

111TH CONGRESS
2^D SESSION

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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Weapons of Mass Destruction Prevention and Prepared-
6 ness Act of 2010” or the “WMD Prevention and Pre-
7 paredness Act of 2010”.

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

Sec. 1. Short title; and table of contents.

TITLE I—ENHANCED BIOSECURITY

- Sec. 101. Designation of Tier I agents.
- Sec. 102. Enhanced biosecurity measures.
- Sec. 103. Laboratory and facility registration and database.
- Sec. 104. Background checks.
- Sec. 105. Biological laboratory protection.
- Sec. 106. Biosecurity information sharing.
- Sec. 107. Research with the Variola virus genome.

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.
- Sec. 202. Tailoring of the national medical countermeasure dispensing strategy.
- Sec. 203. Expansion in the use of the U.S. Postal Service to deliver medical countermeasures.
- Sec. 204. Dispensing medical countermeasures through employers.
- Sec. 205. Personal medkits for emergency response providers and members of preparedness organizations.
- Sec. 206. General public medkit pilot program.
- Sec. 207. Report on the use of expiring countermeasures.

Subtitle B—Bioforensics Capabilities and Strategy

- Sec. 211. Bioforensics capabilities and strategy.

Subtitle C—Communications Planning

- Sec. 221. Communications planning.
- Sec. 222. Plume modeling.

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.
- Sec. 302. Strengthening international biosecurity.
- Sec. 303. Promoting secure biotechnology advancement.

Subtitle B—Global Pathogen Surveillance

- Sec. 321. Short title.
- Sec. 322. Findings; purpose.
- Sec. 323. Definitions.
- Sec. 324. Eligibility for assistance.
- Sec. 325. Restriction.

- Sec. 326. Fellowship program.
- Sec. 327. In-country training in laboratory techniques and disease and syndrome surveillance.
- Sec. 328. Assistance for the purchase and maintenance of public health laboratory equipment and supplies.
- Sec. 329. Assistance for improved communication of public health information.
- Sec. 330. Assignment of public health personnel to United States missions and international organizations.
- Sec. 331. Expansion of certain United States Government laboratories abroad.
- Sec. 332. Assistance for international health networks and expansion of Field Epidemiology Training Programs.
- Sec. 333. Reports.
- Sec. 334. Authorization of appropriations.

Subtitle C—Strengthening the Oversight of Nuclear Nonproliferation

- Sec. 351. Definitions.
- Sec. 352. Report on United States nuclear nonproliferation efforts.
- Sec. 353. Report on United States work with IAEA on nuclear nonproliferation.
- Sec. 354. Authorization of appropriations.

Subtitle D—Energy Development Program Implementation

- Sec. 361. Findings.
- Sec. 362. Definitions.
- Sec. 363. Energy development program implementation.
- Sec. 364. Reports.

TITLE IV—GOVERNMENT ORGANIZATION

- Sec. 401. Intelligence on weapons of mass destruction.
- Sec. 402. Intelligence community language capabilities and cultural knowledge.
- Sec. 403. Counterterrorism technology assessments.

TITLE V—EMERGENCY MANAGEMENT AND CITIZEN
ENGAGEMENT

- Sec. 501. Communication of threat information and alerts.
- Sec. 502. Guidelines concerning weapons of mass destruction.
- Sec. 503. Individual and community preparedness.

1 **TITLE I—ENHANCED**
2 **BIOSECURITY**

3 **SEC. 101. DESIGNATION OF TIER I AGENTS.**

4 (a) AMENDMENTS TO THE PUBLIC HEALTH SERVICE

5 ACT.—Section 351A of the Public Health Service Act (42

6 U.S.C. 262a) is amended in subsection (a)—

1 (1) by redesignating paragraph (2) as para-
2 graph (3);

3 (2) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) TIER I AGENTS.—

6 “(A) DESIGNATION OF TIER I AGENTS.—

7 Not later than 180 days after the date of enact-
8 ment of the Weapons of Mass Destruction Pre-
9 vention and Preparedness Act of 2010, the Sec-
10 retary, in coordination with the Secretary of
11 Homeland Security, shall by regulation des-
12 ignate as ‘Tier I agents’ those agents and tox-
13 ins—

14 “(i) for which the Secretary of Home-
15 land Security has issued a Material Threat
16 Determination under section 319F–2(e)(2)
17 regarding the agent or toxin, unless the
18 Secretary of Health and Human Services
19 determines, in coordination with the Sec-
20 retary of Homeland Security, that such
21 designation is unwarranted; or

22 “(ii) that meet the criteria under sub-
23 paragraph (B).

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

1 under subparagraph (A), the Secretary, in co-
2 ordination with the Secretary of Homeland Se-
3 curity, shall consider—

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

8 “(ii) information available from any
9 biological or bioterrorism risk assessments
10 conducted by the Department of Homeland
11 Security or relevant assessments by other
12 agencies; and

13 “(iii) such other criteria and informa-
14 tion that the Secretary determines appro-
15 priate and relevant.

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

21 “(D) EVALUATION OF TIER I AGENTS.—
22 The Secretary, in coordination with the Sec-
23 retary of Homeland Security, shall—

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

1 the list of Tier I agents, as appropriate;
2 and

3 “(ii) at least biennially, review the list
4 of Tier I agents to determine whether any
5 agents or toxins should be removed from
6 the list.”; and

7 (3) in paragraph (3), as so redesignated, by
8 striking “list under paragraph (1)” and inserting
9 “lists under paragraphs (1) and (2)”.

10 (b) AMENDMENTS TO THE AGRICULTURAL BIOTER-
11 RORISM PROTECTION ACT OF 2002.—Section 212(a) of
12 the Agricultural Bioterrorism Protection Act of 2002 (7
13 U.S.C. 8401(a)) is amended—

14 (1) by redesignating paragraph (2) as para-
15 graph (3);

16 (2) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) TIER I AGENTS.—

19 “(A) DESIGNATION OF TIER I AGENTS.—

20 Not later than 180 days after the date of enact-
21 ment of the Weapons of Mass Destruction Pre-
22 vention and Preparedness Act of 2010, the Sec-
23 retary, in coordination with the Secretary of
24 Homeland Security, shall by regulation des-

1 ignite as ‘Tier I agents’ those agents and tox-
2 ins—

3 “(i) for which the Secretary of Home-
4 land Security has issued a Material Threat
5 Determination under section 319F–2(e)(2)
6 of the Public Health Service Act (42
7 U.S.C. 247d–6b(e)(2)) regarding the agent
8 or toxin, unless the Secretary of Agri-
9 culture determines, in coordination with
10 the Secretary of Homeland Security, that
11 such designation is unwarranted; or

12 “(ii) that meet the criteria under sub-
13 paragraph (B).

14 “(B) CRITERIA.—In determining whether
15 to designate an agent or toxin as a Tier I agent
16 under subparagraph (A), the Secretary, in co-
17 ordination with the Secretary of Homeland Se-
18 curity, shall consider—

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

23 “(ii) information available from any
24 biological or bioterrorism risk assessments
25 conducted by the Department of Homeland

1 Security or relevant assessments by other
2 agencies; and

3 “(iii) such other criteria and informa-
4 tion that the Secretary determines appro-
5 priate and relevant.

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

11 “(D) EVALUATION OF TIER I AGENTS.—
12 The Secretary, in coordination with the Sec-
13 retary of Homeland Security, shall—

14 “(i) on an ongoing basis, consider the
15 inclusion of additional agents or toxins on
16 the list of Tier I agents, as appropriate;
17 and

18 “(ii) at least biennially, review the list
19 of Tier I agents to determine whether any
20 agents or toxins should be removed from
21 the list.”; and

22 (3) by striking “list under paragraph (1)” and
23 inserting “lists under paragraphs (1) and (2)”.

1 **SEC. 102. ENHANCED BIOSECURITY MEASURES.**

2 (a) IN GENERAL.—Title III of the Homeland Security Act (6 U.S.C. 181 et seq.) is amended by adding at
3 the end the following:
4

5 **“SEC. 318. ENHANCED BIOSECURITY MEASURES.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) LISTED AGENT.—The term ‘listed agent’
8 means an agent or toxin included on—

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

13 “(B) the list established and maintained by
14 the Secretary of Agriculture under section
15 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(1)).

16 “(2) PERSON.—The term ‘person’ has the
17 meaning given that term in section 351A(l)(6) of the
18 Public Health Service Act (42 U.S.C. 262a(l)(6)).

19 “(3) TIER I AGENT.—The term ‘Tier I agent’
20 means an agent or toxin designated as a Tier I
21 agent under section 351A(a)(2) of the Public Health
22 Service Act (42 U.S.C. 262a(a)(2)) or section
23 212(a)(2) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(2)).
24
25

1 “(b) REGULATIONS.—The Secretary, in consultation
2 with the Secretary of Health and Human Services and the
3 Secretary of Agriculture, shall through a negotiated rule-
4 making under subchapter III of chapter 5 of title 5,
5 United States Code, establish enhanced biosecurity meas-
6 ures for persons that possess, use, or transfer Tier I
7 agents, which shall include—

8 “(1) standards for personnel reliability pro-
9 grams;

10 “(2) standards for biosecurity training of re-
11 sponsible officials, laboratory personnel, and support
12 personnel employed by such persons;

13 “(3) standards for performing laboratory risk
14 assessments;

15 “(4) risk-based laboratory security performance
16 standards; and

17 “(5) any other security standards jointly deter-
18 mined necessary by the Secretary and the Secretary
19 of Health and Human Services.

20 “(c) NEGOTIATED RULEMAKING COMMITTEE.—The
21 negotiated rulemaking committee established by the Sec-
22 retary under subsection (b) shall include representatives
23 from—

24 “(1) the Department;

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

3 “(3) the Department of Agriculture;

4 “(4) the Department of Defense;

5 “(5) the Department of Energy;

6 “(6) the Department of Justice;

7 “(7) for profit research institutions;

8 “(8) academic research institutions;

9 “(9) nonprofit research institutions; and

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

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

15 “(1) any recommendations with respect to pro-
16 posed regulations are provided to the Secretary not
17 later than 6 months after the date of enactment of
18 this section; and

19 “(2) a final rule is promulgated not later than
20 12 months after the date of enactment of this sec-
21 tion.

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

1 “(1) the recommendations of the Commission
2 on the Prevention of Weapons of Mass Destruction
3 Proliferation and Terrorism (established under sec-
4 tion 1851 of the Implementing Recommendations of
5 the 9/11 Commission Act of 2007 (Public Law 110–
6 53; 121 Stat. 501)), the National Science Advisory
7 Board for Biosecurity (established under section 205
8 of the Pandemic and All-Hazards Preparedness Act
9 (Public Law 109–417; 120 Stat. 2851)), the Trans-
10 Federal Task Force on Optimizing Biosafety and
11 Biocontainment Oversight, and any working group
12 established under Executive Order 13486 (74 Fed.
13 Reg. 2289) relating to strengthening laboratory bio-
14 security; and

15 “(2) how any disincentives to biological re-
16 search arising from enhanced biosecurity measures
17 can be minimized.

18 “(f) IMPLEMENTATION OF ENHANCED BIOSECURITY
19 MEASURES.—

20 “(1) ENFORCEMENT.—The Secretary, in con-
21 sultation as appropriate with the Secretary of
22 Health and Human Services and the Secretary of
23 Agriculture, shall enforce the standards promulgated
24 under subsection (b).

1 “(2) TRAINING PROGRAMS.—The Secretary of
2 Health and Human Services, in consultation with
3 the Secretary, shall develop or approve training pro-
4 grams that meet the standards promulgated under
5 subsection (b).

6 “(3) HARMONIZATION OF REGULATIONS.—

7 “(A) REGULATIONS UNDER PUBLIC
8 HEALTH SERVICE ACT.—Not later than 120
9 days after the Secretary promulgates regula-
10 tions or amendments thereto pursuant to this
11 section, the Secretary of Health and Human
12 Services shall amend regulations promulgated
13 under the Select Agent Program under section
14 351A(b)(1) of the Public Health Service Act
15 (42 U.S.C. 262a(b)(1)) to ensure that such reg-
16 ulations do not overlap or conflict with the reg-
17 ulations promulgated by the Secretary under
18 this section.

19 “(B) REGULATIONS UNDER AGRICULTURE
20 BIOTERRORISM PROTECTION ACT OF 2002.—Not
21 later than 120 days after the Secretary promul-
22 gates regulations or amendments thereto pursu-
23 ant to this section, the Secretary of Agriculture
24 shall amend regulations promulgated under the
25 Select Agent Program under section 212(b)(1)

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

6 “(4) PENALTIES.—

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

16 “(B) INTERMEDIATE SANCTIONS.—

17 “(i) IN GENERAL.—If the Secretary
18 determines that a person has violated any
19 provision of regulations promulgated under
20 this section, the Secretary may impose in-
21 termediate sanctions in lieu of the actions
22 authorized by subsection (A).

23 “(ii) TYPES OF SANCTIONS.—The in-
24 termediate sanctions which may be im-

1 posed under paragraph (1) shall consist
2 of—

3 “(I) directed plans of correction;

4 “(II) civil money penalties in an
5 amount not to exceed \$10,000 for
6 each violation of, or for each day of
7 substantial noncompliance with, the
8 regulations promulgated under this
9 section;

10 “(III) payment for the costs of
11 onsite monitoring; or

12 “(IV) any combination of the ac-
13 tions described in subclauses (I), (II),
14 and (III).

15 “(C) SUSPENSION OF RESEARCH AND
16 FUNDING.—

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

1 “(ii) NOTICE.—If the Secretary sus-
2 pends the authority of a person to possess,
3 use, or transfer Tier I agents under clause
4 (i), the Secretary shall notify each execu-
5 tive agency that provides funding for re-
6 search on Tier I agents by the person.

7 “(iii) SUSPENSION.—If the head of an
8 executive agency receives notice under
9 clause (ii), the head of the executive agen-
10 cy may suspend the provision of funds to
11 the person for research on Tier I agents.

12 “(iv) RULE OF CONSTRUCTION.—
13 Nothing in this subparagraph shall be con-
14 strued to limit or modify the authority to
15 suspend the authority of a person to pos-
16 sess, use, or transfer Tier I agents, or to
17 suspend funding for research under any
18 other provision of law.

