

**Calendar No. 705**111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1649****[Report No. 111-377]**

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2009

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. MCCASKILL, Mr. BENNETT, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 17, 2010

Reported by Mr. LIEBERMAN, with an amendment

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

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**A BILL**

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

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Weapons of Mass Destruction Prevention and Prepared-  
 4 ness Act of 2009” or the “WMD Prevention and Pre-  
 5 paredness Act of 2009”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is  
 7 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.

**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.

Sec. 206. General public medkit pilot program.

**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.

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—

7                                   (1) in subsection (a)—

8   (A) by redesignating paragraph (2) as

9   paragraph (3);

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

3           ~~“(2) TIER I AGENTS.—~~

4           ~~“(A) DESIGNATION OF TIER I AGENTS.—~~

5           ~~“(i) IN GENERAL.—Not later than~~  
6           ~~180 days after the date of enactment of~~  
7           ~~the Weapons of Mass Destruction Preven-~~  
8           ~~tion and Preparedness Act of 2009, the~~  
9           ~~Secretary, in coordination with the Sec-~~  
10           ~~retary of Homeland Security, shall des-~~  
11           ~~ignate as ‘Tier I agents’ those agents and~~  
12           ~~toxins—~~

13           ~~“(I) for which the Secretary of~~  
14           ~~Homeland Security has issued a Ma-~~  
15           ~~terial Threat Determination under~~  
16           ~~section 319F–2(c)(2) regarding the~~  
17           ~~agent or toxin, unless the Secretary of~~  
18           ~~Health and Human Services deter-~~  
19           ~~mines, in coordination with the Sec-~~  
20           ~~retary of Homeland Security, that~~  
21           ~~such inclusion is unwarranted; or~~

22           ~~“(H) that meet the criteria under~~  
23           ~~subparagraph (B).~~

24           ~~“(ii) INCLUSION IN THE SELECT~~  
25           ~~AGENT PROGRAM OF AGENTS AND TOXINS~~

1           SUBJECT TO A MATERIAL THREAT DETER-  
2           MINATION.—Not later than 60 days after  
3           the Secretary designates as a Tier I agent  
4           an agent or toxin for which the Secretary  
5           of Homeland Security has issued a Mate-  
6           rial Threat Determination under section  
7           319F-2(c)(2), the Secretary shall ensure  
8           that such agent or toxin is included in the  
9           list maintained by the Secretary under the  
10          Select Agent Program under paragraph  
11          (1).

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

17                 “(i) whether the agent or toxin has  
18                 significant potential to be used effectively  
19                 in a biological attack;

20                 “(ii) whether the risk posed by the  
21                 agent or toxin requires additional biosecu-  
22                 rity measures, beyond those required under  
23                 subsection (b), to prevent misuse domesti-  
24                 cally or abroad;

1           “(iii) information available from any  
2           biological or bioterrorism risk assessments  
3           conducted by the Department of Homeland  
4           Security or other relevant assessments by  
5           other departments or the intelligence com-  
6           munity; and

7           “(iv) such other criteria and informa-  
8           tion that the Secretary determines appro-  
9           priate and relevant.

10          “(C) INCLUSION OF AGENTS AND TOXINS  
11          NOT PREVIOUSLY LISTED.—If the Secretary  
12          designates as a Tier 1 agent an agent or toxin  
13          that has not been included in the list main-  
14          tained by the Secretary under the Select Agent  
15          Program under paragraph (1), the Secretary  
16          shall include such agent or toxin in such list not  
17          later than 60 days after the designation of the  
18          agent or toxin as a Tier 1 agent.

19          “(D) EVALUATION OF TIER 1 AGENTS.—  
20          The Secretary, in coordination with the Sec-  
21          retary of Homeland Security, shall—

22                 “(i) on an ongoing basis, consider the  
23                 inclusion of additional agents or toxins on  
24                 the list of Tier 1 agents, as appropriate;  
25                 and

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

5                   (C) in paragraph (3), as redesignated, by  
6                   striking “list under paragraph (1)” and insert-  
7                   ing “lists under paragraphs (1) and (2)”; and  
8                   (2) in subsection (1), by adding at the end the  
9                   following:

10                   “(9) The term ‘Tier I overlap agent’ means a  
11                   biological agent or toxin that—

12                   “(A) is listed pursuant to subsection  
13                   (a)(2); and

14                   “(B) is listed pursuant to section  
15                   212(a)(2) of the Agricultural Bioterrorism Pro-  
16                   tection Act of 2002.”.

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

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

23                   (2) by inserting after paragraph (1) the fol-  
24                   lowing:

25                   “(2) TIER I AGENTS.—

1 “(A) DESIGNATION OF TIER I AGENTS.—

2 “(i) IN GENERAL.—Not later than  
3 180 days after the date of enactment of  
4 the Weapons of Mass Destruction Preven-  
5 tion and Preparedness Act of 2009, the  
6 Secretary, in coordination with the Sec-  
7 retary of Homeland Security, shall des-  
8 ignate as ‘Tier I agents’ those agents and  
9 toxins—

10 “(I) for which the Secretary of  
11 Homeland Security has issued a Ma-  
12 terial Threat Determination under  
13 section ~~319F-2(c)(2)~~ of the Public  
14 Health Service Act (42 U.S.C. 247d-  
15 6b(c)(2)) regarding the agent or  
16 toxin, unless the Secretary of Agri-  
17 culture determines, in coordination  
18 with the Secretary of Homeland Secu-  
19 rity, that such inclusion is unwar-  
20 ranted; or

21 “(II) that meet the criteria under  
22 subparagraph (B).

23 “(ii) INCLUSION IN THE SELECT  
24 AGENT PROGRAM OF AGENTS AND TOXINS  
25 SUBJECT TO A MATERIAL THREAT DETER-

1           MINATION.—Not later than 60 days after  
2           the Secretary designates as a Tier 1 agent  
3           an agent or toxin for which the Secretary  
4           of Homeland Security has issued such Ma-  
5           terial Threat Determination under section  
6           ~~319F-2(c)(2)~~ of the Public Health Service  
7           Act (~~42 U.S.C. 247d-6b(c)(2)~~), the Sec-  
8           retary shall ensure that such agent or  
9           toxin is included in the list maintained by  
10          the Secretary under the Select Agent Pro-  
11          gram under paragraph (1).

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

17                 “(i) whether the agent or toxin has  
18                 significant potential to be used effectively  
19                 in a biological attack;

20                 “(ii) whether the risk posed by the  
21                 agent or toxin requires additional biosecu-  
22                 rity measures, beyond those required under  
23                 subsection (b), to prevent misuse domesti-  
24                 cally or abroad;

1           “(iii) information available from any  
2 biological or bioterrorism risk assessments  
3 conducted by the Department of Homeland  
4 Security or other relevant assessments by  
5 other agencies or departments; and

6           “(iv) such other criteria and informa-  
7 tion that the Secretary determines appro-  
8 priate and relevant.

9           “(C) INCLUSION OF AGENTS AND TOXINS  
10 NOT PREVIOUSLY LISTED.—If the Secretary  
11 designates as a Tier 1 agent an agent or toxin  
12 that has not been included in the list main-  
13 tained by the Secretary under paragraph (1),  
14 the Secretary shall include such agent or toxin  
15 in such list no later than 60 days after the des-  
16 ignation of the agent or toxin as a Tier I agent.

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

20           “(i) on an ongoing basis, consider the  
21 inclusion of additional agents or toxins on  
22 the list of Tier I agents, as appropriate;  
23 and

24           “(ii) at least biennially, review the list  
25 of Tier I agents to determine whether any

1 agents or toxins should be removed from  
2 the list.”; and

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

5 **SEC. 102. ENHANCED BIOSECURITY MEASURES.**

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

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

10 **“(a) DEFINITIONS.—**In this section:

11 **“(1) AGENT OR TOXIN.—**The term ‘agent or  
12 toxin’ means an agent or toxin regulated under section  
13 351A(a)(1) of the Public Health Service Act or  
14 section 212(a)(1) of the Agricultural Bioterrorism  
15 Protection Act of 2002.

16 **“(2) TIER I AGENT.—**The term ‘Tier I agent’  
17 means an agent or toxin so designated under section  
18 351A(a)(2) of the Public Health Service Act or section  
19 212(a)(2) of the Agricultural Bioterrorism Protection  
20 Act of 2002.

21 **“(b) REGULATIONS.—**The Secretary, in consultation  
22 with the Secretary of Health and Human Services and the  
23 Secretary of Agriculture, shall through a negotiated rule-  
24 making under subchapter III of chapter 5 of title 5,  
25 United States Code, establish enhanced biosecurity meas-

1 ures for entities registered under section 351A(d) of the  
2 Public Health Service Act (42 U.S.C. 262a(d)) to use in  
3 handling Tier I agents, which shall include—

4 “(1) standards for personnel reliability pro-  
5 grams;

6 “(2) standards for training and requirements  
7 for responsible officials, lab personnel, and support  
8 personnel employed by entities registered under sec-  
9 tion 351A(d) of the Public Health Service Act (42  
10 U.S.C. 262a(d));

11 “(3) standards for performing laboratory risk  
12 assessments;

13 “(4) risk-based laboratory security performance  
14 standards;

15 “(5) any other standards determined necessary  
16 by the Secretary; and

17 “(6) procedures, with appropriate restrictions  
18 on access, for sharing information, including vulner-  
19 ability assessments, site security plans, and other se-  
20 curity related information, as the Secretary deter-  
21 mines appropriate, with State, local, and tribal gov-  
22 ernment officials, including law enforcement officials  
23 and emergency response providers.

24 “(e) NEGOTIATED RULEMAKING COMMITTEE.—The  
25 negotiated rulemaking committee established by the Sec-

1 Secretary under subsection (b) shall include representatives  
2 from—

3           “(1) the Department, including the Office of  
4 Intelligence and Analysis, Office of Infrastructure  
5 Protection, Science and Technology Directorate, and  
6 Office of Health Affairs;

7           “(2) the Department of Health and Human  
8 Services, including the Centers for Disease Control  
9 and Prevention;

10           “(3) the Department of Agriculture, including  
11 the Animal and Plant Health Inspection Service;

12           “(4) the Department of Defense;

13           “(5) the Federal Bureau of Investigation;

14           “(6) for profit research institutions;

15           “(7) academic research institutions;

16           “(8) nonprofit research institutions; and

17           “(9) other interested parties, as the Secretary  
18 determines appropriate.

