strategy is submitted to the appropriate committees of Congress and tasks to accomplish such objectives, including—

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

(ii) a schedule for meeting such objectives and carrying out such tasks.

(E) Assignments of roles and responsibilities to elements of the intelligence community to carry out the strategy.

(F) The personnel, financial, and other resources necessary to implement the strategy, and a plan for obtaining such resources.

(G) Metrics for measuring the effectiveness and efficiency of the strategy.

(H) A schedule for assessment, review, and, as appropriate, revision of the strategy.

(c) REQUIREMENT FOR REPORTS.—

(1) IN GENERAL.—Not less frequently than once during each 180-day period after the date of the submission of the strategy required by subsection (b)(1) to the appropriate committees of Congress, the Director shall submit to the appropriate committees of Congress a report on the implementation of such strategy.

(2) CONTENT.—Each report required by paragraph (1) shall include the following:

(A) An assessment of whether the objectives referred to in subsection (b)(2)(D) have been accomplished in accordance with the proposed schedule.

(B) Data corresponding to the metrics required by subsection (b)(2)(G) for measuring the effectiveness and efficiency of the strategy.

(C) An assessment of the actions by the elements of the intelligence community to implement the strategy.

(D) An assessment of whether the personnel, financial, and other resources available are sufficient to implement the strategy.

(E) A description of any revisions to, or plans to revise, any component of the strategy.

(3) SUNSET DATE.—The requirement set forth in paragraph (1) shall terminate 5 years after the date of the submission of the strategy required by subsection (b)(1) to the appropriate committees of Congress.

SEC. 403. COUNTERTERRORISM TECHNOLOGY ASSESSMENTS.

(a) AGENCY DEFINED.—In this section, the term ''agency'' means any department, agency, or instrumentality of the executive branch of the Government.

(b) REQUIREMENT FOR INTERDISCIPLINARY CAPABILITY OF THE CONGRESSIONAL RESEARCH SERVICE.—

(1) IN GENERAL.—The Director of the Congressional Research Service shall establish an interdisciplinary capability to further the Congressional Research Service's responsibilities to advise Congress pursuant to section 203(d) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(d)) concerning technology or technological applications developed or used for countering terrorism.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to implement this subsection $2,000,000 for each of fiscal years 2011 through 2013.

(c) ASSESSMENTS OF AVAILABLE TECHNOLOGY.—

(1) REQUIREMENT FOR ASSESSMENTS.—Pursuant to section 717 of title 31, United States Code, the Comptroller General of the United States shall conduct assessments of technology or technological applications that are—

(A) being developed or used or are available to be used for countering terrorism by a program or activity that is carried out by an agency; or

(B) proposed to be developed or used or are potentially available to be used pursuant to—

(i) a legislative proposal under consideration by a committee of the Senate or the House of Representatives; or

(ii) a recommendation submitted to Congress by the President or an agency.

(2) SCOPE OF ASSESSMENT.—Each assessment of a technology or technological application carried out under paragraph (1) shall evaluate the actual or anticipated impact, effectiveness, or efficiency of the technology or technological application for countering terrorism, including evaluating—

(A) any test results related to the technology or technological application;

(B) any alternatives to the technology or technological application;

(C) the actual or anticipated operational requirements of the technology or technological application, including the logistical needs, personnel training, and procedures for utilizing the technology or technological application;

(D) the actual or anticipated costs, as compared to the actual or anticipated benefits of the technology or technological application;

(E) any actual or anticipated countermeasures to the technology or technological application by terrorists; and

(F) technology assessments or related reports prepared by or for an agency for the technology or technological application.

(3) TECHNOLOGY ASSESSMENT CAPABILITY.—

(A) REQUIREMENT TO ESTABLISH.—The Comptroller General of the United States shall establish an interdisciplinary capability to perform the assessments required by paragraph (1) that includes officers and employees who have expertise in science, engineering, technology, homeland security, counterterrorism, or other

fields that the Comptroller General considers appropriate to conduct such assessments.