19 “(D) PROCEDURES.—The Secretary shall
20 develop and implement procedures with respect
21 to when and how penalties or intermediate
22 sanctions are to be imposed under this para-
23 graph. Such procedures shall provide for notice
24 to the person, a reasonable opportunity to re-
25 spond to the proposed penalty or intermediate

1 sanction, and appropriate procedures for ap-
2 pealing determinations relating to the imposi-
3 tion of a penalty or intermediate sanction.

4 “(5) SIMULTANEOUS LABORATORY INSPEC-
5 TIONS.—

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

12 “(B) SIMULTANEOUS INSPECTIONS.—All
13 Federal agencies conducting inspections of a
14 person to ensure compliance with regulations
15 promulgated under subsection (b), regulations
16 promulgated under section 351A(b)(1) of the
17 Public Health Service Act (42 U.S.C.
18 262a(b)(1)), regulations promulgated under
19 section 212(b)(1) of the Agricultural Bioter-
20 rorism Protection Act of 2002 (7 U.S.C.
21 8401(b)(1)), or security standards applicable
22 under a contract between a Federal agency and
23 the person shall be conducted simultaneously to
24 the extent practicable.

1 “(C) JOINT INSPECTION PROCEDURES.—
2 Federal agencies conducting simultaneous in-
3 spections of a person under this paragraph
4 shall cooperate, to the maximum extent prac-
5 ticable, to ensure that the inspections are con-
6 ducted efficiently and in a manner that mini-
7 mizes the administrative burden on the person.

8 “(D) INSPECTION REPORTS.—Any report
9 of inspection of a person conducted by a Fed-
10 eral agency to enforce regulations promulgated
11 under subsection (b), regulations promulgated
12 under section 351A(b)(1) of the Public Health
13 Service Act (42 U.S.C. 262a(b)(1)), regulations
14 promulgated under section 212(b)(1) of the Ag-
15 ricultural Bioterrorism Protection Act of 2002
16 (7 U.S.C. 8401(b)(1)), or security standards
17 applicable under a contract between the Federal
18 agency and the person shall be made available
19 to any other Federal agency that enforces any
20 such regulations with respect to the person or
21 that funds research of a Tier I agent or a listed
22 agent by the person.”.

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

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

3 (c) **TECHNICAL AND CONFORMING AMENDMENT.**—
4 The table of contents in section 1(b) of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
6 inserting after the item relating to section 317 the fol-
7 lowing:

“Sec. 318. Enhanced biosecurity measures.”.

8 **SEC. 103. LABORATORY AND FACILITY REGISTRATION AND**
9 **DATABASE.**

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

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

14 (2) by inserting after subsection (e) the fol-
15 lowing:

16 “(f) **LABORATORY AND FACILITY REGISTRATION AND**
17 **DATABASE.**—

18 “(1) **IN GENERAL.**—The Secretary, in coordina-
19 tion with the Secretary of Homeland Security and
20 the Secretary of Agriculture, shall by regulation es-
21 tablish criteria defining characteristics, features, or
22 equipment that could facilitate the misuse of a lab-
23 oratory or other facility for the purposes of devel-
24 oping a biological weapon, which may include—

1 “(A) technology that is particularly suit-
2 able to the development of an effective biologi-
3 cal weapon, such as technology that would en-
4 able synthesis of Tier I agents;

5 “(B) features that would enable an indi-
6 vidual to develop a biological weapon while es-
7 caping detection; and

8 “(C) such other characteristics as the Sec-
9 retary determines appropriate.

10 “(2) REGISTRY AGENTS.—

11 “(A) IN GENERAL.—The Secretary, in co-
12 ordination with the Secretary of Agriculture
13 and the Secretary of Homeland Security, shall
14 establish and maintain by regulation a list of
15 biological agents and toxins that have the po-
16 tential to pose a severe threat to public, animal,
17 or plant health but for which the potential to be
18 used in a biological attack has not been estab-
19 lished.

20 “(B) DESIGNATION.—Agents listed pursu-
21 ant to subparagraph (A) shall be designated as
22 ‘Registry Agents’.

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

1 retary shall exclude agents or toxins listed pur-
2 suant to subsection (a)(1) of this section and
3 section 212(a)(1) of the Agricultural Bioter-
4 rorism Protection Act of 2002.

5 “(3) REGULATIONS GOVERNING REGISTRATION
6 AND DATABASE.—

7 “(A) REGULATIONS REQUIRING REGISTRA-
8 TION.—The Secretary shall by regulation re-
9 quire the registration with the Secretary of lab-
10 oratories or other facilities that—

11 “(i) meet the criteria established pur-
12 suant to paragraph (1); or

13 “(ii) possess, use, or transfer Registry
14 Agents designated under paragraph (2).

15 “(B) DATABASE.—The Secretary shall
16 maintain a national database that includes the
17 locations of each laboratory or other facility re-
18 quired to be registered under this subsection,
19 the criteria established pursuant to paragraph
20 (1) that are applicable to the laboratory or fa-
21 cility, the Registry Agents that are possessed or
22 used at or transferred by the laboratory or fa-
23 cility, and the name of the person that owns or
24 controls the laboratory or facility.

1 “(C) ADDITIONAL REGISTRATION RE-
2 QUIREMENTS.—An individual who possesses,
3 uses, or transfers Registry Agents at a location
4 other than a laboratory or other facility shall be
5 required to register with the Secretary pursuant
6 to this subsection.

7 “(4) PENALTIES.—In addition to any other
8 penalties that may apply under law, any person who
9 violates any provision of this subsection shall be sub-
10 ject to the United States for a civil penalty in an
11 amount not to exceed \$25,000 in the case of an indi-
12 vidual and \$50,000 in the case of any other person.

13 “(5) ACCESS TO DATABASE.—The Secretary
14 shall make the database established under para-
15 graph (3) available to the Secretary of Homeland
16 Security, the Secretary of Agriculture, the Secretary
17 of Defense, the Attorney General, and such agencies
18 as the Secretary determines appropriate.

19 “(6) BIOSECURITY AND BIOSAFETY BEST PRAC-
20 TICES.—The Secretary, in consultation with the Sec-
21 retary of Homeland Security and the Secretary of
22 Agriculture, shall promote biosecurity and biosafety
23 best practices to entities registered under paragraph
24 (3).

1 “(7) DISCLOSURE OF INFORMATION.—No Fed-
2 eral agency shall disclose under section 552 of title
3 5, United States Code, any information contained in
4 the database established pursuant to paragraph
5 (3).”.

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

8 (1) REVIEW OF LISTED AGENTS.—

9 (A) REVIEW BY THE SECRETARY OF
10 HEALTH AND HUMAN SERVICES.—Not later
11 than 180 days after the establishment of the
12 list pursuant to subsection (f)(2) of section
13 351A of the Public Health Service Act (as
14 added by subsection (a)), the Secretary of
15 Health and Human Services shall conduct a
16 comprehensive review of the list of biological
17 agents and toxins maintained pursuant to sub-
18 section (a)(1) of such section to determine
19 which listed agents and toxins should instead be
20 listed as Registry Agents (as described under
21 such subsection (f)(2)).

22 (B) REVIEW BY THE SECRETARY OF AGRI-
23 CULTURE.—Not later than 180 days after the
24 establishment of the list pursuant to subsection
25 (f)(2) of section 351A of the Public Health

1 Service Act (as amended by subsection (a)), the
2 Secretary of Agriculture shall conduct a com-
3 prehensive review of the list of biological agents
4 and toxins maintained pursuant to section
5 212(a)(1) of the Agricultural Bioterrorism Pro-
6 tection Act of 2002 (7 U.S.C. 8401(a)(1)) to
7 determine which listed agents and toxins should
8 instead be listed as Registry Agents (as de-
9 scribed under such subsection (f)(2)).

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

12 (A) CRITERIA.—Section 351A(a)(1)(B)(i)
13 of the Public Health Service Act (42 U.S.C.
14 262a(a)(1)(B)(i)) is amended—

15 (i) by redesignating subclauses (III)
16 and (IV) as subclauses (IV) and (V), re-
17 spectively; and

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

20 “(III) the suitability of the agent
21 or toxin to be used in a biological at-
22 tack;”.

23 (B) EXEMPTIONS FOR CLINICAL OR DIAG-
24 NOSTIC LABORATORIES.—Section 351A(h)(1) of
25 the Public Health Service Act (42 U.S.C.

1 262a(h)(1)), as redesignated by subsection (a),
2 is amended by striking “subsections (b) and
3 (c)” and inserting “subsections (b), (c), and
4 (f)”.

5 (3) AMENDMENTS TO THE AGRICULTURAL BIO-
6 TERRORISM PROTECTION ACT.—Section
7 212(a)(1)(B)(i) of the Agricultural Bioterrorism
8 Protection Act of 2002 (7 U.S.C. 8401(a)(1)(B)(i))
9 is amended—

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

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

15 “(III) the suitability of the agent
16 or toxin to be used in a biological at-
17 tack;”.

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

21 (d) CONFORMING AMENDMENTS.—

22 (1) PUBLIC HEALTH SERVICE ACT.—Section
23 351A of the Public Health Service Act (42 U.S.C.
24 262a) is amended—

1 (A) in subsection (e)(7)(B)(ii) by striking
2 “subsection (h)” and inserting “subsection (i)”;

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

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

8 and

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

12 (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
16 “351A(g)(3)” and inserting “351A(h)(3)”.

17 **SEC. 104. BACKGROUND CHECKS.**

18 Section 351A(e)(3)(A) of the Public Health Service Act (42 U.S.C. 262a(e)(3)(A)) is amended by adding at
20 the end the following: “In identifying whether an individual is within a category specified in subparagraph
21 (B)(ii)(II), the Attorney General shall consult with the
23 Secretary of Homeland Security to determine if the Department of Homeland Security possesses any information
24

1 relevant to the identification of such an individual by the
2 Attorney General.”.

3 **SEC. 105. BIOLOGICAL LABORATORY PROTECTION.**

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

6 (1) GRANTS AUTHORIZED.—The Secretary of
7 Homeland Security, acting through the Adminis-
8 trator of the Federal Emergency Management Agen-
9 cy, may award grants to academic and nonprofit or-
10 ganizations and to State, local, and tribal govern-
11 ments to implement security improvements at lab-
12 oratories of such organizations and governments
13 that possess, use, or transfer Tier I agents or toxins,
14 as so designated under section 351A(a)(2) of the
15 Public Health Service Act or section 212(a)(2) of
16 the Agricultural Bioterrorism Protection Act of
17 2002, as amended by this Act.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to the De-
20 partment of Homeland Security to carry out this
21 subsection, \$50,000,000 for each of fiscal years
22 2011 through 2014.

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

1 land Security shall encourage the voluntary participation
2 of laboratories working with biological agents and toxins,
3 as so designated under section 351A(a)(1) of the Public
4 Health Service Act (42 U.S.C. 262a(a)(1)) or section
5 212(a)(1) of the Agricultural Bioterrorism Protection Act
6 of 2002 (7 U.S.C. 8401(a)(1)), commensurate with the
7 risks such agents and toxins pose.

8 **SEC. 106. BIOSECURITY INFORMATION SHARING.**

9 (a) AMENDMENT TO THE PUBLIC HEALTH SERVICE
10 ACT.—Section 351A(d) of the Public Health Service Act
11 (42 U.S.C. 262a(d)) is amended by inserting after para-
12 graph (2) the following:

13 “(3) FEDERAL AGENCY ACCESS.—The Sec-
14 retary shall ensure access to the database estab-
15 lished pursuant to paragraph (2) by the Secretary of
16 Agriculture, the Secretary of Homeland Security, the
17 Attorney General, the Secretary of Energy, the Sec-
18 retary of Defense, and any other Federal agency
19 that the Secretary determines appropriate.”.

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

1 “(3) FEDERAL AGENCY ACCESS.—The Sec-
2 retary shall ensure access to the database estab-
3 lished pursuant to paragraph (2) by the Secretary of
4 Health and Human Services, the Secretary of
5 Homeland Security, the Attorney General, the Sec-
6 retary of Energy, the Secretary of Defense, and any
7 other Federal agency that the Secretary determines
8 appropriate.”.

9 (c) AMENDMENT TO THE HOMELAND SECURITY ACT
10 OF 2002.—Title III of the Homeland Security Act of 2002
11 (6 U.S.C. 181 et seq.), as amended by section 102, is
12 amended by adding at the end the following:

13 **“SEC. 319. BIOSECURITY INFORMATION SHARING.**

14 “(a) IN GENERAL.—Consistent with the responsibil-
15 ities under section 201(d), the Secretary shall ensure that
16 State, local, and tribal governments have access to rel-
17 evant safety and security information relating to biological
18 laboratories and facilities in or in close proximity to the
19 jurisdiction of the State, local, or tribal government, as
20 the Secretary determines appropriate.

21 “(b) ACCESS TO INFORMATION IN DATABASES.—In
22 carrying out this section, the Secretary may utilize infor-
23 mation from the national databases established under sub-
24 sections (d)(2) and (f)(3) of section 351A of the Public
25 Health Service Act (42 U.S.C. 262a) and section

1 212(d)(2) of the Agricultural Bioterrorism Protection Act
2 of 2002 (7 U.S.C. 8401(d)(2)).

3 “(c) CLASSIFIED AND SENSITIVE INFORMATION.—

4 The Secretary shall ensure that any information dissemi-
5 nated under this section is disseminated consistent with—

6 “(1) the authority of the Director of National
7 Intelligence to protect intelligence sources and meth-
8 ods under the National Security Act of 1947 (50
9 U.S.C. 401 et seq.) and related procedures or simi-
10 lar authorities of the Attorney General concerning
11 sensitive law enforcement information;

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

15 “(3) other relevant laws.”.

16 (d) TECHNICAL AND CONFORMING AMENDMENT.—

17 The table of contents in section 1(b) of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
19 inserting after the item relating to section 318, as added
20 by section 102, the following:

“Sec. 319. Biosecurity information sharing.”.

21 **SEC. 107. RESEARCH WITH THE VARIOLA VIRUS GENOME.**

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

1 Act, the Secretary of Health and Human Services, in con-
2 sultation with the Secretary of Homeland Security, shall
3 promulgate regulations governing the distribution, syn-
4 thesis, and handling of Variola virus DNA.

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

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

11 (2) the continuing importance of research by
12 the legitimate scientific community with fragments
13 of the Variola virus genome for the purposes of pre-
14 venting smallpox or developing vaccines or treat-
15 ments against smallpox.