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

22           “(1) any recommendations with respect to pro-  
23 posed regulations are provided to the Secretary not  
24 later than 6 months after the date of enactment of  
25 this section; and

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

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

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

22          “(2) how any disincentives to biological re-  
23          search arising from enhanced biosecurity measures  
24          can be minimized.

1       “(f) IMPLEMENTATION OF ENHANCED BIOSECURITY  
2 MEASURES.—

3           “(1) IN GENERAL.—Each registered entity that  
4 works with Tier I agents shall establish procedures  
5 that meet or exceed the standards promulgated  
6 under subsection (b).

7           “(2) TRAINING STANDARDS.—The Secretary of  
8 Health and Human Services, in consultation with  
9 the Secretary, shall accredit training programs that  
10 meet the standards promulgated under subsection  
11 (b).

12          “(3) PERSONNEL RELIABILITY PROGRAMS.—  
13 The Secretary, in consultation with, where appro-  
14 priate, the Secretary of Health and Human Services  
15 and the Secretary of Agriculture, shall evaluate and  
16 ensure the implementation of, and compliance with,  
17 personnel reliability programs at laboratories that  
18 handle Tier I agents developed under the regulations  
19 promulgated under subsection (b).

20          “(4) RISK ASSESSMENTS.—The Secretary, in  
21 consultation with, where appropriate, the Secretary  
22 of Health and Human Services and the Secretary of  
23 Agriculture, shall ensure that facilities handling Tier  
24 I agents submit laboratory risk assessments that

1 comply with the standards promulgated under sub-  
2 section (b).

3 ~~“(5) SECURITY PLANS.—The Secretary, in con-~~  
4 ~~sultation with, where appropriate, the Secretary of~~  
5 ~~Health and Human Services and the Secretary of~~  
6 ~~Agriculture, shall ensure that facilities handling Tier~~  
7 ~~I agents submit site security plans that comply with~~  
8 ~~the standards promulgated under subsection (b).~~

9 ~~“(6) HARMONIZATION OF REGULATIONS.—~~

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

22 ~~“(B) REGULATIONS UNDER AGRICULTURE~~  
23 ~~BIOTERRORISM PROTECTION ACT OF 2002.—Not~~  
24 ~~later than 120 days after the Secretary promul-~~  
25 ~~gates regulations or amendments thereto pursu-~~

1 ant to this section, the Secretary of Agriculture  
2 shall amend regulations promulgated under the  
3 Select Agent Program under section 212(a)(1)  
4 of the Agricultural Bioterrorism Protection Act  
5 of 2002 to ensure that such regulations do not  
6 overlap or conflict with the regulations promul-  
7 gated by the Secretary under this section.

8 “(7) PENALTIES.—

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

17 “(B) INTERMEDIATE SANCTIONS.—

18 “(i) IN GENERAL.—If the Secretary  
19 determines that an individual or laboratory  
20 has violated any provision of regulations  
21 under this section, the Secretary may im-  
22 pose intermediate sanctions in lieu of the  
23 actions authorized by subsection (A).

24 “(ii) TYPES OF SANCTIONS.—The in-  
25 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 “(iii) PROCEDURES.—The Secretary  
16 shall develop and implement procedures  
17 with respect to when and how each of the  
18 intermediate sanctions is to be imposed  
19 under clause (i). Such procedures shall  
20 provide for notice to the individual or lab-  
21 oratory, a reasonable opportunity to re-  
22 spond to the proposed sanction, and appro-  
23 priate procedures for appealing determina-  
24 tions relating to the imposition of inter-  
25 mediate sanctions.

1           “(8) SIMULTANEOUS LABORATORY INSPEC-  
2           TIONS.—

3           “(A) INSPECTIONS BY THE DEPARTMENT  
4           OF HOMELAND SECURITY.—The Secretary shall  
5           inspect laboratories that handle Tier I agents  
6           for compliance with regulations promulgated  
7           under this section.

8           “(B) INSPECTIONS BY THE DEPARTMENTS  
9           OF HOMELAND SECURITY AND HEALTH AND  
10          HUMAN SERVICES.—Any inspections of the  
11          same laboratory conducted by the Secretary  
12          pursuant to this subsection and the Secretary  
13          of Health and Human Services for compliance  
14          with regulations promulgated under the Select  
15          Agent Program under section 351A(a)(1) of the  
16          Public Health Service Act shall be conducted si-  
17          multaneously to the extent practicable.

18          “(C) INSPECTIONS BY THE DEPARTMENTS  
19          OF HOMELAND SECURITY AND AGRICULTURE.—  
20          Any inspections of the same laboratory con-  
21          ducted by the Secretary pursuant to this sub-  
22          section and the Secretary of Agriculture for  
23          compliance with regulations promulgated under  
24          the Select Agent Program under section  
25          212(a)(1) of the Agricultural Bioterrorism Pro-

1           tection Act of 2002 shall be conducted simulta-  
2           neously to the extent practicable.

3           “(D) PARTICIPATION BY THE DEPART-  
4           MENT OF DEFENSE.—To the extent practicable,  
5           the Secretary of Defense shall conduct inspec-  
6           tions simultaneously with the Secretary and, as  
7           appropriate, the Secretary of Health and  
8           Human Services or the Secretary of Agri-  
9           culture, when the Secretary of Defense conducts  
10          inspections of laboratories that receive funding  
11          from the Department of Defense for work with  
12          Tier I agents.

13          “(E) JOINT INSPECTION PROCEDURES.—  
14          Departments conducting simultaneous inspec-  
15          tions of a laboratory under this subsection shall  
16          ensure, to the maximum extent practicable, that  
17          such inspections are conducted using a common  
18          set of inspection procedures across such depart-  
19          ments in order to minimize the administrative  
20          burden on such laboratory.

21          “(F) INSPECTION REPORTS.—Inspection  
22          reports conducted under this paragraph shall be  
23          made available to each Federal agency that  
24          supports select agent research at the institution  
25          that is the subject of the inspection report.”.

1           (b) REPORT.—Not later than 60 days after the date  
2 of enactment of this Act, the Secretary of Homeland Secu-  
3 rity, the Secretary of Agriculture, and the Secretary of  
4 Health and Human Services shall jointly report to the  
5 Committee on Homeland Security and Governmental Af-  
6 fairs, the Committee on Health, Education, Labor, and  
7 Pensions, the Committee on Agriculture, Nutrition, and  
8 Forestry, and the Committee on Armed Services of the  
9 Senate and the Committee on Homeland Security, the  
10 Committee on Energy and Commerce, the Committee on  
11 Agriculture, and the Committee on Armed Services of the  
12 House of Representatives regarding how the Secretary of  
13 Homeland Security, the Secretary of Agriculture, and the  
14 Secretary of Health and Human Services intend to comply  
15 with the requirements under section 318 of the Homeland  
16 Security Act, as added by subsection (a), and shall detail  
17 what additional resources, if any, will be required to so  
18 comply.

19           (c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated such sums as may be  
21 necessary to carry out this section and the amendments  
22 made by this section.

23           (d) TECHNICAL AND CONFORMING AMENDMENT.—  
24 The table of contents in section 1(b) of the Homeland Se-  
25 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by

1 inserting after the item relating to section 317 the fol-  
 2 lowing:

“Sec. 318. Enhanced biosecurity measures.”

3 **SEC. 103. LABORATORY AND FACILITY REGISTRATION AND**  
 4 **DATABASE.**

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

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

9 (2) by inserting after subsection (e) the fol-  
 10 lowing:

11 “(f) LABORATORY AND FACILITY REGISTRATION AND  
 12 DATABASE.—

13 “(1) IN GENERAL.—The Secretary, in coordina-  
 14 tion with the Secretary of Homeland Security and  
 15 the Secretary of Agriculture, shall establish and  
 16 maintain a database of laboratories and facilities  
 17 that have sufficient potential to pose a threat to  
 18 public health and safety, or to animal or plant  
 19 health, as to require the awareness by the Federal  
 20 Government of the location and nature of the labora-  
 21 tory or facility.

22 “(2) CRITERIA.—

23 “(A) IN GENERAL.—The Secretary, in co-  
 24 ordination with the Secretary of Homeland Se-  
 25 curity and the Secretary of Agriculture, shall by

1 regulation establish criteria defining which lab-  
2 oratories and facilities are described in para-  
3 graph (1) and subject to the requirements of  
4 this subsection.

5 “(B) EXCLUSION OF SELECT AGENT LAB-  
6 ORATORIES.—The criteria established under  
7 subparagraph (A) shall exclude laboratories list-  
8 ed in the national database established pursu-  
9 ant to subsection (d)(2) of this section and sec-  
10 tion 212(d)(2) of the Agricultural Bioterrorism  
11 Protection Act of 2002 (7 U.S.C. 8401(d)(2)).

12 “(C) CONTENT.—The criteria established  
13 under subparagraph (A) shall include—

14 “(i) whether a laboratory or facility  
15 handles a biological agent or toxin des-  
16 ignated as a Registry Agent pursuant to  
17 paragraph (4);

18 “(ii) whether a laboratory or facility  
19 has specified characteristics, features, or  
20 equipment that could facilitate the misuse  
21 of the laboratory or facility for the pur-  
22 poses of developing a biological weapon;  
23 which may include—

24 “(I) technology that is particu-  
25 larly suitable to the development of an

1 effective biological weapon, such as  
2 technology that would enable syn-  
3 thesis of Tier I agents; and

4 “(II) features that would protect  
5 an individual developing a biological  
6 weapon from accidental exposure or  
7 discovery; and

8 “(iii) such other characteristics as the  
9 Secretary determines appropriate.