(B) APPOINTMENT AND PROCUREMENT.—The Comptroller General shall appoint, pay, and assign officers and employees pursuant to subsection (a) of section 731 of title 31, United States Code, and may procure the services or assistance of experts and consultants pursuant to subsection (e) of such section, in order to acquire the expertise in science, technology, or other fields necessary to conduct the assessments required by paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to implement this subsection $2,000,000 for each of fiscal years 2011 through 2013.

(d) ASSESSMENTS OF FUTURE TECHNOLOGY.—

(1) REQUIREMENT FOR ASSESSMENTS.—The Comptroller General of the United States shall, as appropriate, enter into arrangements with the National Academy of Sciences to assess technology and technological applications that are being developed or could be developed for purposes of countering terrorism.

(2) SCOPE OF ASSESSMENTS.—Each assessment carried out under paragraph (1) shall include—

(A) determining trends related to the development of technology or technological applications and their implications for countering terrorism;

(B) identifying particular technology or technological applications that potentially may become available or are necessary for countering terrorism; and

(C) recommending investments to be made by an agency in the development of particular technology or technological applications.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to implement this subsection $2,000,000 for each of fiscal years 2011 through 2013.

TITLE V—EMERGENCY MANAGEMENT AND CITIZEN ENGAGEMENT

SEC. 501. COMMUNICATION OF THREAT INFORMATION AND ALERTS.

(a) FINDING.—Congress finds that the Commission on the Prevention of Weapons of Mass Destruction Pro-

liferation and Terrorism recommended that ''the Federal Government should practice greater openness of public information so that citizens better understand the threat and the risk this threat poses to them.''.

(b) TERRORISM THREAT AWARENESS.—Section 203 of the Homeland Security Act of 2002 (6 U.S.C. 124) is amended by adding at the end the following:

''(c) TERRORISM THREAT AWARENESS.—

''(1) TERRORISM THREAT AWARENESS.—The Secretary, in coordination with the Attorney General, shall ensure that information concerning terrorist threats is available to the general public within the United States.

''(2) THREAT BULLETINS.—

''(A) IN GENERAL.—Consistent with the requirements of subsection (b), the Secretary shall on a timely basis prepare unclassified terrorism-related threat and risk assessments.

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

''(i) include guidelines for the general public for preventing and responding to acts of terrorism; and

''(ii) be made available on the website of the Department and other publicly ac-

cessible websites, communication systems, and information networks.

''(3) GUIDELINES FOR STATE, LOCAL, AND TRIBAL GOVERNMENTS.—The Secretary shall provide to State, local, and tribal governments written guidelines on how to disseminate information about terrorism-related threats and risks to the general public within their jurisdictions.

''(4) USE OF EXISTING RESOURCES.—The Secretary shall use websites, communication systems, and information networks in operation on the date of an assessment under this subsection to satisfy the requirements of paragraph (2)(B)(ii).''.

(c) RESPONSIBILITIES OF THE SECRETARY.—Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended by striking ''and to agencies of State'' and all that follows and inserting ''to State, local, tribal, and private entities with such responsibilities, and, as appropriate, to the general public, in order to assist in deterring, preventing, or responding to acts of terrorism against the United States.''.

(d) REPORTING REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Sen-

ate and the Committee on Homeland Security of the House of Representatives a report on the implementation of section 203 of the Homeland Security Act of 2002, as amended by subsection (b).

SEC. 502. GUIDELINES CONCERNING WEAPONS OF MASS DESTRUCTION.

(a) ESTABLISHMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall—

(1) develop guidelines, in coordination with State, local, and tribal governments and representatives of emergency response provider organizations, for police, fire, emergency medical services, emergency management, and public health personnel, for responding to an explosion or release of nuclear, biological, radiological, or chemical material; and

(2) make the guidelines developed under paragraph (1) available to State, local, and tribal governments, nongovernmental organizations, and the private sector.

(b) CONTENTS.—The guidelines developed under subsection (a)(1) shall contain, at a minimum—

(1) protective action guidelines for ensuring the health and safety of emergency response providers;

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

(3) information regarding how emergency response providers and mass care facilities may most effectively deal with individuals affected by an incident involving a nuclear, biological, radiological, or chemical material.