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

18 (1) which research entities are qualified to re-
19 ceive Variola virus DNA fragments taking into ac-
20 count adequate security and safety measures;

21 (2) the rules under which distribution to quali-
22 fying research entities may occur;

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

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

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

6 (6) any other matters determined necessary by
7 the Secretary to carry out the purposes of section
8 351A(a) of the Public Health Service Act (as
9 amended by this Act).

10 **TITLE II—RESPONSE TO A WEAP-**
11 **ON OF MASS DESTRUCTION**
12 **ATTACK**

13 **Subtitle A—Ensuring Access to**
14 **Medical Countermeasures Dur-**
15 **ing Emergencies**

16 **SEC. 201. NATIONAL MEDICAL COUNTERMEASURE DIS-**
17 **PENSING STRATEGY.**

18 Title III of the Public Health Service Act (42 U.S.C.
19 241 et seq.) is amended by inserting after section 319M
20 the following:

21 **“SEC. 319N. NATIONAL MEDICAL COUNTERMEASURE DIS-**
22 **PENSING STRATEGY.**

23 “(a) DEFINITIONS.—In this section—

24 “(1) the term ‘appropriate committees of Con-
25 gress’ means—

1 “(A) the Committee on Homeland Security
2 and Governmental Affairs and the Committee
3 on Health, Education, Labor, and Pensions of
4 the Senate; and

5 “(B) the Committee on Homeland Secu-
6 rity, the Committee on Energy and Commerce,
7 and the Committee on Oversight and Govern-
8 ment Reform of the House of Representatives;

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

12 “(3) the term ‘medical countermeasure’ means
13 a drug (as that term is defined in section 201(g)(1)
14 of the Federal Food, Drug, and Cosmetic Act), a de-
15 vice (as that term is defined in section 201(h) of
16 such Act), or a biological product (as that term is
17 defined in section 351 of this Act), to—

18 “(A) diagnose, mitigate, prevent, or treat
19 harm from any biological agent (including orga-
20 nisms that cause an infectious disease) or toxin,
21 chemical, radiological, or nuclear agent that
22 may cause a public health emergency; or

23 “(B) diagnose, mitigate, prevent, or treat
24 harm from a condition that may result in ad-
25 verse health consequences or death and may be

1 caused by administering a drug, biological prod-
2 uct, or device; and

3 “(4) the term ‘public health emergency’ means
4 a public health emergency declared by the Secretary
5 under section 319.

6 “(b) STRATEGY.—The Secretary, in coordination
7 with the Secretary of Homeland Security and the Post-
8 master General, shall develop, coordinate, and maintain
9 a National Medical Countermeasure Dispensing Strategy
10 (referred to in this section as the ‘National MCM Dis-
11 pensing Strategy’).

12 “(c) CONTENTS.—The National MCM Dispensing
13 Strategy shall—

14 “(1) encompass all aspects of the Federal role
15 in dispensing medical countermeasures (referred to
16 in this section as ‘MCMs’) and describe methods by
17 which the Federal Government may assist State,
18 local, and tribal governments to dispense MCMs;

19 “(2) address a variety of geographical areas,
20 population densities, and demographics;

21 “(3) create a multilayered approach for the dis-
22 pensing of MCMs that includes redundancies;

23 “(4) address—

24 “(A) a staffing plan for dispensing MCMs,
25 including—

1 “(i) for MCM dispensing locations;

2 and

3 “(ii) for dispensing through the

4 United States Postal Service;

5 “(B) requirements for timeliness of MCM

6 dispensing;

7 “(C) appropriateness, effectiveness, and ef-

8 ficiency of differing methods of MCM dis-

9 pensing;

10 “(D) measures and evaluations of MCM

11 dispensing effectiveness and efficiency;

12 “(E) liability issues associated with MCM

13 dispensing, considering—

14 “(i) the volunteer force;

15 “(ii) medical personnel;

16 “(iii) potential adverse reactions to

17 medications;

18 “(iv) participating employees of the

19 United States Postal Service; and

20 “(v) security personnel;

21 “(F) security issues, including—

22 “(i) partnerships with law enforce-

23 ment; and

24 “(ii) necessary levels of security to

25 protect MCM dispensing locations and re-

1 lated personnel, participating employees of
2 the United States Postal Service, and
3 transportation of MCMs;
4 “(G) communications issues, including—
5 “(i) communications between the Fed-
6 eral, State, local, and tribal government of-
7 ficials that may be involved in dispensing
8 MCMs;
9 “(ii) communications between the gov-
10 ernment and private sector; and
11 “(iii) the creation of prescribed mes-
12 sages or message templates so that infor-
13 mation about how people can acquire
14 MCMs can be disseminated quickly in an-
15 ticipation of or in the immediate aftermath
16 of a biological attack or a naturally occur-
17 ring disease outbreak;
18 “(H) transportation of MCMs to dis-
19 pensing locations;
20 “(I) implementation and operations of dis-
21 pensing plans;
22 “(J) necessary levels of Federal technical
23 assistance in developing MCM dispensing capa-
24 bilities;

1 “(K) measures that are necessary in order
2 so that actions taken pursuant to the National
3 MCM Dispensing Strategy will comply with ap-
4 plicable requirements of the Federal Food,
5 Drug, and Cosmetic Act and of section 351 of
6 this Act; and

7 “(L) any other topics that the Secretary
8 determines appropriate; and

9 “(5) be exercised regularly in various jurisdic-
10 tions.

11 “(d) COORDINATION.—Where appropriate, the Sec-
12 retary, in coordination with the Secretary of Homeland
13 Security and the Postmaster General, shall coordinate
14 with State, local, and tribal government officials, private
15 sector, and nongovernmental organizations in development
16 of the National MCM Dispensing Strategy.

17 “(e) REPORTS TO CONGRESS.—

18 “(1) IN GENERAL.—The Secretary, in coordina-
19 tion with the Secretary of Homeland Security and
20 the Postmaster General, shall—

21 “(A) not later than 180 days after the date
22 of enactment of this section, submit the Na-
23 tional MCM Dispensing Strategy to the appro-
24 priate committees of Congress; and

1 “(B) not later than 180 days after the
2 submission of the Strategy under subparagraph
3 (A), submit an implementation plan for such
4 Strategy to the appropriate committees of Con-
5 gress.

6 “(2) STATUS REPORT.—Not later than 1 year
7 after the submission of the implementation plan
8 under paragraph (1)(B), the Secretary, in coordina-
9 tion with the Secretary of Homeland Security and
10 the Postmaster General, shall submit to the appro-
11 priate committees of Congress a report describing
12 the status of the activities taken pursuant to the im-
13 plementation plan.”.

14 **SEC. 202. TAILORING OF THE NATIONAL MEDICAL COUN-**
15 **TERMEASURE DISPENSING STRATEGY.**

16 (a) IN GENERAL.—

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

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

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

3 (B) representative localities of varying geo-
4 graphic sizes, population densities, and demo-
5 graphics; and

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

9 (2) CONSULTATION WITH STATE, LOCAL, AND
10 TRIBAL GOVERNMENTS.—In fulfilling the require-
11 ments of paragraph (1), the Secretary of Health and
12 Human Services, in coordination with the Secretary
13 of Homeland Security and, where appropriate, the
14 Postmaster General, shall consult with State, local,
15 and tribal officials.

16 (3) REVIEW.—The Secretary of Homeland Se-
17 curity, during and in conjunction with the creation
18 of tailored National MCM Dispensing Strategy plans
19 under paragraph (1), shall—

20 (A) provide a review of transportation and
21 logistics capabilities for moving medical coun-
22 termeasures from State, local, and tribal receiv-
23 ing, staging, and storing sites to dispensing lo-
24 cations;

1 (B) review security plans and capabilities
2 for protecting transportation of medical coun-
3 termeasures and dispensing locations;

4 (C) work in coordination with the Post-
5 master General to review security for protecting
6 United States Postal Service employees per-
7 forming dispensing;

8 (D) assist State, local, and tribal govern-
9 ments in building partnerships with law en-
10 forcement to perform security for medical coun-
11 termeasure transportation and dispensing;

12 (E) assist State, local, and tribal govern-
13 ments in working with emergency response pro-
14 viders to create appropriate roles for their par-
15 ticipation in the tailored Strategy plans; and

16 (F) determine other assistance that may be
17 offered to State, local, and tribal governments
18 with respect to logistics, transportation, secu-
19 rity, or other issues that the Secretary of
20 Homeland Security determines appropriate.

21 (b) DEFINITION.—In this section, the term “emer-
22 gency response provider” has the meaning given that term
23 in section 2 of the Homeland Security Act of 2002 (6
24 U.S.C. 101).

1 **SEC. 203. EXPANSION IN THE USE OF THE U.S. POSTAL**
2 **SERVICE TO DELIVER MEDICAL COUNTER-**
3 **MEASURES.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services, in coordination with the Postmaster
6 General and the Secretary of Homeland Security, and in
7 a manner that complies with the applicable requirements
8 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 301 et seq.) and of section 351 of the Public Health Serv-
10 ice Act (42 U.S.C. 262), shall expand existing pilot pro-
11 grams to utilize the United States Postal Service to deliver
12 medical countermeasures in an emergency.

13 (b) TIMELINE.—The Postmaster General shall in-
14 crease the ability of the United States Postal Service, con-
15 tingent on the voluntary participation of additional jurisdic-
16 tions, to deliver medical countermeasures to homes in—

17 (1) 5 additional Cities Readiness Initiative ju-
18 risdictions not later than 1 year after the date of en-
19 actment of this Act; and

20 (2) 15 additional Cities Readiness Initiative ju-
21 risdictions not later than 2 years after the date of
22 enactment of this Act.

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

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

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

7 (1) consider information available from any bio-
8 logical or bioterrorism risk assessments conducted
9 by the Department of Homeland Security or other
10 relevant assessments by other departments or the in-
11 telligence community;

12 (2) consider the criteria described in section
13 351A(a)(1)(B) of the Public Health Service Act (42
14 U.S.C. 262a(a)(1)(B));

15 (3) consult with private and public organiza-
16 tions, as appropriate;

17 (4) comply with applicable requirements of the
18 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 301 et seq.) and of section 351 of the Public Health
20 Service Act (42 U.S.C. 262); and

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

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

1 Human Services, the Postmaster General, and the Sec-
2 retary of Homeland Security shall submit to the appro-
3 priate committees of Congress a report on the implemen-
4 tation of this section.

5 (f) DEFINITIONS.—In this section—

6 (1) the term “appropriate committees of Con-
7 gress” means—

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

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

16 (2) the term “medkit” means a cache of anti-
17 biotics and other medical countermeasures to be
18 used during a public health emergency; and

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

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

1 **SEC. 204. DISPENSING MEDICAL COUNTERMEASURES**
2 **THROUGH EMPLOYERS.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “appropriate committees of Con-
5 gress” means—

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

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

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

16 (3) the term “covered Federal facility” means
17 a Federal facility determined by the Secretary of
18 Health and Human Services, in coordination with
19 the Secretary of Homeland Security, to be of suffi-
20 cient size, workforce level, and geographic location to
21 warrant developing a plan for receiving and dis-
22 pensing medical countermeasures to employees work-
23 ing in the Federal facility;

24 (4) the term “dispense” means to provide med-
25 ical countermeasures to an affected population in re-
26 sponse to a threat or incident;

1 (5) the term “medical countermeasure” means
2 a drug (as that term is defined in section 201(g)(1)
3 of the Federal Food, Drug, and Cosmetic Act), a de-
4 vice (as that term is defined in section 201(h) of
5 such Act), or a biological product (as that term is
6 defined in section 351 of this Act), to—

7 (A) diagnose, mitigate, prevent, or treat
8 harm from any biological agent (including orga-
9 nisms that cause an infectious disease) or toxin,
10 chemical, radiological, or nuclear agent that
11 may cause a public health emergency; or

12 (B) diagnose, mitigate, prevent, or treat
13 harm from a condition that may result in ad-
14 verse health consequences or death and may be
15 caused by administering a drug, biological prod-
16 uct, or device; and

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

21 (b) FEDERAL PLAN.—

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

1 applicable requirements of the Federal Food, Drug,
2 and Cosmetic Act (21 U.S.C. 301 et seq.) and of
3 section 351 of the Public Health Service Act (42
4 U.S.C. 262), shall develop a plan to receive and dis-
5 pense medical countermeasures to individuals em-
6 ployed by the executive agency—

7 (A) if the individuals work in a covered
8 Federal facility that is likely the target, or lo-
9 cated in an area that is likely a target, of an
10 act of terrorism involving a biological agent or
11 toxin; or

12 (B) in the event of a naturally occurring
13 outbreak of an infectious disease that may re-
14 sult in a national epidemic.

15 (2) CONTENTS.—The plans developed under
16 paragraph (1) shall identify individuals in the cov-
17 ered Federal facility who will be performing receiv-
18 ing and dispensing of medical countermeasures to
19 employees.

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

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

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

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

8 (d) REPORT.—Not later than 180 days after the date
9 of enactment of this Act, the Secretary of Health and
10 Human Services, in coordination with the Secretary of
11 Homeland Security, shall submit to the appropriate com-
12 mittees of Congress a report on the implementation of this
13 section.

14 **SEC. 205. PERSONAL MEDKITS FOR EMERGENCY RESPONSE**
15 **PROVIDERS AND MEMBERS OF PREPARED-**
16 **NESS ORGANIZATIONS.**

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

21 **“SEC. 320. PERSONAL MEDKITS FOR EMERGENCY RE-**
22 **SPONSE PROVIDERS AND MEMBERS OF PRE-**
23 **PAREDNESS ORGANIZATIONS.**

24 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘appropriate committees of Con-
2 gress’ means—

3 “(A) the Committee on Homeland Security
4 and Governmental Affairs and the Committee
5 on Health, Education, Labor, and Pensions of
6 the Senate; and

7 “(B) the Committee on Homeland Security
8 and the Committee on Energy and Commerce
9 of the House of Representatives;

10 “(2) the term ‘immediate family member’
11 means an individual who is a cohabitating family
12 member or domestic partner;

13 “(3) the term ‘preparedness organization’
14 means an organization that contributes to State or
15 local preparedness for an emergency or major dis-
16 aster (as those terms are defined in section 102 of
17 the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 5122)), including
19 Community Emergency Response Teams, the Med-
20 ical Reserve Corps, the Fire Corps, and the citizen
21 preparedness programs of the American Red Cross;

22 “(4) the term ‘medkit’ means a cache of anti-
23 biotics and other medical countermeasures to be
24 used during a public health emergency;

1 “(5) the term ‘medkit program’ means the pro-
2 gram established under subsection (b); and

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

7 “(b) ESTABLISHMENT.—The Secretary, in coordina-
8 tion with the Secretary of Health and Human Services
9 and in a manner that complies with applicable require-
10 ments of the Federal Food, Drug, and Cosmetic Act (21
11 U.S.C. 301 et seq.) and of section 351 of the Public
12 Health Service Act (42 U.S.C. 262), shall establish a pro-
13 gram to distribute medkits to emergency response pro-
14 viders, members of preparedness organizations, and imme-
15 diate family members of an emergency response provider
16 or member of a preparedness organization.