10 “(3) REGULATIONS REQUIRING REGISTRA-  
11 TION.—The Secretary shall by regulation require the  
12 registration with the Secretary of laboratories and  
13 facilities that meet the criteria established pursuant  
14 to paragraph (2).

15 “(4) REGISTRY AGENTS.—

16 “(A) IN GENERAL.—The Secretary, in co-  
17 ordination with the Secretary of Agriculture  
18 and the Secretary of Homeland Security, shall  
19 establish and maintain by regulation a list of  
20 biological agents and toxins that have the po-  
21 tential to pose a serious threat to public, ani-  
22 mal, or plant health but for which the potential  
23 to be used effectively in a biological attack has  
24 not been clearly established.

1           “(B) DESIGNATION.—Agents listed pursu-  
2           ant to subparagraph (A) shall be designated as  
3           ‘Registry Agents’.

4           “(C) EXCLUSION OF SELECT AGENTS.—In  
5           determining whether to designate a biological  
6           agent or toxin as a Registry Agent, the Sec-  
7           retary shall exclude agents or toxins listed pur-  
8           suant to subsection (a)(1) of this section and  
9           section 212(a)(1) of the Agricultural Bioter-  
10          rorism Protection Act of 2002.

11          “(5) PENALTIES.—In addition to any other  
12          penalties that may apply under law, any person who  
13          violates any provision of this section shall be subject  
14          to the United States for a civil penalty in an amount  
15          not to exceed \$25,000 in the case of an individual  
16          and \$50,000 in the case of any other person.

17          “(6) ACCESS TO DATABASE.—The Secretary  
18          shall make the database established under para-  
19          graph (1) available to the Secretary of Homeland  
20          Security, the Secretary of Agriculture, the Secretary  
21          of Defense, the Attorney General, and such agencies  
22          as the Secretary determines appropriate.

23          “(7) BIOSECURITY AND BIOSAFETY BEST PRAC-  
24          TICES.—The Secretary, in consultation with the Sec-  
25          retary Homeland Security and the Secretary of Agri-

1 culture, shall promote biosecurity and biosafety best  
2 practices to entities registered under paragraph  
3 (3).”.

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

6 (1) REVIEW OF LISTED AGENTS.—

7 (A) REVIEW BY SECRETARY OF HEALTH  
8 AND HUMAN SERVICES.—Not later than 180  
9 days after the establishment of the list pursu-  
10 ant to subsection (f)(4) of section 351A of the  
11 Public Health Service Act (as added by sub-  
12 section (a)), the Secretary of Health and  
13 Human Services shall conduct a comprehensive  
14 review of the list of biological agents and toxins  
15 maintained pursuant to subsection (a)(1) of  
16 such section to determine which listed agents  
17 and toxins more accurately fit the criteria for  
18 Registry Agents (as described under such sub-  
19 section (f)(4)).

20 (B) REVISION BY SECRETARY OF AGRI-  
21 CULTURE.—Not later than 180 days after the  
22 establishment of the list pursuant to subsection  
23 (f)(4) of section 351A of the Public Health  
24 Service Act (as amended by subsection (a)), the  
25 Secretary of Agriculture shall conduct a com-

1 comprehensive review of the list of biological agents  
2 and toxins maintained pursuant to section  
3 212(a)(1) of the Agricultural Bioterrorism Pro-  
4 tection Act of 2002 (7 U.S.C. 8401(a)(1)) to  
5 determine which listed agents and toxins more  
6 accurately fit the criteria for Registry Agents  
7 (as described under such subsection (f)(4)).

8 (2) AMENDMENTS TO THE PUBLIC HEALTH  
9 SERVICE ACT.—Section 351A(a)(1)(B)(i) of the  
10 Public Health Service Act (42 U.S.C.  
11 262a(a)(1)(B)(i)) is amended—

12 (A) in subclause (III), by striking “; and”  
13 and inserting a semicolon;

14 (B) by redesignating subclause (IV) as  
15 subclause (V); and

16 (C) by inserting after subclause (III) the  
17 following:

18 “(IV) security risks identified by  
19 biological risk assessments conducted  
20 by the Department of Homeland Se-  
21 curity, the Department of Health and  
22 Human Services, the Department of  
23 Agriculture, the Department of De-  
24 fense, and other relevant agencies and  
25 entities; and”.

1           ~~(3)~~ AMENDMENT TO THE AGRICULTURAL BIO-  
2           TERRORISM PROTECTION ACT OF 2002.—Section  
3           ~~212(a)(1)(B)(i)~~ of the Agricultural Bioterrorism  
4           Protection Act of 2002 (7 U.S.C. ~~8401(a)(1)(B)(i)~~)  
5           is amended—

6                   (A) in subclause (III), by striking “; and”  
7                   and inserting a semicolon;

8                   (B) by redesignating subclause (IV) as  
9                   subclause (V); and

10                  (C) by inserting after subclause (III) the  
11                  following:

12                               “(IV) security risks identified by  
13                               biological risk assessments conducted  
14                               by the Department of Homeland Se-  
15                               curity, the Department of Health and  
16                               Human Services, the Department of  
17                               Agriculture, the Department of De-  
18                               fense, and other relevant agencies and  
19                               entities; and”.

20           ~~(e)~~ REPORT.—Not later than 270 days after the date  
21           of enactment of this Act, the Secretary of Health and  
22           Human Services, in coordination with the Secretary  
23           Homeland Security and the Secretary of Agriculture, shall  
24           report to the Committee on Homeland Security and Gov-  
25           ernmental Affairs, the Committee on Health, Education,

1 Labor, and Pensions, the Committee on Agriculture, Nu-  
 2 trition, and Forestry, and the Committee on Armed Serv-  
 3 ices of the Senate, and to the Committee on Homeland  
 4 Security, the Committee on Energy and Commerce, the  
 5 Committee on Agriculture, and the Committee on Armed  
 6 Services of the House of Representatives regarding the im-  
 7 plementation of this section.

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

11 (e) CONFORMING AMENDMENTS.—

12 (1) PUBLIC HEALTH SERVICE ACT.—Section  
 13 351A of the Public Health Service Act (42 U.S.C.  
 14 262a) is amended—

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

17 (B) in subsection (i)(1)(E), as so redesign-  
 18 nated, by striking “subsection (f)” and insert-  
 19 ing “subsection (g)”;

20 (C) in subsection (k), as so redesignated,  
 21 by striking “subsection (l)” and inserting “sub-  
 22 section (m)”;

23 (D) in subsection (l), as so redesignated,  
 24 by striking “subsection (j)” and inserting “sub-  
 25 section (k)”.

1           (2) ~~AGRICULTURAL BIOTERRORISM PROTEC-~~  
2           ~~TION ACT OF 2002.~~—Section 212(g)(1)(E) of the Ag-  
3           ~~ricultural Bioterrorism Protection Act of 2002 (7~~  
4           ~~U.S.C. 8401(g)(1)(E))~~ is amended by striking  
5           ~~“351A(g)(3)”~~ and inserting ~~“351A(h)(3)”~~.

6 **SEC. 104. BACKGROUND CHECKS.**

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

16 **SEC. 105. BIOLOGICAL LABORATORY PROTECTION.**

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

19               (1) ~~GRANTS AUTHORIZED.~~—The Secretary of  
20               Homeland Security, acting through the Adminis-  
21               trator of the Federal Emergency Management Agen-  
22               cy, may award grants to academic and nonprofit or-  
23               ganizations to implement security improvements at  
24               laboratories that handle Tier I agents or toxins, as  
25               so designated under section 351A(a)(2) of the Public

1 Health Service Act or section 212(a)(2) of the Agri-  
2 cultural Bioterrorism Protection Act of 2002.

3 ~~(2) AUTHORIZATION OF APPROPRIATIONS.—~~

4 There are authorized to be appropriated to the De-  
5 partment of Homeland Security to carry out this  
6 subsection, \$50,000,000 for each of fiscal years  
7 2010 through 2013.

8 ~~(b) VOLUNTARY VULNERABILITY ASSESSMENTS.—In~~  
9 ~~carrying out section 201(d)(2) of the Homeland Security~~  
10 ~~Act of 2002 (6 U.S.C. 121(d)(2)), the Secretary of Home-~~  
11 ~~land Security shall encourage the voluntary participation~~  
12 ~~of laboratories working with biological agents and toxins,~~  
13 ~~as so designated under section 351A(a)(1) of the Public~~  
14 ~~Health Service Act (42 U.S.C. 262a(a)(1)) or section~~  
15 ~~212(a)(1) of the Agricultural Bioterrorism Protection Act~~  
16 ~~of 2002 (7 U.S.C. 8401(a)(1)), commensurate with the~~  
17 ~~risks such agents and toxins pose.~~

18 **SEC. 106. BIOSECURITY INFORMATION SHARING.**

19 ~~(a) IN GENERAL.—Title III of the Homeland Secu-~~  
20 ~~rity Act of 2002 (6 U.S.C. 181 et seq.), as amended by~~  
21 ~~section 102, is amended by adding at the end the fol-~~  
22 ~~lowing:~~

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

24 ~~“(a) IN GENERAL.—Consistent with the responsibil-~~  
25 ~~ities under section 201(d), the Secretary shall ensure that~~

1 State, local, and tribal governments have access to rel-  
2 evant safety and security information relating to biological  
3 laboratories and facilities in or in close proximity to the  
4 jurisdiction of the State, local, or tribal government, as  
5 the Secretary determines appropriate.

6 “(b) ACCESS TO INFORMATION IN DATABASES.—In  
7 carrying out this section, the Secretary may disseminate  
8 to State, local, and tribal governments relevant informa-  
9 tion from the national databases established under sub-  
10 sections (d)(2) and (f)(1) of section 351A of the Public  
11 Health Service Act (42 U.S.C. 262a) and section  
12 212(d)(2) of the Agricultural Bioterrorism Protection Act  
13 of 2002 (7 U.S.C. 8401(d)(2)).