(c) REVIEW AND REVISION OF GUIDELINES.—The Secretary of Homeland Security shall—

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

(2) make revisions to the guidelines as appropriate; and

(3) make the revised guidelines available to State, local, and tribal governments, nongovernmental organizations, the private sector, and the general public.

(d) PROCEDURES FOR DEVELOPING AND REVISING GUIDELINES.—In carrying out the requirements of this section, the Secretary of Homeland Security shall establish procedures—

(1) to inventory any existing relevant hazardous material response guidelines;

(2) to enable the public to submit recommendations of areas for which guidelines could be developed under subsection (a)(1);

(3) to determine which entities should be consulted in developing or revising the guidelines;

(4) to prioritize, on a regular basis, guidelines that should be developed or revised; and

(5) to develop and disseminate the guidelines in accordance with the prioritization under paragraph (4).

(e) CONSULTATIONS.—The Secretary of Homeland Security shall develop and revise the guidelines developed under subsection (a)(1), and the procedures required under subsection (d), in consultation with—

(1) the Secretary of Energy;

(2) the Secretary of Health and Human Services;

(3) the Secretary of Defense;

(4) other Federal departments and agencies, as appropriate;

(5) the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318);

(6) State, local, and tribal governments; and

(7) nongovernmental organizations and private industry.

(f) REPORTING REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, 1 year after such date of enactment, and annually thereafter, the Secretary of Homeland Security shall provide the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives with—

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

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

(3) a list of entities that to which the guidelines described in paragraph (2) were disseminated;

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

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

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

(g) DEFINITION.—In this section, the term ''emergency response provider'' has the meaning given that term

in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

SEC. 503. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

(a) INDIVIDUAL AND COMMUNITY PREPAREDNESS.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 221, is amended by adding at the end the following:

"SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

''(a) IN GENERAL.—The Administrator shall assist State, local, and tribal governments in improving and promoting individual and community preparedness for natural disasters, acts of terrorism, and other man-made disasters, including incidents involving the use of weapons of mass destruction and other potentially catastrophic events, by—

''(1) developing guidelines and checklists of recommended actions for individual and community prevention and preparedness efforts and disseminating such guidelines and checklists to communities and individuals;

''(2) disseminating the guidelines developed under section 502 of the Weapons of Mass Destruction Prevention and Preparedness Act of 2010 to communities and individuals, as appropriate;

''(3) compiling and disseminating information on best practices in individual and community preparedness;

''(4) providing information and training materials in support of individual and community preparedness efforts;

''(5) conducting individual and community preparedness outreach efforts; and

''(6) such other actions as the Administrator determines appropriate.

''(b) COORDINATION.—Where appropriate, the Administrator shall coordinate with private sector and nongovernmental organizations to promote individual and community preparedness.

''(c) SUPPORT FOR VOLUNTARY PROGRAMS.—In carrying out the responsibilities described in subsection (a), the Administrator shall, where appropriate, work with and provide support to individual and community preparedness programs, such as the Community Emergency Response Team Program, Fire Corps, Medical Reserve Corps Program, Volunteers in Police Service, USAonWatch-Neighborhood Watch, and other voluntary programs, including those sponsored by nongovernmental organizations.

''(d) DIRECTOR.—The Administrator shall appoint a Director of Community Preparedness to coordinate and

oversee the individual and community preparedness efforts of the Agency.

''(e) GRANTS.—

''(1) IN GENERAL.—The Administrator may make grants to States to support individual and community preparedness efforts, including through the Citizen Corps Program.

''(2) APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(A) $15,000,000 for fiscal year 2011;

''(B) $20,000,000 for fiscal year 2012; and

''(C) $20,000,000 for fiscal year 2013.''.

(b) ENHANCING PREPAREDNESS.—Section 504(a) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is amended—

(1) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(2) by inserting after paragraph (19) the following:

''(20) enhancing and promoting the preparedness of individuals and communities for natural disasters, acts of terrorism, and other man-made disasters;''.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6

U.S.C. 101 et seq.), as amended by section 221, is amended by inserting after the item relating to section 525 the following:

"Sec. 526. Individual and community preparedness.".

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