17 “(c) MEDKIT PROGRAM COMPONENTS.—

18 “(1) IN GENERAL.—An emergency response
19 provider, member of a preparedness organization, or
20 immediate family member of an emergency response
21 provider or member of a preparedness organization
22 participating in the medkit program shall—

23 “(A) register with the Secretary;

24 “(B) before the distribution of a medkit,
25 receive training regarding—

1 “(i) the proper use and dosing of
2 medical countermeasures;

3 “(ii) reporting of the use of a medkit;

4 “(iii) the proper storage of a medkit;

5 and

6 “(iv) any other topic determined ap-
7 propriate by the Secretary;

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

10 “(D) report the use of a medkit within a
11 reasonable time period, as established by the
12 Secretary.

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

16 “(d) AUTHORIZATION AND CONTENTS.—

17 “(1) IN GENERAL.—The Secretary shall coordi-
18 nate with the Secretary of Health and Human Serv-
19 ices and the Commissioner of Food and Drugs to—

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

1 “(B) establish the appropriate contents for
2 medkits distributed under the medkit program.

3 “(2) CONTENT CONSIDERATION.—In estab-
4 lishing the appropriate contents for medkits under
5 paragraph (1)(B), the Secretary, in coordination
6 with the Secretary of Health and Human Services,
7 shall—

8 “(A) consider information available from
9 any biological or bioterrorism risk assessments
10 conducted by the Department of Homeland Se-
11 curity or other relevant assessments by other
12 departments or the intelligence community;

13 “(B) consider the criteria described in sec-
14 tion 351A(a)(1)(B) of the Public Health Serv-
15 ice Act (42 U.S.C. 262a(a)(1)(B));

16 “(C) consult with relevant private and pub-
17 lic organizations; and

18 “(D) consider such other criteria and in-
19 formation that the Secretary, in coordination
20 with the Secretary of Health and Human Serv-
21 ices, determines appropriate.

22 “(e) REPORT.—Not later than 180 days after the
23 date of enactment of this section, the Secretary shall sub-
24 mit to the appropriate committees of Congress a report
25 on the implementation of this section.

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

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

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

10 **SEC. 206. GENERAL PUBLIC MEDKIT PILOT PROGRAM.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “medical countermeasures” means
13 a drug or biological product used to mitigate, pre-
14 vent, or treat harm from any biological agent (in-
15 cluding organisms that cause an infectious disease)
16 or toxin or chemical, radiological, or nuclear agent
17 that may cause a public health emergency; and

18 (2) the term “medkit” means a cache of anti-
19 biotics and other medical countermeasures to be
20 used during a public health emergency declared by
21 the Secretary of Health and Human Services under
22 section 319 of the Public Health Service Act (42
23 U.S.C. 247d).

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

5 (c) REQUIREMENTS.—In carrying out the pilot pro-
6 gram, the Secretary of Health and Human Services, in
7 coordination with the Secretary of Homeland Security and
8 in a manner that complies with applicable requirements
9 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
10 301 et seq.) and of section 351 of the Public Health Serv-
11 ice Act (42 U.S.C. 262), shall ensure that—

12 (1) enrollment of participants in the pilot pro-
13 gram encompasses a diverse range of municipality
14 sizes, various geographic locations, and different so-
15 cioeconomic statuses;

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

21 (3) the program shall evaluate the ability of
22 households to maintain medkits in the home as di-
23 rected and reserve for emergency use; and

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

1 (A) proper use and dosing of medical coun-
2 termeasures;

3 (B) reporting of use of medkits;

4 (C) proper storage of medkits; and

5 (D) any other information that the Sec-
6 retary of Health and Human Services and the
7 Secretary of Homeland Security determine ap-
8 propriate.

9 (d) AUTHORIZATION AND CONTENT.—The Secretary
10 of Health and Human Services and the Secretary of
11 Homeland Security shall coordinate with the Commis-
12 sioner of Food and Drugs—

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

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

20 (e) REPORT.—

21 (1) APPROPRIATE COMMITTEES OF CON-
22 GRESS.—In this subsection, the term “appropriate
23 committees of Congress” means—

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

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

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

6 (2) REPORT.—Not later than 90 days after
7 completion of the program under this section, the
8 Secretary of Health and Human Services, in coordi-
9 nation with the Secretary of Homeland Security,
10 shall submit to the appropriate committees of Con-
11 gress a report on the conclusions of such program.
12 The report shall include recommendations and con-
13 clusions on the feasibility of creating a national
14 medkit program, through which medkits would be
15 distributed widely to the public.

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

19 **SEC. 207. REPORT ON THE USE OF EXPIRING COUNTER-**
20 **MEASURES.**

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

1 native uses of medical countermeasures (as defined in sec-
2 tion 319N of the Public Health Service Act, as added by
3 section 201 of this Act), including vaccines, in the Stra-
4 tegic National Stockpile before the expiration of the med-
5 ical countermeasures.

6 (b) AREAS.—The study under subsection (a) shall in-
7 clude the examination of—

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

15 (2) the ability of States to effectively determine
16 which personnel should receive pre-event treatment
17 using the medical countermeasures approaching ex-
18 piration from the Strategic National Stockpile.

19 **Subtitle B—Bioforensics**

20 **Capabilities and Strategy**

21 **SEC. 211. BIOFORENSICS CAPABILITIES AND STRATEGY.**

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

1 **“SEC. 321. BIOFORENSICS CAPABILITIES AND STRATEGY.**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘appropriate committees of Con-
4 gress’ means—

5 “(A) the Committee on Homeland Security
6 and Governmental Affairs, the Committee on
7 the Judiciary, the Committee on Health, Edu-
8 cation, Labor, and Pensions, the Committee on
9 Agriculture, Nutrition, and Forestry, and the
10 Committee on Armed Services of the Senate;
11 and

12 “(B) the Committee on Homeland Secu-
13 rity, the Committee on the Judiciary, the Com-
14 mittee on Energy and Commerce, the Com-
15 mittee on Agriculture, and the Committee on
16 Armed Services of the House of Representa-
17 tives;

18 “(2) the term ‘bioforensic’ means the scientific
19 discipline dedicated to analyzing evidence from a bio-
20 terrorism act, biological agent or toxin based crimi-
21 nal act, or inadvertent biological agent or toxin re-
22 lease for attribution purposes;

23 “(3) the term ‘National Bioforensics Analysis
24 Center’ means the National Bioforensics Analysis
25 Center established under subsection (b);

1 “(4) the term ‘national bioforensics repository
2 collection’ means the national bioforensics repository
3 collection established under subsection (c)(1); and

4 “(5) the term ‘national bioforensics strategy’
5 means the national bioforensics strategy developed
6 under subsection (d)(1).

7 “(b) NATIONAL BIOFORENSICS ANALYSIS CEN-
8 TER.—There is in the Department a National Bioforensics
9 Analysis Center which shall—

10 “(1) serve as the lead Federal facility to con-
11 duct and facilitate bioforensic analysis in support of
12 the executive agency with primary responsibility for
13 responding to the biological incident;

14 “(2) maintain the national bioforensics reposi-
15 tory collection as a reference collection of biological
16 agents and toxins for comparative bioforensic identi-
17 fications; and

18 “(3) support threat agent characterization stud-
19 ies and bioforensic assay development.

20 “(c) NATIONAL BIOFORENSIC REPOSITORY COLLEC-
21 TION.—

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

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

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

6 “(B) serve as a reference collection for
7 comparative bioforensic identifications; and

8 “(C) support threat agent characterization
9 studies and bioforensic assay development.

10 “(3) PARTICIPATION.—

11 “(A) IN GENERAL.—The Secretary, the
12 Attorney General, the Secretary of Health and
13 Human Services, the Secretary of Agriculture,
14 the Secretary of Defense, and the head of any
15 other appropriate executive agency with a bio-
16 logical agent or toxin collection that is useful
17 for the bioforensic analysis of biological inci-
18 dents, performance of biological threat agent
19 characterization studies, or development of bio-
20 forensic assays shall provide samples of relevant
21 biological agents and toxins, as determined by
22 the Secretary, in consultation with the head of
23 the executive agency possessing the agent or
24 toxin, which shall not include any variola virus,
25 to the national bioforensics repository collection.

1 “(B) OTHER BIOLOGICAL AGENTS AND
2 TOXINS.—The Secretary shall encourage the
3 contribution of public and private biological
4 agent and toxin collections to the national
5 bioforensics repository collection that were col-
6 lected or created with support from a Federal
7 grant or contract and that support the func-
8 tions described in paragraph (2).

9 “(4) ACCESS.—The Secretary shall—

10 “(A) provide an executive agency that sub-
11 mits a biological agent or toxin to the national
12 bioforensics repository collection with access to
13 the national bioforensics repository collection;
14 and

15 “(B) establish a mechanism to provide
16 public and private entities with access to the
17 national bioforensics repository collection, as
18 appropriate, for scientific analysis of a biologi-
19 cal agent or toxin in the national bioforensics
20 repository collection, with appropriate protec-
21 tion for intellectual property rights.

22 “(5) REPORT.—

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

1 General, the Secretary of Health and Human
2 Services, the Secretary of Agriculture, the Sec-
3 retary of Defense, and the head of any other
4 appropriate executive agency that will partici-
5 pate in or contribute to the national
6 bioforensics repository collection, shall submit
7 to the appropriate committees of Congress a re-
8 port regarding the national bioforensics reposi-
9 tory collection.

10 “(B) CONTENTS.—The report submitted
11 under subparagraph (A) shall—

12 “(i) discuss the status of the estab-
13 lishment of the national bioforensics reposi-
14 tory collection;

15 “(ii) identify domestic and inter-
16 national biological agent and toxin collec-
17 tions that would prove useful in carrying
18 out the functions of the national
19 bioforensics repository collection;

20 “(iii) examine any access or participa-
21 tion issues affecting the establishment of
22 the national bioforensics repository collec-
23 tion or the ability to support bioforensic
24 analysis, threat characterization studies, or
25 bioforensic assay development, including—

1 “(I) intellectual property con-
2 cerns;

3 “(II) access to collected or cre-
4 ated biological agent or toxin collec-
5 tions funded by a Federal grant or
6 contract;

7 “(III) costs for the national
8 bioforensics repository collection asso-
9 ciated with accessing domestic and
10 international biological agent and
11 toxin collections;

12 “(IV) costs incurred by domestic
13 and international biological agent and
14 toxin collections to allow broad access
15 or contribute biological agents or tox-
16 ins to the national bioforensics reposi-
17 tory collection; and

18 “(V) access to the national
19 bioforensics repository collection by
20 public and private researchers to sup-
21 port threat characterization studies
22 and bioforensic assay development;
23 and

24 “(iv) other issues determined appro-
25 priate by the Secretary.

1 “(d) NATIONAL BIOFORENSIC STRATEGY.—

2 “(1) IN GENERAL.—The Secretary, in coordina-
3 tion with the Attorney General, the Secretary of
4 Health and Human Services, the Secretary of Agri-
5 culture, the Secretary of Defense, and the head of
6 any other appropriate executive agency, as deter-
7 mined by the Secretary, shall develop, coordinate,
8 and maintain a national bioforensics strategy.

9 “(2) CONTENTS.—The national bioforensics
10 strategy shall—

11 “(A) provide for a coordinated approach
12 across all executive agencies with responsibil-
13 ities for analyzing evidence from a bioterrorism
14 act, biological agent or toxin based criminal act,
15 or inadvertent biological agent or toxin release
16 for attribution purposes;

17 “(B) describe the roles and responsibilities
18 of all relevant executive agencies;

19 “(C) establish mechanisms, in coordination
20 with State, local, and tribal governments, for
21 coordinating with law enforcement agencies in
22 analyzing bioforensic evidence;

23 “(D) include guidance for collecting, proc-
24 essing, and analyzing samples; and

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

5 “(3) REPORT.—Not later than 180 days after
6 the date of enactment of this section, the Secretary,
7 in consultation with the Attorney General, the Sec-
8 retary of Health and Human Services, the Secretary
9 of Agriculture, the Secretary of Defense, and the
10 head of any other appropriate executive agency, as
11 determined by the Secretary, shall submit to the ap-
12 propriate committees of Congress the national
13 bioforensics strategy.

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as may be
16 necessary to carry out this section.”.

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

“Sec. 321. Bioforensics capabilities and strategy.”.

1 **Subtitle C—Communications**
2 **Planning**

3 **SEC. 221. COMMUNICATIONS PLANNING.**

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

7 **“SEC. 525. COMMUNICATIONS PLANNING.**

8 “(a) INCORPORATION OF COMMUNICATIONS
9 PLANS.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through the Administrator of the Federal Emer-
12 gency Management Agency, shall incorporate into
13 each operational plan developed under sections
14 653(a)(4) and 653(b) of the Post-Katrina Emer-
15 gency Management Reform Act of 2006 (6 U.S.C.
16 701 note) a communications plan for providing in-
17 formation to the public related to preventing, pre-
18 paring for, protecting against, and responding to im-
19 minent natural disasters, acts of terrorism, and
20 other man-made disasters, including incidents involv-
21 ing the use of weapons of mass destruction and
22 other potentially catastrophic events.

23 “(2) CONSULTATION.—In developing commu-
24 nications plans under paragraph (1), the Adminis-
25 trator shall consult with State, local, and tribal gov-

1 ernments and coordinate, as the Administrator con-
2 siders appropriate, with other Federal departments
3 and agencies that have responsibilities under the Na-
4 tional Response Framework and other relevant Fed-
5 eral departments and agencies.

6 “(b) PRESCRIBED MESSAGES AND MESSAGE TEM-
7 PLATES.—

8 “(1) IN GENERAL.—As part of the communica-
9 tion plans, the Administrator shall develop
10 prescribed messages or message templates, as ap-
11 propriate, to be included in the plans to be provided
12 to State, local, and tribal officials so that those offi-
13 cials can quickly and rapidly disseminate critical in-
14 formation to the public in anticipation or in the im-
15 mediate aftermath of a disaster or incident.