14 “(c) CLASSIFIED AND SENSITIVE INFORMATION.—  
15 The Secretary shall ensure that any information dissemi-  
16 nated under this section is disseminated consistent with—

17 “(1) the authority of the Director of National  
18 Intelligence to protect intelligence sources and meth-  
19 ods under the National Security Act of 1947 (50  
20 U.S.C. 401 et seq.) and related procedures or simi-  
21 lar authorities of the Attorney General concerning  
22 sensitive law enforcement information;

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

1           “(3) other relevant laws.”.

2           (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

“Sec. 319. Biosecurity information sharing.”.

7 **TITLE II—RESPONSE TO A WEAP-**  
8 **ON OF MASS DESTRUCTION**  
9 **ATTACK**

10 **Subtitle A—Ensuring Access to**  
11 **Medical Countermeasures Dur-**  
12 **ing Emergencies**

13 **SEC. 201. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
14 **PENSING STRATEGY.**

15 Title III of the Public Health Service Act (42 U.S.C.  
16 241 et seq.) is amended by inserting after section 319M  
17 the following:

18 **“SEC. 319N. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
19 **PENSING STRATEGY.**

20           “(a) DEFINITIONS.—In this section—

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

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

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

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

7 “(2) the term ‘dispense’ means to provide pro-  
8 phylaxis and other related medical material to an af-  
9 fected population in response to a threat or incident;  
10 and

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

17 “(b) STRATEGY.—The Secretary, in coordination  
18 with the Secretary of Homeland Security and the Post-  
19 master General, shall develop, coordinate, and maintain  
20 a National Medical Countermeasure Dispensing Strategy  
21 (referred to in this section as the ‘National MCM Dis-  
22 pensing Strategy’).

23 “(c) CONTENTS.—The National MCM Dispensing  
24 Strategy shall—

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

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

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

10          “(4) address—

11           “(A) a staffing plan for dispensing MCMs,  
12           including—

13           “(i) for MCM dispensing locations;

14           and

15           “(ii) for dispensing through the  
16           United States Postal Service;

17           “(B) requirements for timeliness of MCM  
18           dispensing;

19           “(C) appropriateness, effectiveness, and ef-  
20           ficiency of differing methods of MCM dis-  
21           pensing;

22           “(D) measures and evaluations of MCM  
23           dispensing effectiveness and efficiency;

24           “(E) liability issues associated with MCM  
25           dispensing, considering—

- 1                   “(i) the volunteer force;
- 2                   “(ii) medical personnel;
- 3                   “(iii) potential adverse reactions to
- 4 medications;
- 5                   “(iv) participating employees of the
- 6 United States Postal Service; and
- 7                   “(v) security personnel;
- 8 “(F) security issues, including—
- 9                   “(i) partnerships with law enforce-
- 10 ment; and
- 11                   “(ii) necessary levels of security to
- 12 protect MCM dispensing locations and re-
- 13 lated personnel, participating employees of
- 14 the United States Postal Service, and
- 15 transportation of MCMs;
- 16 “(G) communications issues, including—
- 17                   “(i) communications between the Fed-
- 18 eral, State, local, and tribal government of-
- 19 ficials that may be involved in dispensing
- 20 MCMs;
- 21                   “(ii) communications between the gov-
- 22 ernment and private sector; and
- 23                   “(iii) the creation of prescribed pub-
- 24 lic message statements informing people
- 25 how they can acquire MCMs;

1           “(H) transportation of MCMs to dis-  
2           pensing locations;

3           “(I) implementation and operations of dis-  
4           pensing plans;

5           “(J) necessary levels of Federal technical  
6           assistance in developing MCM dispensing capa-  
7           bilities; and

8           “(K) any other topics that the Secretary  
9           determines appropriate;

10          “(5) in coordination with the Secretary of  
11          Homeland Security, include a plan to develop a pre-  
12          incident public information campaign that will in-  
13          form the public of—

14               “(A) personal preparedness for a biological  
15               attack or naturally occurring disease outbreak;

16               “(B) options for obtaining MCMs;

17               “(C) options for receiving medical care  
18               during a public health emergency; and

19               “(D) any other issues that the Secretary  
20               determines appropriate; and

21          “(6) be exercised regularly in various jurisdic-  
22          tions.

23          “(d) COORDINATION.—Where appropriate, the Sec-  
24          retary, in coordination with the Secretary of Homeland  
25          Security and the Postmaster General, shall coordinate

1 with State, local, and tribal government officials, private  
2 sector, and nongovernmental organizations in development  
3 of the National MCM Dispensing Strategy.

4 “(e) REPORTS TO CONGRESS.—

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

8 “(A) not later than 180 days after the date  
9 of enactment of this section, submit the Na-  
10 tional MCM Dispensing Strategy to the appro-  
11 priate committees of Congress; and

12 “(B) not later than 180 days after the  
13 submission of the Strategy under subparagraph  
14 (A), submit an implementation plan for such  
15 Strategy to the appropriate committees of Con-  
16 gress.

17 “(2) STATUS REPORT.—Not later than 1 year  
18 after the submission of the implementation plan  
19 under paragraph (1)(B), the Secretary, in coordina-  
20 tion with the Secretary of Homeland Security and  
21 the Postmaster General, shall submit to the appro-  
22 priate committees of Congress a report describing  
23 the status of the activities taken pursuant to the im-  
24 plementation plan.”.

1 **SEC. 202. TAILORING OF THE NATIONAL MEDICAL COUN-**  
2 **TERMEASURE DISPENSING STRATEGY.**

3 (a) IN GENERAL.—

4 (1) PLANS.—The Secretary of Health and  
5 Human Services, in coordination with the Secretary  
6 of Homeland Security and, where appropriate, the  
7 Postmaster General, shall tailor the National MCM  
8 Dispensing Strategy established under section 319N  
9 of the Public Health Service Act (as added by sec-  
10 tion 201) for—

11 (A) Cities Readiness Initiative jurisdictions  
12 and other densely populated metropolitan areas  
13 deemed at highest risk of being the target of a  
14 terrorist attack;

15 (B) representative localities of varying geo-  
16 graphic sizes, population densities, and demo-  
17 graphics; and

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

21 (2) CONSULTATION WITH STATE, LOCAL, AND  
22 TRIBAL GOVERNMENTS.—In fulfilling the require-  
23 ments of paragraph (1), the Secretary of Health and  
24 Human Services, in coordination with the Secretary  
25 of Homeland Security and, where appropriate, the

1 Postmaster General, shall consult with State, local,  
2 and tribal officials.

3 ~~(3) REVIEW.~~—The Secretary of Homeland Se-  
4 curity, during and in conjunction with the creation  
5 of tailored National MCM Dispensing Strategy plans  
6 under paragraph ~~(1)~~, shall—

7 (A) provide a review of transportation and  
8 logistics capabilities for moving medical coun-  
9 termeasures from State, local, and tribal receiv-  
10 ing, staging, and storing sites to dispensing lo-  
11 cations;

12 (B) review security plans and capabilities  
13 for protecting transportation of medical coun-  
14 termeasures and dispensing locations;

15 (C) work in coordination with the Post-  
16 master General to review security for protecting  
17 United States Postal Service employees per-  
18 forming dispensing;

19 (D) assist State, local, and tribal govern-  
20 ments in building partnerships with law en-  
21 forcement to perform security for medical coun-  
22 termeasure transportation and dispensing;

23 (E) assist State, local, and tribal govern-  
24 ments in working with emergency response pro-

1           viders to create appropriate roles for their par-  
2           ticipation in the tailored Strategy plans; and

3           (F) determine other assistance that may be  
4           offered to State, local, and tribal governments  
5           with respect to logistics, transportation, secu-  
6           rity, or other issues that the Secretary of  
7           Homeland Security determines appropriate.

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

12       **SEC. 203. EXPANSION IN THE USE OF THE U.S. POSTAL**  
13                       **SERVICE TO DELIVER MEDICAL COUNTER-**  
14                       **MEASURES.**

15          (a) IN GENERAL.—The Secretary of Health and  
16          Human Services, in coordination with the Postmaster  
17          General and the Secretary of Homeland Security, shall ex-  
18          pand existing pilot programs to utilize the United States  
19          Postal Service to deliver medical countermeasures in a  
20          public health emergency.

21          (b) TIMELINE.—The Postmaster General shall in-  
22          crease the ability of the United States Postal Service to  
23          deliver medical countermeasures to homes in—

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

4           (2) 15 additional Cities Readiness Initiative ju-  
5           risdictions not later than 2 years after the date of  
6           enactment of this Act.

7           (c) USPS MEDKITS.—The Secretary of Health and  
8           Human Services, in coordination with the Postmaster  
9           General and the Secretary of Homeland Security, shall,  
10          on a biennial basis, reevaluate the contents of medkits pro-  
11          vided to enrolled United States Postal Service employees  
12          under the U.S. Postal Service Dispensing Plan.

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

16               (1) consider information available from any bio-  
17               logical or bioterrorism risk assessments conducted  
18               by the Department of Homeland Security or other  
19               relevant assessments by other departments or the in-  
20               telligence community;

21               (2) consider the criteria described in section  
22               351A(a)(1)(B) of the Public Health Service Act (42  
23               U.S.C. 262a(a)(1)(B));

24               (3) consult with private and public organiza-  
25               tions, as appropriate; and

1           (4) consider such other criteria and information  
2           that the Secretary of Health and Human Services  
3           and the Secretary of Homeland Security determine  
4           appropriate.

5           (e) REPORT.—Not later than 18 months after the  
6           date of enactment of this Act, the Secretary of Health and  
7           Human Services, the Postmaster General, and the Sec-  
8           retary of Homeland Security shall submit to the appro-  
9           priate committees of Congress a report on the implemen-  
10          tation of this section.