16 “(2) DEVELOPMENT AND DESIGN.—The
17 prescribed messages or message templates shall—

18 “(A) be developed, as the Administrator
19 determines appropriate, in consultation with
20 State, local, and tribal governments and in co-
21 ordination with other Federal departments and
22 agencies that have responsibilities under the
23 National Response Framework and other rel-
24 evant Federal departments and agencies;

1 “(B) be designed to provide accurate, es-
2 sential, and appropriate information and in-
3 structions to the population directly affected by
4 a disaster or incident, including information re-
5 lated to evacuation, sheltering in place, and
6 issues of immediate health and safety; and

7 “(C) be designed to provide accurate, es-
8 sential, and appropriate technical information
9 and instructions to emergency response pro-
10 viders and medical personnel responding to a
11 disaster or incident.

12 “(c) COMMUNICATIONS FORMATS.—In developing the
13 prescribed messages or message templates required under
14 subsection (b), the Administrator shall develop each such
15 prescribed message or message template in multiple for-
16 mats to ensure delivery—

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

20 “(2) to individuals with disabilities or other spe-
21 cial needs and individuals with limited English pro-
22 ficiency in accordance with section 616 of the Post-
23 Katrina Emergency Management Reform Act of
24 2006 (6 U.S.C. 701 note).

1 “(d) DISSEMINATION AND TECHNICAL ASSIST-
2 ANCE.—The Administrator shall ensure that all
3 prescribed messages and message templates developed
4 under this section are made available to State, local, and
5 tribal governments so that those governments may incor-
6 porate them, as appropriate, into their emergency plans.
7 The Administrator shall also make available relevant tech-
8 nical assistance to those governments to support commu-
9 nications planning.

10 “(e) EXERCISES.—To ensure that the prescribed
11 messages or message templates developed under this sec-
12 tion can be effectively utilized in a disaster or incident,
13 the Administrator shall incorporate such prescribed mes-
14 sages or message templates into exercises conducted under
15 the National Exercise Program described in section 648
16 of the Post-Katrina Emergency Management Reform Act
17 of 2006 (6 U.S.C. 701 note).

18 “(f) REPORT.—Not later than 1 year after the date
19 of the enactment of this section, the Administrator shall
20 submit to the Committee on Homeland Security and Gov-
21 ernmental Affairs of the Senate and the Committee on
22 Homeland Security of the House of Representatives a copy
23 of the communications plans required to be developed
24 under this section, including prescribed messages or mes-
25 sage templates developed in conjunction with the plans

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

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

“Sec. 525. Communications planning.”.

8 **SEC. 222. PLUME MODELING.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “appropriate committees of Con-
11 gress” means—

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

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

22 (2) the term “executive agency” has the mean-
23 ing given that term in section 2 of the Homeland
24 Security Act of 2002 (6 U.S.C. 101);

1 (3) the term “integrated plume model” means
2 a plume model that integrates protective action guid-
3 ance and other information as the Secretary of
4 Homeland Security determines appropriate; and

5 (4) the term “plume model” means the assess-
6 ment of the location and prediction of the spread of
7 nuclear, radioactive, or chemical fallout and biologi-
8 cal pathogens resulting from an explosion or release
9 of nuclear, radioactive, chemical, or biological sub-
10 stances.

11 (b) DEVELOPMENT.—

12 (1) IN GENERAL.—The Secretary of Homeland
13 Security shall develop and disseminate integrated
14 plume models to enable rapid response activities fol-
15 lowing a nuclear, radiological, chemical, or biological
16 explosion or release.

17 (2) SCOPE.—The Secretary of Homeland Secu-
18 rity shall—

19 (A) ensure the rapid development and dis-
20 tribution of integrated plume models to appro-
21 priate officials of the Federal Government and
22 State, local, and tribal governments to enable
23 immediate response to a nuclear, radiological,
24 chemical, or biological incident; and

1 (B) establish mechanisms for dissemina-
2 tion by appropriate emergency response officials
3 of the integrated plume models described in
4 paragraph (1) to nongovernmental organiza-
5 tions and the public to enable appropriate re-
6 sponse activities by individuals.

7 (3) CONSULTATION WITH OTHER DEPART-
8 MENTS AND AGENCIES.—In developing the inte-
9 grated plume models described in this section, the
10 Secretary of Homeland Security shall consult, as ap-
11 propriate, with—

12 (A) the Secretary of Energy, the Secretary
13 of Defense, the Secretary of Health and Human
14 Services, the Secretary of Commerce, and the
15 heads of other executive agencies determined
16 appropriate by the Secretary of Homeland Se-
17 curity; and

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

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

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

1 for 3 years, the Secretary of Homeland Security shall sub-
2 mit to the appropriate committees of Congress a report
3 regarding—

4 (1) the development and dissemination of inte-
5 grated plume models under this section; and

6 (2) lessons learned from assessing the develop-
7 ment and dissemination of integrated plume models
8 during exercises administered by the Department of
9 Homeland Security, and plans for improving the de-
10 velopment and dissemination of integrated plume
11 models, as appropriate.

12 **TITLE III—INTERNATIONAL**
13 **MEASURES TO PREVENT BIO-**
14 **LOGICAL TERRORISM**

15 **Subtitle A—Prevention and Protec-**
16 **tion Against International Bio-**
17 **logical Threats**

18 **SEC. 301. INTERNATIONAL THREAT ASSESSMENT: TIER I**
19 **PATHOGEN FACILITIES.**

20 (a) REVIEW.—Not later than 6 months after the date
21 of the enactment of this Act, the Director of National In-
22 telligence, in consultation with the Secretary of State, the
23 Secretary of Defense, the Secretary of Homeland Security,
24 the Secretary of Health and Human Services, the Sec-
25 retary of Agriculture, and the heads of other appropriate

1 Federal agencies, shall complete a global review of inter-
2 national biological security threats to the United States.

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

4 (1) assess global biological risks, including by
5 describing regions or countries with the greatest bio-
6 logical security risk, taking into account factors such
7 as—

8 (A) the presence and capabilities of a for-
9 eign terrorist organization;

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

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

15 (2) assess any gaps in knowledge about inter-
16 national biosecurity threats.

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

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

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

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

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

5 (4) the Permanent Select Committee on Intel-
6 ligence of the House of Representatives;

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

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

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

16 (1) the Committee on Agriculture of the Senate;

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

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

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

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

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

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

6 **SEC. 302. STRENGTHENING INTERNATIONAL BIOSECURITY.**

7 (a) TECHNICAL AND FINANCIAL ASSISTANCE AU-
8 THORIZED.—The Secretary of State, in coordination with
9 the Secretary of Health and Human Services, the Sec-
10 retary of Defense, the Secretary of Agriculture, the Sec-
11 retary of Homeland Security, and other appropriate agen-
12 cies, shall provide technical and financial assistance, in-
13 cluding the activities described in subsection (b), to coun-
14 tries or regions identified by the Threat Assessment man-
15 dated in section 301.

16 (b) AUTHORIZED ACTIVITIES.—

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

20 (A) provide assistance to remove or con-
21 solidate an agent or toxin designated as a Tier
22 I agent under section 351A(a)(2) of the Public
23 Health Service Act or section 212(a)(2) of the
24 Agricultural Bioterrorism Protection Act of
25 2002 (in this subtitle referred to as a “Tier I

1 agent”) and other dangerous pathogen collec-
2 tions spread among multiple locations within a
3 country or region into facilities with appropriate
4 safety and security;

5 (B) provide assistance to replace dan-
6 gerous or obsolete pathogen isolation techniques
7 with modern diagnostic tools to improve safety
8 and security and to reduce the number and size
9 of dangerous pathogen collections in high risk
10 regions and countries;

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

16 (D) provide assistance to identify and se-
17 cure Tier I agents and other dangerous patho-
18 gen collections in high risk regions and coun-
19 tries; and

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

23 (2) PREVENTION AND PROTECTION.—The Sec-
24 retary of State shall—

1 (A) raise awareness of international bio-
2 logical threats with foreign governments, aca-
3 demic institutions, and industrial laboratories
4 that possess, use, or transfer Tier I agents and
5 other dangerous pathogen collections through
6 conferences, seminars and workshops;

7 (B) provide biosecurity upgrades at high
8 risk laboratories;

9 (C) train foreign partners in high risk re-
10 gions on best laboratory biosecurity practices
11 within facilities that possess, use, or transfer
12 Tier I agents and other dangerous pathogen
13 collections;

14 (D) assist foreign countries in establishing
15 personnel reliability measures, as part of a com-
16 prehensive laboratory management system;

17 (E) partner with foreign governments, lab-
18 oratories, and scientists in activities that
19 strengthen and reinforce best biological safety
20 and security practices within facilities that pos-
21 sess, use, or transfer Tier I agents and other
22 dangerous pathogen collections;

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

1 ter expertise on pathogen security and labora-
2 tory best practices in high risk regions;

3 (G) increase support for United States
4 science and technology agreements and initia-
5 tives in high risk regions and countries, includ-
6 ing collaborative projects in the areas of bioter-
7 rorism prevention, infectious disease control,
8 disease surveillance, bioforensics, laboratory bio-
9 safety, and hazardous waste management; and

10 (H) develop laboratory biosafety and bio-
11 security standards and guidelines, including
12 personnel reliability measures, for facilities that
13 possess, use, or transfer Tier I agents and
14 other dangerous pathogen collections.

15 (3) SCIENCE AND TECHNOLOGY EXCHANGE.—

16 The Secretary of State shall—

17 (A) promote research and development col-
18 laboration on highly infectious human, animal
19 and plant disease agents in facilities with ap-
20 propriate safety and security measures;

21 (B) provide opportunities for foreign sci-
22 entists, particularly those located in highest risk
23 countries identified in section 301, to receive
24 training in the United States on biological safe-
25 ty and security best practices, standard oper-

1 ating procedures, and maintenance for high
2 containment facilities; and

3 (C) facilitate the secure exchange of re-
4 search samples between laboratories in the
5 United States and foreign national laboratories
6 for the development of vaccines and diagnostics
7 for Tier I agents and other dangerous patho-
8 gens.

9 **SEC. 303. PROMOTING SECURE BIOTECHNOLOGY ADVANCE-**
10 **MENT.**

11 (a) PLAN TO PROMOTE INTERNATIONAL ADHER-
12 ENCE TO INTERNATIONAL AGREEMENTS.—The Secretary
13 of State, in coordination with appropriate agencies, shall
14 produce and implement a plan for promoting international
15 adherence to, and implementation of, frameworks, trea-
16 ties, and other international agreements regarding weap-
17 ons of mass destruction, including the Biological Weapons
18 Convention, World Health Organization International
19 Health Regulations, and United Nations Security Council
20 Resolution 1540.

21 (b) BIOTECHNOLOGY DISCUSSIONS.—

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

1 or emerging biotechnology sectors or are identified
2 as high-risk countries in the Threat Assessment re-
3 quired under section 301.

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

6 (A) multilateral initiatives intended to pro-
7 mote safe and secure biotechnology;

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

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

12 (D) other topics on international biosecu-
13 rity that the Secretary of State considers to be
14 relevant.

15 **Subtitle B—Global Pathogen** 16 **Surveillance**

17 **SEC. 321. SHORT TITLE.**

18 This subtitle may be cited as the “Global Pathogen
19 Surveillance Act of 2010”.

20 **SEC. 322. FINDINGS; PURPOSE.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) The frequency of the occurrence of biologi-
24 cal events that could threaten the national security
25 of the United States has increased and is likely in-

1 creasing. The threat to the United States from such
2 events includes threats from diseases that infect hu-
3 mans, animals, or plants regardless of whether such
4 diseases are introduced naturally, accidentally, or in-
5 tentionally.

6 (2) Bioterrorism poses a grave national security
7 threat to the United States. The insidious nature of
8 a bioterrorist attack, the likelihood that the recogni-
9 tion of such an attack would be delayed, and the
10 underpreparedness of the domestic public health in-
11 frastructure to respond to such an attack could re-
12 sult in catastrophic consequences following a biologi-
13 cal weapons attack against the United States.

14 (3) The ability to recognize that a country or
15 organization is carrying out a covert biological weap-
16 ons program is dependent on a number of indica-
17 tions and warnings. A critical component of this rec-
18 ognition is the timely detection of sentinel events
19 such as community-level outbreaks that could be the
20 earliest indication of an emerging bioterrorist pro-
21 gram in a foreign country. Early detection of such
22 events may enable earlier counterproliferation inter-
23 vention.

24 (4) A contagious pathogen engineered as a bio-
25 logical weapon and developed, tested, produced, or

1 released in a foreign country could quickly spread to
2 the United States. Considering the realities of inter-
3 national travel, trade, and migration patterns, a
4 dangerous pathogen appearing naturally, acciden-
5 tally, or intentionally anywhere in the world can
6 spread to the United States in a matter of days, be-
7 fore any effective quarantine or isolation measures
8 could be implemented.

9 (5) To combat bioterrorism effectively and en-
10 sure that the United States is fully prepared to pre-
11 vent, recognize, and contain a biological weapons at-
12 tack or emerging infectious disease, measures to
13 strengthen the domestic public health infrastructure
14 and improve domestic event detection, surveillance,
15 and response, while absolutely essential, are not suf-
16 ficient.

17 (6) The United States should enhance coopera-
18 tion with the World Health Organization, regional
19 international health organizations, and individual
20 countries, including data sharing with appropriate
21 agencies and departments of the United States, to
22 help detect and quickly contain infectious disease
23 outbreaks or a bioterrorism agent before such a dis-
24 ease or agent is spread.

1 (7) The World Health Organization has done
2 an impressive job in monitoring infectious disease
3 outbreaks around the world, notably in the April
4 2000 establishment and subsequent operation of the
5 Global Outbreak Alert and Response Network.

6 (8) The capabilities of the World Health Orga-
7 nization depend on the timeliness and quality of the
8 data and information the Organization receives from
9 the countries that are members of the Organization,
10 pursuant to the 2005 revision of the International
11 Health Regulations. Developing countries, in par-
12 ticular, often lack the necessary resources to build
13 and maintain effective public health infrastructures.