11          (f) DEFINITIONS.—In this section—

12           (1) the term “appropriate committees of Con-  
13          gress” means—

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

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

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

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

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

8 **SEC. 204. DISPENSING MEDICAL COUNTERMEASURES**  
9 **THROUGH EMPLOYERS.**

10 (a) DEFINITIONS.—In this section—

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

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

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

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

23           (3) the term “covered Federal facility” means  
24 a Federal facility determined by the Secretary of  
25 Health and Human Services, in coordination with

1 the Secretary of Homeland Security, to be of suffi-  
2 cient size, workforce level, and geographic location to  
3 warrant developing a plan for receiving and dis-  
4 pensing medical countermeasures to employees work-  
5 ing in the Federal facility;

6 (4) the term “dispense” means to provide pro-  
7 phylaxis and other related medical material to an af-  
8 fected population in response to a threat or incident;  
9 and

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

16 (b) FEDERAL PLAN.—

17 (1) IN GENERAL.—The head of each executive  
18 agency, in consultation with the Secretary of Health  
19 and Human Services and the Secretary of Homeland  
20 Security, shall develop a plan to receive and dispense  
21 medical countermeasures to individuals employed by  
22 the executive agency—

23 (A) if the individuals work in a covered  
24 Federal facility that is likely the target, or lo-  
25 cated in an area that is likely a target, of an

1 act of terrorism involving a biological agent or  
2 toxin; or

3 (B) in the event of a naturally occurring  
4 outbreak of an infectious disease that may re-  
5 sult in a national epidemic.

6 (2) CONTENTS.—The plans developed under  
7 paragraph (1) shall identify individuals in the cov-  
8 ered Federal facility who will be performing receiv-  
9 ing and dispensing of medical countermeasures to  
10 employees.

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

15 (4) EXERCISES.—On a biennial basis, the head  
16 of each executive agency shall conduct exercises of  
17 the plan developed by the head of the executive  
18 agency under paragraph (1).

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

24 (d) REPORT.—Not later than 180 days after the date  
25 of enactment of this Act, the Secretary of Health and

1 Human Services, in coordination with the Secretary of  
2 Homeland Security, shall submit to the appropriate com-  
3 mittees of Congress a report on the implementation of this  
4 section.

5 **SEC. 205. PERSONAL MEDKITS FOR EMERGENCY RESPONSE**  
6 **PROVIDERS.**

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

11 **“SEC. 320. PERSONAL MEDKITS FOR EMERGENCY RE-**  
12 **SPONDERS.**

13 “(a) DEFINITIONS.—In this section—

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

16 “(A) the Committee on Homeland Security  
17 and Governmental Affairs and the Committee  
18 on Health, Education, Labor, and Pensions of  
19 the Senate; and

20 “(B) the Committee on Homeland Security  
21 and the Committee on Energy and Commerce  
22 of the House of Representatives;

23 “(2) the term ‘emergency responders’ means an  
24 emergency response provider or an active member of  
25 a local citizen preparedness organization, including

1 Community Emergency Response Teams, the Med-  
 2 ical Reserve Corps, the Fire Corps, and the citizen  
 3 preparedness programs of the American Red Cross;

4 “(3) the term ‘immediate family member’  
 5 means an individual who is a cohabitating family  
 6 member or domestic partner;

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

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

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

16 “(b) ESTABLISHMENT.—The Secretary, in coordina-  
 17 tion with the Secretary of Health and Human Services,  
 18 shall establish a program to distribute medkits to emer-  
 19 gency responders and immediate family members of emer-  
 20 gency responders.

21 “(c) MEDKIT PROGRAM COMPONENTS.—

22 “(1) IN GENERAL.—An emergency responder or  
 23 immediate family member of an emergency re-  
 24 sponder participating in the medkit program shall—

25 “(A) register with the Secretary;

1           “(B) before the distribution of a medkit,  
2 receive training regarding—

3           “(i) the proper use and dosing of  
4 medical countermeasures;

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

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

7           and

8           “(iv) any other topic determined ap-  
9 propriate by the Secretary;

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

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

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

18          “(d) AUTHORIZATION AND CONTENTS.—

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

22           “(A) seek a pre-incident emergency use au-  
23 thorization under section 564 of the Federal  
24 Food, Drug, and Cosmetic Act (21 U.S.C.

1           ~~360bbb-3)~~ to allow distribution and use of  
2           medkits under the medkit program; and

3           ~~“(B) establish the appropriate contents for~~  
4           ~~medkits distributed under the medkit program.~~

5           ~~“(2) CONTENT CONSIDERATION.—In estab-~~  
6           ~~lishing the appropriate contents for medkits under~~  
7           ~~paragraph (1)(B), the Secretary 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 and the Secretary~~  
20          ~~of Health and Human Services determine ap-~~  
21          ~~propriate.~~

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 are authorized to be appropriated such sums as may be  
 3 necessary to carry out this section.”.

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

“Sec. 320. Personal medkits for emergency responders.”.

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

10 (a) DEFINITIONS.—In this section—

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

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

23 (b) PILOT PROGRAM.—The Secretary of Health and  
 24 Human Services, in coordination with the Secretary of

1 Homeland Security, shall conduct a pilot program to study  
2 the feasibility of providing personal medkits to the public.

3 (c) REQUIREMENTS.—In carrying out the pilot pro-  
4 gram, the Secretary of Health and Human Services, in  
5 coordination with the Secretary of Homeland Security,  
6 shall ensure that—

7 (1) enrollment of participants in the pilot pro-  
8 gram encompasses a diverse range of municipality  
9 sizes, various geographic locations, and different so-  
10 cioeconomic statuses;

11 (2) the number of enrolled participants in the  
12 program shall be expanded significantly beyond the  
13 number of those enrolled in the 2006 St. Louis  
14 Medkit evaluation study, conducted by the Centers  
15 for Disease Control and Prevention, to at least  
16 10,000 participants;

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

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

22 (A) proper use and dosing of medical coun-  
23 termeasures;

24 (B) reporting of use of medkits;

25 (C) proper storage of medkits; and

1           (D) any other information that the Sec-  
2           retary of Health and Human Services and the  
3           Secretary of Homeland Security determine ap-  
4           propriate.

5           (d) AUTHORIZATION AND CONTENT.—The Secretary  
6 of Health and Human Services and the Secretary of  
7 Homeland Security shall coordinate with the Commis-  
8 sioner of Food and Drugs—

9           (1) to obtain an emergency use authorization  
10          under section 564 of the Federal Food, Drug, and  
11          Cosmetic Act (21 U.S.C. 360bbb–3) to allow dis-  
12          tribution of medkits for the purpose of the pilot pro-  
13          gram; and

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

16          (e) REPORT.—

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

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

1           ~~(B)~~ the Committee on Homeland Security  
 2           and the Committee on Energy and Commerce  
 3           of the House of Representatives.

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

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

17                   **Subtitle B—Bioforensics**  
 18                   **Capabilities and Strategy**

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

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

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

25          ~~“(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, the Committee on  
5                   the Judiciary, the Committee on Health, Edu-  
6                   cation, Labor, and Pensions, the Committee on  
7                   Agriculture, Nutrition, and Forestry, and the  
8                   Committee on Armed Services of the Senate;  
9                   and

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

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

21           “(3) the term ‘National Bioforensics Analysis  
22           Center’ means the National Bioforensics Analysis  
23           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 all relevant biologi-  
21       cal agents and toxins, as determined by the  
22       Secretary, which shall not include any variola  
23       virus, to the national bioforensics repository col-  
24       lection.

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 academic analysis of a biologi-  
19 cal agent or toxin in the national bioforensics  
20 repository collection.

21           “(5) REPORT.—

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

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

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

11 “(i) discuss the status of the estab-  
12 lishment of the national bioforensics repos-  
13 itory collection;

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

19 “(iii) examine any access or participa-  
20 tion issues affecting the establishment of  
21 the national bioforensics repository collec-  
22 tion or the ability to support bioforensic  
23 analysis, threat characterization studies, or  
24 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 mminent 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          “(e) 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 sages 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           (2) 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, and the heads of other executive agen-  
15                 cies determined appropriate by the Secretary of  
16                 Homeland Security; and

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

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

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

1 the Secretary of Homeland Security shall submit to the  
2 appropriate committees of Congress a report regarding—

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

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

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

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

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

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

1 complete a global review of international biological secu-  
2 rity 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 Permanent Select Committee on Intel-  
4     ligence of the House of Representatives; and

5           (4) the Committee on Armed Services of the  
6     House of Representatives.

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

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

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

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

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

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

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

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

1 **SEC. 302. STRENGTHENING INTERNATIONAL BIOSECURITY.**

2 (a) **TECHNICAL AND FINANCIAL ASSISTANCE AU-**  
3 **THORIZED.**—The Secretary of State, in coordination with  
4 the Secretary of Health and Human Services, the Sec-  
5 retary of Agriculture, the Secretary of Homeland Security,  
6 and other appropriate agencies, shall provide technical and  
7 financial assistance, including the activities described in  
8 subsection (b), to countries or regions identified by the  
9 Threat Assessment mandated in section 301.

10 (b) **AUTHORIZED ACTIVITIES.**—

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

14 (A) provide assistance to remove or con-  
15 solidate an agent or toxin designated as a Tier  
16 I agent under section 351A(a)(2) of the Public  
17 Health Service Act or section 212(a)(2) of the  
18 Agricultural Bioterrorism Protection Act of  
19 2002 (in this subtitle referred to as a “Tier I  
20 agent”) and other dangerous pathogen collec-  
21 tions spread among multiple locations within a  
22 country or region into facilities with appropriate  
23 safety and security;

24 (B) provide assistance to replace dan-  
25 gerous or obsolete pathogen isolation techniques  
26 with modern diagnostic tools to improve safety

1 and security and to reduce the number and size  
2 of dangerous pathogen collections in high risk  
3 regions and countries;

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

9 (D) provide assistance to identify and se-  
10 cure Tier I agents and other dangerous patho-  
11 gen collections in high risk regions and coun-  
12 tries; and

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

16 (2) PREVENTION AND PROTECTION.—The Sec-  
17 retary of State shall—

18 (A) raise awareness of international bio-  
19 logical threats with foreign governments, aca-  
20 demic institutions, and industrial laboratories  
21 handling Tier I agents and other dangerous  
22 pathogen collections through conferences, semi-  
23 nars and workshops;

24 (B) provide physical security upgrades at  
25 high risk laboratories;

1           (C) train foreign partners in high risk re-  
2           gions on best laboratory biosecurity practices  
3           within facilities handling Tier I agents and  
4           other dangerous pathogen collections;

5           (D) assist foreign countries in establishing  
6           personnel reliability measures, as part of a com-  
7           prehensive laboratory management system;

8           (E) partner with foreign governments, lab-  
9           oratories, and scientists in activities that  
10          strengthen and reinforce best biological safety  
11          and security practices within facilities handling  
12          Tier I agents and other dangerous pathogen  
13          collections;

14          (F) enhance information sharing through  
15          regular meetings of relevant United States and  
16          foreign government agencies with subject mat-  
17          ter expertise on pathogen security and labora-  
18          tory best practices in high risk regions;

19          (G) increase support for United States  
20          science and technology agreements and initia-  
21          tives in high risk regions and countries, includ-  
22          ing collaborative projects in the areas of bioter-  
23          rorism prevention, infectious disease control,  
24          disease surveillance, bioforensics, laboratory bio-  
25          safety, and hazardous waste management; and

1           (H) develop laboratory biosafety and bio-  
2           security standards and guidelines, including  
3           personnel reliability measures, for facilities han-  
4           dling Tier I agents and other dangerous patho-  
5           gen collections.

6           ~~(3) SCIENCE AND TECHNOLOGY EXCHANGE.—~~

7           The Secretary of State shall—

8           (A) promote research and development col-  
9           laboration on highly infectious human, animal  
10          and plant disease agents in facilities with ap-  
11          propriate safety and security measures;

12          (B) provide opportunities for foreign sci-  
13          entists, particularly those located in highest risk  
14          countries identified in section 301, to receive  
15          training in the United States on biological safe-  
16          ty and security best practices, standard oper-  
17          ating procedures, and maintenance for high  
18          containment facilities; and

19          (C) facilitate the secure exchange of re-  
20          search samples between laboratories in the  
21          United States and foreign national laboratories  
22          for the development of vaccines and diagnostics  
23          for Tier I agents and other dangerous patho-  
24          gens.

1 **SEC. 303. PROMOTING SECURE BIOTECHNOLOGY ADVANCE-**  
2 **MENT.**

3 (a) **PLAN TO PROMOTE INTERNATIONAL ADHER-**  
4 **ENCE TO INTERNATIONAL AGREEMENTS.**—The Secretary  
5 of State, in coordination with appropriate agencies, shall  
6 produce and implement a plan for promoting international  
7 adherence to, and implementation of, frameworks, trea-  
8 ties, and other international agreements regarding weap-  
9 ons of mass destruction, including the Biological Weapons  
10 Convention, World Health Organization International  
11 Health regulations, and United Nations Security Council  
12 Resolution 1540.

13 (b) **BIOTECHNOLOGY DISCUSSIONS.**—

14 (1) **IN GENERAL.**—The Secretary of State shall  
15 pursue discussions with government, academic, and  
16 industry representatives in countries that possess es-  
17 tablished or emerging biotechnology sectors or are  
18 identified as high-risk countries in the Threat As-  
19 sessment required under section 301.

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

22 (A) multilateral initiatives intended to pro-  
23 mote safe and secure biotechnology;

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

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

3           (D) other topics on international biosecu-  
4           rity that the Secretary of State considers to be  
5           relevant.

6           **Subtitle B—Global Pathogen**  
7           **Surveillance**

8           **SEC. 321. SHORT TITLE.**

9           This subtitle may be cited as the “Global Pathogen  
10          Surveillance Act of 2009”.

11          **SEC. 322. FINDINGS; PURPOSE.**

12          (a) **FINDINGS.**—Congress makes the following find-  
13          ings:

14               (1) The frequency of the occurrence of biologi-  
15               cal events that could threaten the national security  
16               of the United States has increased and is likely in-  
17               creasing. The threat to the United States from such  
18               events includes threats from diseases that infect hu-  
19               mans, animals, or plants regardless of whether such  
20               diseases are introduced naturally, accidentally, or in-  
21               tentionally.

22               (2) Bioterrorism poses a grave national security  
23               threat to the United States. The insidious nature of  
24               a bioterrorist attack, the likelihood that the recogni-  
25               tion of such an attack would be delayed, and the

1 underpreparedness of the domestic public health in-  
2 frastructure to respond to such an attack could re-  
3 sult in catastrophic consequences following a biologi-  
4 cal weapons attack against the United States.

5 (3) The ability to recognize that a country or  
6 organization is carrying out a covert biological weap-  
7 ons program is dependent on a number of indica-  
8 tions and warnings. A critical component of this rec-  
9 ognition is the timely detection of sentinel events  
10 such as community-level outbreaks that could be the  
11 earliest indication of an emerging bioterrorist pro-  
12 gram in a foreign country. Early detection of such  
13 events may enable earlier counterproliferation inter-  
14 vention.

15 (4) A contagious pathogen engineered as a bio-  
16 logical weapon and developed, tested, produced, or  
17 released in a foreign country could quickly spread to  
18 the United States. Considering the realities of inter-  
19 national travel, trade, and migration patterns, a  
20 dangerous pathogen appearing naturally, acciden-  
21 tally, or intentionally anywhere in the world can  
22 spread to the United States in a matter of days, be-  
23 fore any effective quarantine or isolation measures  
24 could be implemented.

1           (5) To combat bioterrorism effectively and en-  
2           sure that the United States is fully prepared to pre-  
3           vent, recognize, and contain a biological weapons at-  
4           tack or emerging infectious disease, measures to  
5           strengthen the domestic public health infrastructure  
6           and improve domestic event detection, surveillance,  
7           and response, while absolutely essential, are not suf-  
8           ficient.

9           (6) The United States should enhance coopera-  
10          tion with the World Health Organization, regional  
11          international health organizations, and individual  
12          countries, including data sharing with appropriate  
13          agencies and departments of the United States, to  
14          help detect and quickly contain infectious disease  
15          outbreaks or a bioterrorism agent before such a dis-  
16          ease or agent is spread.

17          (7) The World Health Organization has done  
18          an impressive job in monitoring infectious disease  
19          outbreaks around the world, notably in the April  
20          2000 establishment and subsequent operation of the  
21          Global Outbreak Alert and Response Network.

22          (8) The capabilities of the World Health Orga-  
23          nization depend on the timeliness and quality of the  
24          data and information the Organization receives from  
25          the countries that are members of the Organization,

1 pursuant to the 2005 revision of the International  
2 Health Regulations. Developing countries, in par-  
3 ticular, often lack the necessary resources to build  
4 and maintain effective public health infrastructures.

5 (9) Developing countries could benefit from—

6 (A) better trained public health profes-  
7 sionals and epidemiologists to recognize disease  
8 patterns;

9 (B) appropriate laboratory equipment for  
10 diagnosis of pathogens;

11 (C) disease reporting systems that—

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

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

17 (D) a narrowing of the existing technology  
18 gap in disease and syndrome surveillance capa-  
19 bilities, based on reported symptoms, and real-  
20 time information dissemination to public health  
21 officials; and

22 (E) appropriate communications equip-  
23 ment and information technology to efficiently  
24 transmit information and data within national,  
25 international regional, and international health

1 networks, including inexpensive, Internet-based  
2 geographic information systems and relevant  
3 telephone-based systems for early recognition  
4 and diagnosis of diseases.

5 (10) An effective international capability to de-  
6 tect, monitor, and quickly diagnose infectious disease  
7 outbreaks will offer dividends not only in the event  
8 of biological weapons development, testing, produc-  
9 tion, and attack, but also in the more likely cases of  
10 naturally occurring infectious disease outbreaks that  
11 could threaten the United States. Furthermore, a  
12 robust surveillance system will serve to deter or con-  
13 tain terrorist use of biological weapons, mitigating  
14 the intended effects of such malevolent uses.

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

17 (1) To enhance the capability of the inter-  
18 national community, through international health or-  
19 ganizations and individual countries, to detect, iden-  
20 tify, and contain infectious disease outbreaks, wheth-  
21 er the cause of those outbreaks is intentional human  
22 action or natural in origin.

23 (2) To enhance the training of public health  
24 professionals and epidemiologists from eligible devel-  
25 oping countries in advanced Internet-based disease

1 and syndrome surveillance systems, in addition to  
2 traditional epidemiology methods, so that such pro-  
3 fessionals and epidemiologists may better detect, di-  
4 agnose, and contain infectious disease outbreaks, es-  
5 pecially such outbreaks caused by the pathogens that  
6 may be likely to be used in a biological weapons at-  
7 tack.

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

12 (A) relevant computer equipment, Internet  
13 connectivity mechanisms, and telephone-based  
14 applications to effectively gather, analyze, and  
15 transmit public health information for infec-  
16 tious disease surveillance and diagnosis; and

17 (B) appropriate computer equipment and  
18 Internet connectivity mechanisms—

19 (i) to facilitate the exchange of Geo-  
20 graphic Information Systems-based disease  
21 and syndrome surveillance information;  
22 and

23 (ii) to effectively gather, analyze, and  
24 transmit public health information for in-  
25 fectionous disease surveillance and diagnosis.

1           (4) To make available greater numbers of pub-  
2       lie health professionals who are employed by the  
3       Government of the United States to international re-  
4       gional and international health organizations; inter-  
5       national regional and international health networks;  
6       and United States diplomatic missions, as appro-  
7       priate.

8           (5) To expand the training and outreach activi-  
9       ties of United States laboratories located in foreign  
10      countries, including the Centers for Disease Control  
11      and Prevention or Department of Defense labora-  
12      tories, to enhance the public health capabilities of  
13      developing countries.

14          (6) To provide appropriate technical assistance  
15      to existing international regional and international  
16      health networks and, as appropriate, seed money for  
17      new international regional and international net-  
18      works.