14 (9) Developing countries could benefit from—

15 (A) better trained public health profes-
16 sionals and epidemiologists to recognize disease
17 patterns;

18 (B) appropriate laboratory equipment for
19 diagnosis of pathogens;

20 (C) disease reporting systems that—

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

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

1 (D) a narrowing of the existing technology
2 gap in disease and syndrome surveillance capa-
3 bilities, based on reported symptoms, and real-
4 time information dissemination to public health
5 officials; and

6 (E) appropriate communications equip-
7 ment and information technology to efficiently
8 transmit information and data within national,
9 international regional, and international health
10 networks, including inexpensive, Internet-based
11 geographic information systems and relevant
12 telephone-based systems for early recognition
13 and diagnosis of diseases.

14 (10) An effective international capability to de-
15 tect, monitor, and quickly diagnose infectious disease
16 outbreaks will offer dividends not only in the event
17 of biological weapons development, testing, produc-
18 tion, and attack, but also in the more likely cases of
19 naturally occurring infectious disease outbreaks that
20 could threaten the United States. Furthermore, a
21 robust surveillance system will serve to deter or con-
22 tain terrorist use of biological weapons, mitigating
23 the intended effects of such malevolent uses.

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

1 (1) To enhance the capability of the inter-
2 national community, through international health or-
3 ganizations and individual countries, to detect, iden-
4 tify, and contain infectious disease outbreaks, wheth-
5 er the cause of those outbreaks is intentional human
6 action or natural in origin.

7 (2) To enhance the training of public health
8 professionals and epidemiologists from eligible devel-
9 oping countries in advanced Internet-based disease
10 and syndrome surveillance systems, in addition to
11 traditional epidemiology methods, so that such pro-
12 fessionals and epidemiologists may better detect, di-
13 agnose, and contain infectious disease outbreaks, es-
14 pecially such outbreaks caused by the pathogens that
15 may be likely to be used in a biological weapons at-
16 tack.

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

21 (A) relevant computer equipment, Internet
22 connectivity mechanisms, and telephone-based
23 applications to effectively gather, analyze, and
24 transmit public health information for infec-
25 tious disease surveillance and diagnosis; and

1 (B) appropriate computer equipment and
2 Internet connectivity mechanisms—

3 (i) to facilitate the exchange of Geo-
4 graphic Information Systems-based disease
5 and syndrome surveillance information;
6 and

7 (ii) to effectively gather, analyze, and
8 transmit public health information for in-
9 fectious disease surveillance and diagnosis.

10 (4) To make available greater numbers of pub-
11 lic health professionals who are employed by the
12 Government of the United States to international re-
13 gional and international health organizations, inter-
14 national regional and international health networks,
15 and United States diplomatic missions, as appro-
16 priate.

17 (5) To expand the training and outreach activi-
18 ties of United States laboratories located in foreign
19 countries, including the Centers for Disease Control
20 and Prevention or Department of Defense labora-
21 tories, to enhance the public health capabilities of
22 developing countries.

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

1 new international regional and international net-
2 works.

3 **SEC. 323. DEFINITIONS.**

4 In this subtitle:

5 (1) ELIGIBLE DEVELOPING COUNTRY.—The
6 term “eligible developing country” means any devel-
7 oping country that—

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

12 (B) has not been determined by the Sec-
13 retary of State, for purposes of section 40 of
14 the Arms Export Control Act (22 U.S.C. 2780),
15 section 620A of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2371), or section 6(j) of the
17 Export Administration Act of 1979 (as in effect
18 pursuant to the International Emergency Eco-
19 nomic Powers Act; 50 U.S.C. 1701 et seq.), to
20 have repeatedly provided support for acts of
21 international terrorism, unless the Secretary of
22 State exercises a waiver certifying that it is in
23 the national interest of the United States to
24 provide assistance under the provisions of this
25 subtitle; and

1 (C) is a party to the Convention on the
2 Prohibition of the Development, Production and
3 Stockpiling of Bacteriological (Biological) and
4 Toxin Weapons and on Their Destruction, done
5 at Washington, London, and Moscow April 10,
6 1972 (26 UST 583).

7 (2) ELIGIBLE NATIONAL.—The term “eligible
8 national” means any citizen or national of an eligible
9 developing country who—

10 (A) does not have a criminal background;

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

13 (C) is not affiliated with any foreign ter-
14 rorist organization.

15 (3) INTERNATIONAL HEALTH ORGANIZATION.—
16 The term “international health organization” in-
17 cludes the World Health Organization, regional of-
18 fices of the World Health Organization, and such
19 similar international organizations as the Pan Amer-
20 ican Health Organization.

21 (4) LABORATORY.—The term “laboratory”
22 means a facility for the biological, microbiological,
23 serological, chemical, immuno-hematological,
24 hematological, biophysical, cytological, pathological,
25 or other medical examination of materials derived

1 from the human body for the purpose of providing
2 information for the diagnosis, prevention, or treat-
3 ment of any disease or impairment of, or the assess-
4 ment of the health of, human beings.

5 (5) DISEASE AND SYNDROME SURVEILLANCE.—
6 The term “disease and syndrome surveillance”
7 means the recording of clinician-reported symptoms
8 (patient complaints) and signs (derived from phys-
9 ical examination and laboratory data) combined with
10 simple geographic locators to track the emergence of
11 a disease in a population.

12 **SEC. 324. ELIGIBILITY FOR ASSISTANCE.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), assistance may be provided to an eligible developing
15 country under any provision of this subtitle only if the gov-
16 ernment of the eligible developing country—

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

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

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

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

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

10 **SEC. 325. RESTRICTION.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of this subtitle, no foreign national participating in
13 a program authorized under this subtitle shall have access,
14 during the course of such participation, to a select agent
15 or toxin described in section 73.4 of title 42, Code of Fed-
16 eral Regulations (or any corresponding similar regulation)
17 or an overlap select agent or toxin described in section
18 73.5 of such title (or any corresponding similar regulation)
19 that may be used as, or in, a biological weapon, except
20 in a supervised and controlled setting.

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

1 sion, use, or transfer of a select agent or toxin or an over-
2 lap select agent or toxin described in such subsection.

3 **SEC. 326. FELLOWSHIP PROGRAM.**

4 (a) ESTABLISHMENT.—There is established a fellow-
5 ship program under which the Secretary of State, in con-
6 sultation with the Secretary of Health and Human Serv-
7 ices and the Secretary of Homeland Security and subject
8 to the availability of appropriations, shall award fellow-
9 ships to eligible nationals to pursue public health edu-
10 cation or training, as follows:

11 (1) MASTER OF PUBLIC HEALTH DEGREE.—
12 Graduate courses of study leading to a master of
13 public health degree with a concentration in epidemi-
14 ology from an institution of higher education in the
15 United States with a Center for Public Health Pre-
16 paredness, as determined by the Director of the Cen-
17 ters for Disease Control and Prevention.

18 (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY
19 TRAINING.—Advanced public health training in epi-
20 demiology for public health professionals from eligi-
21 ble developing countries to be carried out at the
22 Centers for Disease Control and Prevention, an ap-
23 propriate facility of a State, or an appropriate facil-
24 ity of another agency or department of the United
25 States (other than a facility of the Department of

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

4 (b) SPECIALIZATION IN BIOTERRORISM RE-
5 SPONSE.—In addition to the education or training speci-
6 fied in subsection (a), each recipient of a fellowship under
7 this section (in this section referred to as a “fellow”) may
8 take courses of study at the Centers for Disease Control
9 and Prevention or at an equivalent facility on diagnosis
10 and containment of likely bioterrorism agents.

11 (c) FELLOWSHIP AGREEMENT.—

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

15 (A) to maintain satisfactory academic
16 progress, as determined in accordance with reg-
17 ulations issued by the Secretary of State and
18 confirmed in regularly scheduled updates to the
19 Secretary of State from the institution pro-
20 viding the education or training on the progress
21 of the fellow’s education or training;

22 (B) upon completion of such education or
23 training, to return to the fellow’s country of na-
24 tionality or last habitual residence (so long as
25 it is an eligible developing country) and com-

1 plete at least 4 years of employment in a public
2 health position in the government or a non-
3 governmental, not-for-profit entity in that coun-
4 try or, with the approval of the Secretary of
5 State, complete part or all of this requirement
6 through service with an international health or-
7 ganization without geographic restriction; and

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

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

17 (ii) is not higher than the rate gen-
18 erally applied in connection with other
19 Federal loans.

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

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

1 (B) humanitarian considerations require
2 such a waiver.

3 (d) AGREEMENT.—The Secretary of State, in con-
4 sultation with the Secretary of Health and Human Serv-
5 ices and the Secretary of Homeland Security, is authorized
6 to enter into an agreement with the government of an eli-
7 gible developing country under which such government
8 agrees—

9 (1) to establish a procedure for the nomination
10 of eligible nationals for fellowships under this sec-
11 tion;

12 (2) to guarantee that a fellow will be offered a
13 professional public health position within the devel-
14 oping country upon completion of the fellow's stud-
15 ies; and

16 (3) to submit to the Secretary of State a certifi-
17 cation stating that a fellow has concluded the min-
18 imum period of employment in a public health posi-
19 tion required by the fellowship agreement, including
20 an explanation of how the requirement was met.

21 (e) PARTICIPATION OF UNITED STATES CITIZENS.—
22 On a case-by-case basis, the Secretary of State may pro-
23 vide for the participation of a citizen of the United States
24 in the fellowship program under the provisions of this sec-
25 tion if—

1 (1) the Secretary of State determines that it is
2 in the national interest of the United States to pro-
3 vide for such participation; and

4 (2) the citizen of the United States agrees to
5 complete, at the conclusion of such participation, at
6 least 5 years of employment in a public health posi-
7 tion in an eligible developing country or at an inter-
8 national health organization.

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

16 **SEC. 327. IN-COUNTRY TRAINING IN LABORATORY TECH-**
17 **NIQUES AND DISEASE AND SYNDROME SUR-**
18 **VEILLANCE.**

19 (a) LABORATORY TECHNIQUES.—

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

1 availability of appropriations, shall provide assist-
2 ance for short training courses for eligible nationals
3 who are laboratory technicians or other public health
4 personnel in laboratory techniques relating to the
5 identification, diagnosis, and tracking of pathogens
6 responsible for possible infectious disease outbreaks.

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

13 (3) COORDINATION WITH EXISTING PRO-
14 GRAMS.—The Secretary of State shall coordinate the
15 training described in paragraph (1), where appro-
16 priate, with existing programs and activities of inter-
17 national health organizations.

18 (b) DISEASE AND SYNDROME SURVEILLANCE.—

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

1 provide assistance for short training courses for eli-
2 gible nationals who are health care providers or
3 other public health personnel in techniques of dis-
4 ease and syndrome surveillance reporting and rapid
5 analysis of syndrome information using geographic
6 information system tools.

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

11 (3) COORDINATION WITH EXISTING PRO-
12 GRAMS.—The Secretary of State shall coordinate the
13 training described in paragraph (1), where appro-
14 priate, with existing programs and activities of inter-
15 national regional and international health organiza-
16 tions.

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

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

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

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

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

10 (3) compatible with general standards set forth
11 by the World Health Organization and, as appro-
12 priate, the Centers for Disease Control and Preven-
13 tion, to ensure interoperability with international re-
14 gional and international public health networks; and

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

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to exempt the exporting of goods
20 and technology from compliance with applicable provisions
21 of the Export Administration Act of 1979 (as in effect
22 pursuant to the International Emergency Economic Pow-
23 ers Act; 50 U.S.C. 1701 et seq.).

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

1 chase from a foreign country of equipment or supplies
2 that, if made in the United States, would be subject to
3 the Arms Export Control Act (22 U.S.C. 2751 et seq.)
4 or likely be barred or subject to special conditions under
5 the Export Administration Act of 1979 (as in effect pursu-
6 ant to the International Emergency Economic Powers Act;
7 50 U.S.C. 1701 et seq.).

8 (e) **PROCUREMENT PREFERENCE.**—In the use of
9 grant funds authorized under subsection (a), preference
10 should be given to the purchase of equipment and supplies
11 of United States manufacture. The use of amounts appro-
12 priated to carry out this section shall be subject to section
13 604 of the Foreign Assistance Act of 1961 (22 U.S.C.
14 2354).

15 (f) **COUNTRY COMMITMENTS.**—The assistance pro-
16 vided under this section for equipment and supplies may
17 be provided only if the eligible developing country that re-
18 ceives such equipment and supplies agrees to provide the
19 infrastructure, technical personnel, and other resources re-
20 quired to house, maintain, support, secure, and maximize
21 use of such equipment and supplies.

22 **SEC. 329. ASSISTANCE FOR IMPROVED COMMUNICATION**
23 **OF PUBLIC HEALTH INFORMATION.**

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

1 President is authorized to provide, on such terms and con-
2 ditions as the President may determine, assistance to eligi-
3 ble developing countries to purchase and maintain the
4 communications equipment and information technology
5 described in subsection (b), and the supporting equipment,
6 necessary to effectively collect, analyze, and transmit pub-
7 lic health information.

8 (b) COVERED EQUIPMENT.—The communications
9 equipment and information technology described in this
10 subsection are communications equipment and informa-
11 tion technology that—

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

14 (2) meet the standards set forth by the World
15 Health Organization and, as appropriate, the Sec-
16 retary of Health and Human Services, to ensure
17 interoperability with like equipment of other coun-
18 tries and international organizations; and

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

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

1 pursuant to the International Emergency Economic Pow-
2 ers Act; 50 U.S.C. 1701 et seq.).

3 (d) LIMITATION.—Amounts appropriated to carry
4 out this section shall not be made available for the pur-
5 chase from a foreign country of communications equip-
6 ment or information technology that, if made in the
7 United States, would be subject to the Arms Export Con-
8 trol Act (22 U.S.C. 2751 et seq.) or likely be barred or
9 subject to special conditions under the Export Administra-
10 tion Act of 1979 (as in effect pursuant to the Inter-
11 national Emergency Economic Powers Act; 50 U.S.C.
12 1701 et seq.).

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

20 (f) ASSISTANCE FOR STANDARDIZATION OF REPORT-
21 ING.—The President is authorized to provide, on such
22 terms and conditions as the President may determine,
23 technical assistance and grant assistance to international
24 health organizations to facilitate standardization in the re-
25 porting of public health information between and among

1 developing countries and international health organiza-
2 tions.

3 (g) COUNTRY COMMITMENTS.—The assistance pro-
4 vided under this section for communications equipment
5 and information technology may be provided only if the
6 eligible developing country that receives such equipment
7 and technology agrees to provide the infrastructure, tech-
8 nical personnel, and other resources required to house,
9 maintain, support, secure, and maximize use of such
10 equipment and technology.