19 **SEC. 323. DEFINITIONS.**

20      In this subtitle:

21          (1) **ELIGIBLE DEVELOPING COUNTRY.**—The  
22      term “eligible developing country” means any devel-  
23      oping country that—

24              (A) has agreed to the objective of fully  
25      complying with requirements of the World

1 Health Organization on reporting public health  
2 information on outbreaks of infectious diseases;

3 (B) has not been determined by the Sec-  
4 retary of State, for purposes of section 40 of  
5 the Arms Export Control Act (22 U.S.C. 2780),  
6 section 620A of the Foreign Assistance Act of  
7 1961 (22 U.S.C. 2371), or section 6(j) of the  
8 Export Administration Act of 1979 (as in effect  
9 pursuant to the International Emergency Eco-  
10 nomic Powers Act, 50 U.S.C. 1701 et seq.); to  
11 have repeatedly provided support for acts of  
12 international terrorism, unless the Secretary of  
13 State exercises a waiver certifying that it is in  
14 the national interest of the United States to  
15 provide assistance under the provisions of this  
16 subtitle; and

17 (C) is a party to the Convention on the  
18 Prohibition of the Development, Production and  
19 Stockpiling of Bacteriological (Biological) and  
20 Toxin Weapons and on Their Destruction, done  
21 at Washington, London, and Moscow April 10,  
22 1972 (26 UST 583).

23 (2) ELIGIBLE NATIONAL.—The term “eligible  
24 national” means any citizen or national of an eligible  
25 developing country who—

1 (A) does not have a criminal background;

2 (B) is not on any immigration or other

3 United States watch list; and

4 (C) is not affiliated with any foreign ter-  
5 rorist organization.

6 (3) INTERNATIONAL HEALTH ORGANIZATION.—

7 The term “international health organization” in-  
8 cludes the World Health Organization, regional of-  
9 fices of the World Health Organization, and such  
10 similar international organizations as the Pan Amer-  
11 ican Health Organization.

12 (4) LABORATORY.—The term “laboratory”  
13 means a facility for the biological, microbiological,  
14 serological, chemical, immunohematological,  
15 hematological, biophysical, cytological, pathological,  
16 or other medical examination of materials derived  
17 from the human body for the purpose of providing  
18 information for the diagnosis, prevention, or treat-  
19 ment of any disease or impairment of, or the assess-  
20 ment of the health of, human beings.

21 (5) DISEASE AND SYNDROME SURVEILLANCE.—

22 The term “disease and syndrome surveillance”  
23 means the recording of clinician-reported symptoms  
24 (patient complaints) and signs (derived from phys-  
25 ical examination and laboratory data) combined with

1 simple geographic locators to track the emergence of  
2 a disease in a population.

3 **SEC. 324. ELIGIBILITY FOR ASSISTANCE.**

4 (a) **IN GENERAL.**—Except as provided in subsection  
5 (b), assistance may be provided to an eligible developing  
6 country under any provision of this subtitle only if the gov-  
7 ernment of the eligible developing country—

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

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

15 (b) **WAIVER.**—The Secretary of State may waive the  
16 prohibition set out in subsection (a) if the Secretary of  
17 State determines that it is in the national interest of the  
18 United States to provide such a waiver.

19 (c) **PRIOR NOTICE OF WAIVERS.**—A waiver pursuant  
20 to subsection (b) may not be executed until 15 days after  
21 the Secretary of State provides to the Committee on For-  
22 eign Relations of the Senate and the Committee on For-  
23 eign Affairs of the House of Representatives written notice  
24 of the intent to issue such waiver and the reasons for  
25 doing so.

1 **SEC. 325. RESTRICTION.**

2 (a) **IN GENERAL.**—Notwithstanding any other provi-  
3 sion of this subtitle, no foreign national participating in  
4 a program authorized under this subtitle shall have access,  
5 during the course of such participation, to a select agent  
6 or toxin described in section 73.4 of title 42, Code of Fed-  
7 eral Regulations (or any corresponding similar regulation)  
8 or an overlap select agent or toxin described in section  
9 73.5 of such title (or any corresponding similar regulation)  
10 that may be used as, or in, a biological weapon, except  
11 in a supervised and controlled setting.

12 (b) **RELATIONSHIP TO REGULATIONS.**—The restric-  
13 tion set out in subsection (a) may not be construed to limit  
14 the ability of the Secretary of Health and Human Services  
15 to prescribe, through regulation, standards for the han-  
16 dling of a select agent or toxin or an overlap select agent  
17 or toxin described in such subsection.

18 **SEC. 326. FELLOWSHIP PROGRAM.**

19 (a) **ESTABLISHMENT.**—There is established a fellow-  
20 ship program under which the Secretary of State, in con-  
21 sultation with the Secretary of Health and Human Serv-  
22 ices and the Secretary of Homeland Security and subject  
23 to the availability of appropriations, shall award fellow-  
24 ships to eligible nationals to pursue public health edu-  
25 cation or training, as follows:

1           (1) MASTER OF PUBLIC HEALTH DEGREE.—

2           Graduate courses of study leading to a master of  
3           public health degree with a concentration in epidemi-  
4           ology from an institution of higher education in the  
5           United States with a Center for Public Health Pre-  
6           paredness, as determined by the Director of the Cen-  
7           ters for Disease Control and Prevention.

8           (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY

9           TRAINING.—Advanced public health training in epi-  
10          demiology for public health professionals from eligi-  
11          ble developing countries to be carried out at the  
12          Centers for Disease Control and Prevention, an ap-  
13          propriate facility of a State, or an appropriate facil-  
14          ity of another agency or department of the United  
15          States (other than a facility of the Department of  
16          Defense or a national laboratory of the Department  
17          of Energy) for a period of not less than 6 months  
18          or more than 12 months.

19          (b) SPECIALIZATION IN BIOTERRORISM RE-

20          SPONSE.—In addition to the education or training speci-  
21          fied in subsection (a), each recipient of a fellowship under  
22          this section (in this section referred to as a “fellow”) may  
23          take courses of study at the Centers for Disease Control  
24          and Prevention or at an equivalent facility on diagnosis  
25          and containment of likely bioterrorism agents.

1 (c) FELLOWSHIP AGREEMENT.—

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

5 (A) to maintain satisfactory academic  
6 progress, as determined in accordance with reg-  
7 ulations issued by the Secretary of State and  
8 confirmed in regularly scheduled updates to the  
9 Secretary of State from the institution pro-  
10 viding the education or training on the progress  
11 of the fellow's education or training;

12 (B) upon completion of such education or  
13 training, to return to the fellow's country of na-  
14 tionality or last habitual residence (so long as  
15 it is an eligible developing country) and com-  
16 plete at least 4 years of employment in a public  
17 health position in the government or a non-  
18 governmental, not-for-profit entity in that coun-  
19 try or, with the approval of the Secretary of  
20 State, complete part or all of this requirement  
21 through service with an international health or-  
22 ganization without geographic restriction; and

23 (C) that, if the fellow is unable to meet the  
24 requirements described in subparagraph (A) or  
25 (B), the fellow shall reimburse the United

1 States for the value of the assistance provided  
2 to the fellow under the fellowship program, to-  
3 gether with interest at a rate that—

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

7 (ii) is not higher than the rate gen-  
8 erally applied in connection with other  
9 Federal loans.

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

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

16 (B) humanitarian considerations require  
17 such a waiver.

18 (d) AGREEMENT.—The Secretary of State, in con-  
19 sultation with the Secretary of Health and Human Serv-  
20 ices and the Secretary of Homeland Security, is authorized  
21 to enter into an agreement with the government of an eli-  
22 gible developing country under which such government  
23 agrees—

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

4           (2) to guarantee that a fellow will be offered a  
5 professional public health position within the devel-  
6 oping country upon completion of the fellow's stud-  
7 ies; and

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

13       (c) PARTICIPATION OF UNITED STATES CITIZENS.—  
14 On a case-by-case basis, the Secretary of State may pro-  
15 vide for the participation of a citizen of the United States  
16 in the fellowship program under the provisions of this sec-  
17 tion if—

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

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

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

8 **SEC. 327. IN-COUNTRY TRAINING IN LABORATORY TECH-**  
9 **NIQUES AND DISEASE AND SYNDROME SUR-**  
10 **VEILLANCE.**

11       (a) LABORATORY TECHNIQUES.—

12           (1) IN GENERAL.—The Secretary of State, after  
13 consultation with the Secretary of Health and  
14 Human Services, the Secretary of Defense, and the  
15 Secretary of Homeland Security and in conjunction  
16 with elements of those departments that engage in  
17 activities of this type overseas, and subject to the  
18 availability of appropriations, shall provide assist-  
19 ance for short training courses for eligible nationals  
20 who are laboratory technicians or other public health  
21 personnel in laboratory techniques relating to the  
22 identification, diagnosis, and tracking of pathogens  
23 responsible for possible infectious disease outbreaks.

24           (2) LOCATION.—The training described in  
25 paragraph (1) shall be held outside the United

1 States and may be conducted in facilities of the Cen-  
2 ters for Disease Control and Prevention located in  
3 foreign countries or in Overseas Medical Research  
4 Units of the Department of Defense, as appropriate.

5 (3) COORDINATION WITH EXISTING PRO-  
6 GRAMS.—The Secretary of State shall coordinate the  
7 training described in paragraph (1), where appro-  
8 priate, with existing programs and activities of inter-  
9 national health organizations.

10 (b) DISEASE AND SYNDROME SURVEILLANCE.—

11 (1) IN GENERAL.—The Secretary of State, after  
12 consultation with the Secretary of Health and  
13 Human Services, the Secretary of Defense, and the  
14 Secretary of Homeland Security and in conjunction  
15 with elements of those departments that engage in  
16 activities of this type overseas, and subject to the  
17 availability of appropriations, shall establish and  
18 provide assistance for short training courses for eli-  
19 gible nationals who are health care providers or  
20 other public health personnel in techniques of dis-  
21 ease and syndrome surveillance reporting and rapid  
22 analysis of syndrome information using geographic  
23 information system tools.

24 (2) LOCATION.—The training described in  
25 paragraph (1) shall be conducted via the Internet or

1 in appropriate facilities located in a foreign country,  
2 as determined by the Secretary of State.

3 ~~(3)~~ COORDINATION WITH EXISTING PRO-  
4 GRAMS.—The Secretary of State shall coordinate the  
5 training described in paragraph (1), where appro-  
6 priate, with existing programs and activities of inter-  
7 national regional and international health organiza-  
8 tions.