11 **SEC. 330. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**
12 **UNITED STATES MISSIONS AND INTER-**
13 **NATIONAL ORGANIZATIONS.**

14 (a) IN GENERAL.—Upon the request of the chief of
15 a diplomatic mission of the United States or of the head
16 of an international regional or international health organi-
17 zation, and with the concurrence of the Secretary of State
18 and of the employee concerned, the head of an agency or
19 department of the United States may assign to the mis-
20 sion or the organization any officer or employee of the
21 agency or department that occupies a public health posi-
22 tion within the agency or department for the purpose of
23 enhancing disease and pathogen surveillance efforts in de-
24 veloping countries.

1 (b) REIMBURSEMENT.—The costs incurred by an
2 agency or department of the United States by reason of
3 the detail of personnel under subsection (a) may be reim-
4 bursed to that agency or department out of the applicable
5 appropriations account of the Department of State if the
6 Secretary of State determines that the agency or depart-
7 ment may otherwise be unable to assign such personnel
8 on a non-reimbursable basis.

9 **SEC. 331. EXPANSION OF CERTAIN UNITED STATES GOV-**
10 **ERNMENT LABORATORIES ABROAD.**

11 (a) IN GENERAL.—Subject to the availability of ap-
12 propriations and with the concurrence of the government
13 of each host country, the Director of the Centers for Dis-
14 ease Control and Prevention and the Secretary of Defense
15 shall each—

16 (1) increase the number of personnel assigned
17 to laboratories of the Centers for Disease Control
18 and Prevention or the Department of Defense, as
19 appropriate, located in eligible developing countries
20 that conduct research and other activities with re-
21 spect to infectious diseases; and

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

1 (b) COOPERATION AND COORDINATION BETWEEN
2 LABORATORIES.—Subsection (a) shall be carried out in
3 such a manner as to foster cooperation and avoid duplica-
4 tion between and among laboratories.

5 **SEC. 332. ASSISTANCE FOR INTERNATIONAL HEALTH NET-**
6 **WORKS AND EXPANSION OF FIELD EPIDEMI-**
7 **LOGY TRAINING PROGRAMS.**

8 (a) AUTHORITY.—The President is authorized, on
9 such terms and conditions as the President may deter-
10 mine, to provide assistance for the purposes of—

11 (1) enhancing the surveillance and reporting ca-
12 pabilities of the World Health Organization and ex-
13 isting international regional and international health
14 networks; and

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

17 (b) EXPANSION OF FIELD EPIDEMIOLOGY TRAINING
18 PROGRAMS.—The Secretary of Health and Human Serv-
19 ices is authorized to establish new country or regional
20 international Field Epidemiology Training Programs in el-
21 igible developing countries, with the concurrence of the
22 government of each host country.

23 **SEC. 333. REPORTS.**

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

1 the Secretary of Health and Human Services, the Sec-
2 retary of Defense, and the Secretary of Homeland Secu-
3 rity, shall submit to the Committee on Foreign Relations
4 and the Committee on Homeland Security and Govern-
5 mental Affairs of the Senate and the Committee on For-
6 eign Affairs and the Committee on Homeland Security of
7 the House of Representatives a report on the implementa-
8 tion of programs under this subtitle, including an estimate
9 of the level of funding required to carry out such pro-
10 grams.

11 **SEC. 334. AUTHORIZATION OF APPROPRIATIONS.**

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

16 (b) LIMITATION ON OBLIGATION OF FUNDS.—Not
17 more than 10 percent of the amount appropriated pursu-
18 ant to subsection (a)(1) may be obligated before the date
19 on which a report is submitted, or required to be sub-
20 mitted, whichever first occurs, under section 333.

21 **Subtitle C—Strengthening the**
22 **Oversight of Nuclear Non-**
23 **proliferation**

24 **SEC. 351. DEFINITIONS.**

25 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations,
5 the Committee on Homeland Security and Gov-
6 ernmental Affairs, the Committee on Armed
7 Services, the Select Committee on Intelligence,
8 the Committee on Energy and Natural Re-
9 sources, and the Committee on Environment
10 and Public Works of the Senate; and

11 (B) the Committee on Foreign Affairs, the
12 Committee on Oversight and Government Re-
13 form, the Committee on Armed Services, the
14 Permanent Select Committee on Intelligence,
15 and the Committee on Energy and Commerce
16 of the House of Representatives.

17 (2) COMMISSION.—The term “Commission”
18 means the Commission on the Prevention of Weap-
19 ons of Mass Destruction Proliferation and Terrorism
20 established by section 1851 of the Implementing
21 Recommendation of the 9/11 Commission Act of
22 2007 (Public Law 110–53; 121 Stat. 501).

23 (3) COORDINATOR.—The term “Coordinator”
24 means the President’s Coordinator for the Preven-
25 tion of Weapons of Mass Destruction Proliferation

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

4 (4) DEPUTY COORDINATOR.—The term “Dep-
5 uty Coordinator” means the Deputy United States
6 Coordinator for the Prevention of Weapons of Mass
7 Destruction Proliferation and Terrorism established
8 under section 1841(b)(2) of the Implementing Rec-
9 ommendations of the 9/11 Commission Act of 2007
10 (50 U.S.C. 2931(b)(2)).

11 (5) HIGHLY ENRICHED URANIUM.—The term
12 “highly enriched uranium” means uranium that con-
13 tains at least 20 percent of the uranium isotope 235.

14 (6) IAEA.—The term “IAEA” means the
15 International Atomic Energy Agency.

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

20 **SEC. 352. REPORT ON UNITED STATES NUCLEAR NON-**
21 **PROLIFERATION EFFORTS.**

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

1 annexes as necessary, on the findings and recommenda-
2 tions of the Commission described in subsection (b).

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

5 (1) A description of the financial incentives the
6 United States Government used during the previous
7 year to promote civilian nuclear energy abroad, in-
8 cluding the types, amounts, and recipients of such
9 financial incentives.

10 (2) A description of the actions the United
11 States Government has taken for improving the se-
12 cure civilian storage of, and minimizing the use and
13 export of, weapons useable highly enriched uranium
14 during the previous year, and the amount the United
15 States Government spends annually to fuel United
16 States civilian reactors that use highly enriched ura-
17 nium.

18 (3) A description of the actions that have been
19 taken by the United States Government to imple-
20 ment title V of the Nuclear Non-Proliferation Act of
21 1978 (22 U.S.C. 3261 et seq.) during the previous
22 year and any obstacles pertaining to its implementa-
23 tion with recommended actions.

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

1 upgrade the physical security of civilian nuclear re-
2 actors in the United States that store or handle spe-
3 cial nuclear material.

4 (5) A United States Government assessment of
5 the capabilities of the IAEA, completed in consulta-
6 tion with all relevant United States Government
7 agencies, including the Office of the Director of Na-
8 tional Intelligence, including—

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

11 (B) the ability of IAEA to afford timely
12 detection of possible military diversions and
13 whether or not the IAEA has met its own time-
14 ly detection inspection goals;

15 (C) recommendations for whether and how
16 the IAEA should update its definitions of how
17 much special nuclear material is needed to cre-
18 ate a nuclear bomb and how long it takes to
19 convert such special nuclear material into nu-
20 clear bombs; and

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

24 (c) ABSENCE OF THE COORDINATOR AND THE DEP-
25 UTY COORDINATOR.—The President shall submit the re-

1 port required under this section if neither the Coordinator
2 nor the Deputy Coordinator have been appointed pursuant
3 to section 1841(b)(3) of the Implementing Recommenda-
4 tion of the 9/11 Commission Act of 2007 (50 U.S.C.
5 2931(b)(3)).

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

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

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

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

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

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

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

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

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

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

18 (c) ABSENCE OF THE COORDINATOR AND THE DEP-
19 UTY COORDINATOR.—The President shall submit the re-
20 port required under this section if neither the Coordinator
21 nor the Deputy Coordinator have been appointed pursuant
22 to section 1841(b)(3) of the Implementing Recommenda-
23 tion of the 9/11 Commission Act of 2007 (50 U.S.C.
24 2931(b)(3)).

1 **SEC. 354. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the reporting require-
4 ments under sections 352 and 353 for fiscal year 2010
5 and each subsequent year thereafter.

6 **Subtitle D—Energy Development**
7 **Program Implementation**

8 **SEC. 361. FINDINGS.**

9 Congress finds that—

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

17 (2) in December 2008, the Commission on the
18 Prevention of Weapons of Mass Destruction Pro-
19 liferation and Terrorism noted that the Federal Gov-
20 ernment had failed to implement title V of that Act
21 and recommended that the Federal Government im-
22 plement title V of that Act to help reduce the risk
23 of nuclear proliferation.

24 **SEC. 362. DEFINITIONS.**

25 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

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

9 (B) the Committee on Oversight and Gov-
10 ernment Reform, the Committee on Foreign Af-
11 fairs, the Committee on Energy and Commerce,
12 and the Committee on Appropriations of the
13 House of Representatives.

14 (2) ENERGY DEVELOPMENT PROGRAM.—The
15 term “energy development program” means the pro-
16 gram established under title V of the Nuclear Non-
17 Proliferation Act of 1978 (22 U.S.C. 3261 et seq.).

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of Energy, in cooperation with the
20 Secretary of State and the Administrator of the
21 United States Agency for International Develop-
22 ment.

23 **SEC. 363. ENERGY DEVELOPMENT PROGRAM IMPLEMENTA-**
24 **TION.**

25 (a) STRATEGIC AND IMPLEMENTATION PLANS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall develop—

4 (A) strategic plans for the energy develop-
5 ment program consistent with title V of the Nu-
6 clear Non-Proliferation Act of 1978 (22 U.S.C.
7 3261 et seq.); and

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

11 (2) REVIEW OF PLANS.—Not later than 180
12 days after the date of enactment of this Act, the
13 Secretary shall submit the strategic and implementa-
14 tion plans to the appropriate congressional commit-
15 tees for review.

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

20 (c) ALLOWANCES, PRIVILEGES, AND OTHER BENE-
21 FITS.—

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

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

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

7 (B) entitled to the pay, allowances, and
8 benefits from funds available to the original em-
9 ploying agency.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as are nec-
12 essary to carry out this section for fiscal year 2010 and
13 each fiscal year thereafter.

14 **SEC. 364. REPORTS.**

15 (a) ANNUAL REPORT.—Not later than 1 year after
16 the date of implementation of the plans under section
17 363(b) and every year thereafter, the Secretary shall re-
18 port annually to the appropriate congressional committees
19 on the plans consistent with section 501 of the Nuclear
20 Non-Proliferation Act of 1978 (22 U.S.C. 3261).

21 (b) REPORT ON THE ALTERNATIVE ENERGY
22 CORPS.—

23 (1) COOPERATIVE ACTIVITIES.—Not later than
24 1 year after the date of implementation of the plans
25 under section 363(b), the Secretary shall report to

1 the appropriate congressional committees on the fea-
2 sibility of expanding the cooperative activities estab-
3 lished pursuant to section 502(c) of the Nuclear
4 Non-Proliferation Act of 1978 (22 U.S.C. 3262) into
5 an international cooperative effort.

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

9 (A) an Alternative Energy Corps that is
10 designed to encourage large numbers of tech-
11 nically trained volunteers to live and work in
12 developing countries for varying periods of time
13 for the purpose of engaging in projects to aid
14 in meeting the energy needs of those countries
15 through—

16 (i) the search for and use of non-nu-
17 clear indigenous energy resources; and

18 (ii) the application of suitable tech-
19 nology, including the widespread use of re-
20 newable and unconventional energy tech-
21 nologies; and

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

1 **TITLE IV—GOVERNMENT**
2 **ORGANIZATION**

3 **SEC. 401. INTELLIGENCE ON WEAPONS OF MASS DESTRUC-**
4 **TION.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Select Committee on Intelligence,
10 the Committee on Appropriations, the Com-
11 mittee on Armed Services, and the Committee
12 on Homeland Security and Governmental Af-
13 fairs of the Senate; and

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

19 (2) DIRECTOR.—The term “Director” means
20 the Director of National Intelligence.

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

1 (4) WEAPON OF MASS DESTRUCTION.—The
2 term “weapon of mass destruction” has the meaning
3 given that term in section 1403 of the Defense
4 Against Weapons of Mass Destruction Act of 1996
5 (50 U.S.C. 2302).

6 (b) STRATEGY FOR IMPROVING INTELLIGENCE CAPA-
7 BILITIES.—

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

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

20 (A) Methods for recruitment, training, and
21 retention of individuals with expertise in the
22 collection, analysis, and dissemination of intel-
23 ligence related to weapons of mass destruction,
24 including appropriate scientific and technical
25 expertise.

1 (B) Methods for collaboration, as appro-
2 priate, with individuals with expertise described
3 in subparagraph (A) who are employed by non-
4 governmental entities or who are foreign nation-
5 als.

6 (C) Analytic questions and gaps in infor-
7 mation related to intelligence on weapons of
8 mass destruction, including such intelligence
9 concerning state actors and nonstate actors,
10 such as smugglers, criminal enterprises, and
11 financiers, that will be used to guide intelligence
12 collection.

13 (D) Activities for the development of inno-
14 vative human and technical intelligence collec-
15 tion capabilities and techniques.

16 (E) Actions necessary to increase the effec-
17 tiveness and efficiency of the sharing of intel-
18 ligence on weapons of mass destruction
19 throughout the intelligence community, includ-
20 ing a description of statutory, regulatory, pol-
21 icy, technical, security, or other barriers that
22 prevent such sharing, and, as appropriate, the
23 development of uniform standards across the
24 intelligence community for such sharing.

1 (F) Actions necessary to identify and over-
2 come activities by a foreign government or per-
3 son to deny or deceive the intelligence commu-
4 nity concerning intelligence regarding weapons
5 of mass destruction.

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

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

13 (ii) a schedule for meeting such objec-
14 tives and carrying out such tasks.

15 (H) Assignments of roles and responsibil-
16 ities to elements of the intelligence community
17 to implement the strategy.

18 (I) The personnel, financial, and other re-
19 sources necessary to implement the strategy
20 and a plan for obtaining such resources.

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

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

1 (3) REQUIREMENT TO CONSULT.—In devel-
2 oping the strategy required by paragraph (1), the
3 Director shall consult with the Secretary of Home-
4 land Security, the Secretary of Defense, and other
5 officials as the Director determines appropriate.

6 (4) FORM.—The strategy required by para-
7 graph (1) may be submitted in a classified form.

8 (c) REQUIREMENT FOR REPORTS.—

9 (1) IN GENERAL.—Not less frequently than
10 once during each 180-day period after the date of
11 the submission of the strategy required by sub-
12 section (b)(1) to the appropriate committees of Con-
13 gress, the Director shall submit to the appropriate
14 committees of Congress a report on the implementa-
15 tion of such strategy.

16 (2) CONTENT.—Each report required by para-
17 graph (1) shall include the following:

18 (A) An assessment of whether the objec-
19 tives and tasks referred to in subsection
20 (b)(2)(G) have been accomplished in accordance
21 with the proposed schedule.

22 (B) Data corresponding to the metrics re-
23 quired by subsection (b)(2)(J) for measuring
24 the effectiveness and efficiency of the strategy.

1 (C) An assessment of the actions of the
2 elements of the intelligence community to im-
3 plement the strategy.

4 (D) An assessment of whether the per-
5 sonnel, financial, and other resources available
6 are sufficient to implement the strategy.

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

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

14 **SEC. 402. INTELLIGENCE COMMUNITY LANGUAGE CAPA-**
15 **BILITIES AND CULTURAL KNOWLEDGE.**

16 (a) DEFINITIONS.—In this section, the terms “appro-
17 priate committees of Congress”, “Director”, “intelligence
18 community”, and “weapons of mass destruction” have the
19 meaning given such terms in section 401.

20 (b) STRATEGY FOR IMPROVING LANGUAGE CAPA-
21 BILITIES AND CULTURAL KNOWLEDGE.—

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

1 strategy for improving the recruiting, training, and
2 retention of employees of the elements of the intel-
3 ligence community who possess critical language ca-
4 pabilities and cultural backgrounds relevant to coun-
5 tering terrorism or collecting, analyzing, and dis-
6 seminating intelligence related to weapons of mass
7 destruction, including individuals who are first or
8 second-generation United States citizens and United
9 States citizens with immediate relatives who are for-
10 eign nationals.

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

14 (A) The current and projected needs of the
15 intelligence community during the ten-year pe-
16 riod, beginning on the date the strategy is sub-
17 mitted to the appropriate committees of Con-
18 gress, for employees with critical language ca-
19 pabilities and cultural backgrounds relevant to
20 countering terrorism or collecting, analyzing,
21 and disseminating intelligence related to weap-
22 ons of mass destruction.

23 (B) Actions necessary to recruit, train, and
24 retain employees with such capabilities or back-
25 grounds.

1 (C) Barriers to effective recruitment, train-
2 ing, and retention of employees with such capa-
3 bilities or backgrounds, including security clear-
4 ance processing, and actions necessary to over-
5 come such barriers.

6 (D) Specific objectives to be accomplished
7 during each year of the first 5-year period be-
8 ginning on the date that the strategy is sub-
9 mitted to the appropriate committees of Con-
10 gress and tasks to accomplish such objectives,
11 including—

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

14 (ii) a schedule for meeting such objec-
15 tives and carrying out such tasks.

16 (E) Assignments of roles and responsibil-
17 ities to elements of the intelligence community
18 to carry out the strategy.

19 (F) The personnel, financial, and other re-
20 sources necessary to implement the strategy,
21 and a plan for obtaining such resources.

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

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

1 (c) REQUIREMENT FOR REPORTS.—

2 (1) IN GENERAL.—Not less frequently than
3 once during each 180-day period after the date of
4 the submission of the strategy required by sub-
5 section (b)(1) to the appropriate committees of Con-
6 gress, the Director shall submit to the appropriate
7 committees of Congress a report on the implementa-
8 tion of such strategy.

9 (2) CONTENT.—Each report required by para-
10 graph (1) shall include the following:

11 (A) An assessment of whether the objec-
12 tives referred to in subsection (b)(2)(D) have
13 been accomplished in accordance with the pro-
14 posed schedule.

15 (B) Data corresponding to the metrics re-
16 quired by subsection (b)(2)(G) for measuring
17 the effectiveness and efficiency of the strategy.

18 (C) An assessment of the actions by the
19 elements of the intelligence community to im-
20 plement the strategy.

21 (D) An assessment of whether the per-
22 sonnel, financial, and other resources available
23 are sufficient to implement the strategy.

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

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

6 **SEC. 403. COUNTERTERRORISM TECHNOLOGY ASSESS-**
7 **MENTS.**

8 (a) AGENCY DEFINED.—In this section, the term
9 “agency” means any department, agency, or instrumen-
10 tality of the executive branch of the Government.

11 (b) REQUIREMENT FOR INTERDISCIPLINARY CAPA-
12 BILITY OF THE CONGRESSIONAL RESEARCH SERVICE.—

13 (1) IN GENERAL.—The Director of the Con-
14 gressional Research Service shall establish an inter-
15 disciplinary capability to further the Congressional
16 Research Service’s responsibilities to advise Con-
17 gress pursuant to section 203(d) of the Legislative
18 Reorganization Act of 1946 (2 U.S.C. 166(d)) con-
19 cerning technology or technological applications de-
20 veloped or used for countering terrorism.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to implement
23 this subsection \$2,000,000 for each of fiscal years
24 2011 through 2013.

25 (c) ASSESSMENTS OF AVAILABLE TECHNOLOGY.—

1 (1) REQUIREMENT FOR ASSESSMENTS.—Pursu-
2 ant to section 717 of title 31, United States Code,
3 the Comptroller General of the United States shall
4 conduct assessments of technology or technological
5 applications that are—

6 (A) being developed or used or are avail-
7 able to be used for countering terrorism by a
8 program or activity that is carried out by an
9 agency; or

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

13 (i) a legislative proposal under consid-
14 eration by a committee of the Senate or
15 the House of Representatives; or

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

18 (2) SCOPE OF ASSESSMENT.—Each assessment
19 of a technology or technological application carried
20 out under paragraph (1) shall evaluate the actual or
21 anticipated impact, effectiveness, or efficiency of the
22 technology or technological application for coun-
23 tering terrorism, including evaluating—

24 (A) any test results related to the tech-
25 nology or technological application;

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

3 (C) the actual or anticipated operational
4 requirements of the technology or technological
5 application, including the logistical needs, per-
6 sonnel training, and procedures for utilizing the
7 technology or technological application;

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

11 (E) any actual or anticipated counter-
12 measures to the technology or technological ap-
13 plication by terrorists; and

14 (F) technology assessments or related re-
15 ports prepared by or for an agency for the tech-
16 nology or technological application.

17 (3) TECHNOLOGY ASSESSMENT CAPABILITY.—

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

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

3 (B) APPOINTMENT AND PROCUREMENT.—

4 The Comptroller General shall appoint, pay,
5 and assign officers and employees pursuant to
6 subsection (a) of section 731 of title 31, United
7 States Code, and may procure the services or
8 assistance of experts and consultants pursuant
9 to subsection (e) of such section, in order to ac-
10 quire the expertise in science, technology, or
11 other fields necessary to conduct the assess-
12 ments required by paragraph (1).

13 (4) AUTHORIZATION OF APPROPRIATIONS.—

14 There is authorized to be appropriated to implement
15 this subsection \$2,000,000 for each of fiscal years
16 2011 through 2013.

17 (d) ASSESSMENTS OF FUTURE TECHNOLOGY.—

18 (1) REQUIREMENT FOR ASSESSMENTS.—The
19 Comptroller General of the United States shall, as
20 appropriate, enter into arrangements with the Na-
21 tional Academy of Sciences to assess technology and
22 technological applications that are being developed
23 or could be developed for purposes of countering ter-
24 rorism.

1 (2) SCOPE OF ASSESSMENTS.—Each assess-
2 ment carried out under paragraph (1) shall in-
3 clude—

4 (A) determining trends related to the de-
5 velopment of technology or technological appli-
6 cations and their implications for countering
7 terrorism;

8 (B) identifying particular technology or
9 technological applications that potentially may
10 become available or are necessary for coun-
11 tering terrorism; and

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

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to implement
17 this subsection \$2,000,000 for each of fiscal years
18 2011 through 2013.

19 **TITLE V—EMERGENCY MANAGE-**
20 **MENT AND CITIZEN ENGAGE-**
21 **MENT**

22 **SEC. 501. COMMUNICATION OF THREAT INFORMATION AND**
23 **ALERTS.**

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

1 liferation and Terrorism recommended that “the Federal
2 Government should practice greater openness of public in-
3 formation so that citizens better understand the threat
4 and the risk this threat poses to them.”.

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

8 “(c) TERRORISM THREAT AWARENESS.—

9 (1) TERRORISM THREAT AWARENESS.—The
10 Secretary, in coordination with the Attorney Gen-
11 eral, shall ensure that information concerning ter-
12 rorist threats is available to the general public with-
13 in the United States.

14 (2) THREAT BULLETINS.—

15 (A) IN GENERAL.—Consistent with the
16 requirements of subsection (b), the Secretary
17 shall on a timely basis prepare unclassified ter-
18 rorism-related threat and risk assessments.

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

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

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

1 cessible websites, communication systems,
2 and information networks.

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

9 “(4) USE OF EXISTING RESOURCES.—The Sec-
10 retary shall use websites, communication systems,
11 and information networks in operation on the date
12 of an assessment under this subsection to satisfy the
13 requirements of paragraph (2)(B)(ii).”.

14 (c) RESPONSIBILITIES OF THE SECRETARY.—Section
15 201(d)(8) of the Homeland Security Act of 2002 (6
16 U.S.C. 121(d)(8)) is amended by striking “and to agencies
17 of State” and all that follows and inserting “to State,
18 local, tribal, and private entities with such responsibilities,
19 and, as appropriate, to the general public, in order to as-
20 sist in deterring, preventing, or responding to acts of ter-
21 rorism against the United States.”.

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

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

5 **SEC. 502. GUIDELINES CONCERNING WEAPONS OF MASS**
6 **DESTRUCTION.**

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

10 (1) develop guidelines, in coordination with
11 State, local, and tribal governments and representa-
12 tives of emergency response provider organizations,
13 for police, fire, emergency medical services, emer-
14 gency management, and public health personnel, for
15 responding to an explosion or release of nuclear, bio-
16 logical, radiological, or chemical material; and

17 (2) make the guidelines developed under para-
18 graph (1) available to State, local, and tribal govern-
19 ments, nongovernmental organizations, and the pri-
20 vate sector.

21 (b) CONTENTS.—The guidelines developed under sub-
22 section (a)(1) shall contain, at a minimum—

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

1 (2) information regarding the effects of the bio-
2 logical, chemical, or radiological agent on those ex-
3 posed to the agent; and

4 (3) information regarding how emergency re-
5 sponse providers and mass care facilities may most
6 effectively deal with individuals affected by an inci-
7 dent involving a nuclear, biological, radiological, or
8 chemical material.

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

11 (1) not less frequently than every 2 years, re-
12 view the guidelines developed under subsection
13 (a)(1);

14 (2) make revisions to the guidelines as appro-
15 priate; and

16 (3) make the revised guidelines available to
17 State, local, and tribal governments, nongovern-
18 mental organizations, the private sector, and the
19 general public.

20 (d) PROCEDURES FOR DEVELOPING AND REVISING
21 GUIDELINES.—In carrying out the requirements of this
22 section, the Secretary of Homeland Security shall estab-
23 lish procedures—

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

1 (2) to enable the public to submit recommenda-
2 tions of areas for which guidelines could be devel-
3 oped under subsection (a)(1);

4 (3) to determine which entities should be con-
5 sulted in developing or revising the guidelines;

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

8 (5) to develop and disseminate the guidelines in
9 accordance with the prioritization under paragraph
10 (4).

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

15 (1) the Secretary of Energy;

16 (2) the Secretary of Health and Human Serv-
17 ices;

18 (3) the Secretary of Defense;

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

21 (5) the National Advisory Council established
22 under section 508 of the Homeland Security Act of
23 2002 (6 U.S.C. 318);

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

1 (7) nongovernmental organizations and private
2 industry.

3 (f) REPORTING REQUIREMENTS.—Not later than
4 180 days after the date of enactment of this Act, 1 year
5 after such date of enactment, and annually thereafter, the
6 Secretary of Homeland Security shall provide the Com-
7 mittee on Homeland Security and Governmental Affairs
8 of the Senate and the Committee on Homeland Security
9 of the House of Representatives with—

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

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

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

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

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

22 (6) a plan for developing, revising, and dissemi-
23 nating the guidelines.

24 (g) DEFINITION.—In this section, the term “emer-
25 gency response provider” has the meaning given that term

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

3 **SEC. 503. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

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

8 **“SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

9 “(a) IN GENERAL.—The Administrator shall assist
10 State, local, and tribal governments in improving and pro-
11 moting individual and community preparedness for nat-
12 ural disasters, acts of terrorism, and other man-made dis-
13 asters, including incidents involving the use of weapons
14 of mass destruction and other potentially catastrophic
15 events, by—

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

21 “(2) disseminating the guidelines developed
22 under section 502 of the Weapons of Mass Destruc-
23 tion Prevention and Preparedness Act of 2010 to
24 communities and individuals, as appropriate;

1 “(3) compiling and disseminating information
2 on best practices in individual and community pre-
3 paredness;

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

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

9 “(6) such other actions as the Administrator
10 determines appropriate.

11 “(b) COORDINATION.—Where appropriate, the Ad-
12 ministrators shall coordinate with private sector and non-
13 governmental organizations to promote individual and
14 community preparedness.

15 “(c) SUPPORT FOR VOLUNTARY PROGRAMS.—In car-
16 rying out the responsibilities described in subsection (a),
17 the Administrator shall, where appropriate, work with and
18 provide support to individual and community preparedness
19 programs, such as the Community Emergency Response
20 Team Program, Fire Corps, Medical Reserve Corps Pro-
21 gram, Volunteers in Police Service, USAonWatch-Neigh-
22 borhood Watch, and other voluntary programs, including
23 those sponsored by nongovernmental organizations.

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

1 oversee the individual and community preparedness efforts
2 of the Agency.

3 “(e) GRANTS.—

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

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

10 “(A) \$15,000,000 for fiscal year 2011;

11 “(B) \$20,000,000 for fiscal year 2012; and

12 “(C) \$20,000,000 for fiscal year 2013.”.

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

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

18 (2) by inserting after paragraph (19) the fol-
19 lowing:

20 “(20) enhancing and promoting the prepared-
21 ness of individuals and communities for natural dis-
22 asters, acts of terrorism, and other man-made disas-
23 ters;”.

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

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

“Sec. 526. Individual and community preparedness.”.

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