9 **SEC. 328. ASSISTANCE FOR THE PURCHASE AND MAINTE-  
10 NANCE OF PUBLIC HEALTH LABORATORY  
11 EQUIPMENT AND SUPPLIES.**

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

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

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

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

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

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

9           (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
10          tion shall be construed to exempt the exporting of goods  
11          and technology from compliance with applicable provisions  
12          of the Export Administration Act of 1979 (as in effect  
13          pursuant to the International Emergency Economic Pow-  
14          ers Act; 50 U.S.C. 1701 et seq.).

15          (d) **LIMITATION.**—Amounts appropriated to carry  
16          out this section shall not be made available for the pur-  
17          chase from a foreign country of equipment or supplies  
18          that, if made in the United States, would be subject to  
19          the Arms Export Control Act (22 U.S.C. 2751 et seq.)  
20          or likely be barred or subject to special conditions under  
21          the Export Administration Act of 1979 (as in effect pursu-  
22          ant to the International Emergency Economic Powers Act;  
23          50 U.S.C. 1701 et seq.).

24          (e) **PROCUREMENT PREFERENCE.**—In the use of  
25          grant funds authorized under subsection (a), preference

1 should be given to the purchase of equipment and supplies  
2 of United States manufacture. The use of amounts appro-  
3 priated to carry out this section shall be subject to section  
4 604 of the Foreign Assistance Act of 1961 (22 U.S.C.  
5 2354).

6 (f) COUNTRY COMMITMENTS.—The assistance pro-  
7 vided under this section for equipment and supplies may  
8 be provided only if the eligible developing country that re-  
9 ceives such equipment and supplies agrees to provide the  
10 infrastructure, technical personnel, and other resources re-  
11 quired to house, maintain, support, secure, and maximize  
12 use of such equipment and supplies.

13 **SEC. 329. ASSISTANCE FOR IMPROVED COMMUNICATION**  
14 **OF PUBLIC HEALTH INFORMATION.**

15 (a) ASSISTANCE FOR PURCHASE OF COMMUNICATION  
16 EQUIPMENT AND INFORMATION TECHNOLOGY.—The  
17 President is authorized to provide, on such terms and con-  
18 ditions as the President may determine, assistance to eligi-  
19 ble developing countries to purchase and maintain the  
20 communications equipment and information technology  
21 described in subsection (b), and the supporting equipment,  
22 necessary to effectively collect, analyze, and transmit pub-  
23 lic health information.

24 (b) COVERED EQUIPMENT.—The communications  
25 equipment and information technology described in this

1 subsection are communications equipment and informa-  
2 tion technology that—

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

5           (2) meet the standards set forth by the World  
6 Health Organization and, as appropriate, the Sec-  
7 retary of Health and Human Services, to ensure  
8 interoperability with like equipment of other coun-  
9 tries and international organizations; and

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

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

19       (d) **LIMITATION.**—Amounts appropriated to carry  
20 out this section shall not be made available for the pur-  
21 chase from a foreign country of communications equip-  
22 ment or information technology that, if made in the  
23 United States, would be subject to the Arms Export Con-  
24 trol Act (22 U.S.C. 2751 et seq.) or likely be barred or  
25 subject to special conditions under the Export Administra-

1 tion Act of 1979 (as in effect pursuant to the Inter-  
2 national Emergency Economic Powers Act, 50 U.S.C.  
3 1701 et seq.).

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

11 (f) ASSISTANCE FOR STANDARDIZATION OF REPORT-  
12 ING.—The President is authorized to provide, on such  
13 terms and conditions as the President may determine,  
14 technical assistance and grant assistance to international  
15 health organizations to facilitate standardization in the re-  
16 porting of public health information between and among  
17 developing countries and international health organiza-  
18 tions.

19 (g) COUNTRY COMMITMENTS.—The assistance pro-  
20 vided under this section for communications equipment  
21 and information technology may be provided only if the  
22 eligible developing country that receives such equipment  
23 and technology agrees to provide the infrastructure, tech-  
24 nical personnel, and other resources required to house,

1 maintain, support, secure, and maximize use of such  
2 equipment and technology.

3 **SEC. 330. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**  
4 **UNITED STATES MISSIONS AND INTER-**  
5 **NATIONAL ORGANIZATIONS.**

6 (a) **IN GENERAL.**—Upon the request of the chief of  
7 a diplomatic mission of the United States or of the head  
8 of an international regional or international health organi-  
9 zation, and with the concurrence of the Secretary of State  
10 and of the employee concerned, the head of an agency or  
11 department of the United States may assign to the mis-  
12 sion or the organization any officer or employee of the  
13 agency or department that occupies a public health posi-  
14 tion within the agency or department for the purpose of  
15 enhancing disease and pathogen surveillance efforts in de-  
16 veloping countries.

17 (b) **REIMBURSEMENT.**—The costs incurred by an  
18 agency or department of the United States by reason of  
19 the detail of personnel under subsection (a) may be reim-  
20 bursed to that agency or department out of the applicable  
21 appropriations account of the Department of State if the  
22 Secretary of State determines that the agency or depart-  
23 ment may otherwise be unable to assign such personnel  
24 on a non-reimbursable basis.

1 **SEC. 331. EXPANSION OF CERTAIN UNITED STATES GOV-**  
2 **ERNMENT LABORATORIES ABROAD.**

3 (a) **IN GENERAL.**—Subject to the availability of ap-  
4 propriations and with the concurrence of the government  
5 of each host country, the Director of the Centers for Dis-  
6 ease Control and Prevention and the Secretary of Defense  
7 shall each—

8 (1) increase the number of personnel assigned  
9 to laboratories of the Centers for Disease Control  
10 and Prevention or the Department of Defense, as  
11 appropriate, located in eligible developing countries  
12 that conduct research and other activities with re-  
13 spect to infectious diseases; and

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

18 (b) **COOPERATION AND COORDINATION BETWEEN**  
19 **LABORATORIES.**—Subsection (a) shall be carried out in  
20 such a manner as to foster cooperation and avoid duplica-  
21 tion between and among laboratories.

1 **SEC. 332. ASSISTANCE FOR INTERNATIONAL HEALTH NET-**  
2 **WORKS AND EXPANSION OF FIELD EPIDEMI-**  
3 **LOGY TRAINING PROGRAMS.**

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

7 (1) enhancing the surveillance and reporting ca-  
8 pabilities of the World Health Organization and ex-  
9 isting international regional and international health  
10 networks; and

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

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

19 **SEC. 333. REPORTS.**

20 Not later than 90 days after the date of enactment  
21 of this Act, the Secretary of State, in conjunction with  
22 the Secretary of Health and Human Services, the Sec-  
23 retary of Defense, and the Secretary of Homeland Secu-  
24 rity, shall submit to the Committee on Foreign Relations  
25 and the Committee on Homeland Security and Govern-  
26 mental Affairs of the Senate and the Committee on For-

1 eign Affairs and the Committee on Homeland Security of  
 2 the House of Representatives a report on the implementa-  
 3 tion of programs under this subtitle, including an estimate  
 4 of the level of funding required to carry out such pro-  
 5 grams.

6 **SEC. 334. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject  
 8 to subsection (e), there are authorized to be appropriated  
 9 for the purpose of carrying out activities under this sub-  
 10 title the following amounts:

11 (1) \$40,000,000 for fiscal year 2010.

12 (2) \$75,000,000 for fiscal year 2011.

13 (b) **AVAILABILITY OF FUNDS.**—The amounts appro-  
 14 priated pursuant to subsection (a) are authorized to re-  
 15 main available until expended.

16 (c) **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 **TITLE IV—GOVERNMENT**  
 22 **ORGANIZATION**

23 **SEC. 401. INTELLIGENCE ON WEAPONS OF MASS DESTRUC-**  
 24 **TION.**

25 (a) **DEFINITIONS.**—In this section:

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

4                   (A) the Select Committee on Intelligence,  
5                   the Committee on Appropriations, the Com-  
6                   mittee on Armed Services, and the Committee  
7                   on Homeland Security and Governmental Af-  
8                   fairs of the Senate; and

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

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

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

20           (4) WEAPONS OF MASS DESTRUCTION.—The  
21           term “weapons of mass destruction” means—

22                   (A) any weapon that is designed, intended,  
23                   or has the capability to cause death, illness, or  
24                   serious bodily injury to a significant number of  
25                   persons through the release, dissemination, or

1 impact of toxic or poisonous chemicals or their  
2 precursors;

3 (B) any weapon involving a biological  
4 agent, toxin, or vector (as such terms are de-  
5 fined in section 178 of title 18, United States  
6 Code) that is designed, intended, or has the ca-  
7 pability to cause death, illness, or serious bodily  
8 injury to a significant number of persons; or

9 (C) any weapon that is designed, intended,  
10 or has the capability to release radiation or ra-  
11 dioactivity causing death, illness, or serious  
12 bodily injury to a significant number of persons.

13 (b) STRATEGY FOR IMPROVING INTELLIGENCE CAPA-  
14 BILITIES.—

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

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

4           (A) Methods for recruitment, training, and  
5 retention of individuals with expertise in the  
6 collection, analysis, and dissemination of intel-  
7 ligence related to weapons of mass destruction,  
8 including appropriate scientific and technical  
9 expertise.

10          (B) Methods for collaboration, as appro-  
11 priate, with individuals with expertise described  
12 in subparagraph (A) who are employed by non-  
13 governmental entities or who are foreign nation-  
14 als.

15          (C) Analytic questions and gaps in infor-  
16 mation related to intelligence on weapons of  
17 mass destruction, including such intelligence  
18 concerning state actors and nonstate actors,  
19 such as smugglers, criminal enterprises, and  
20 financiers, that will be used to guide intelligence  
21 collection.

22          (D) Activities for the development of inno-  
23 vative human and technical intelligence collec-  
24 tion capabilities and techniques.

1           (E) Actions necessary to increase the effec-  
2           tiveness and efficiency of the sharing of intel-  
3           ligence on weapons of mass destruction  
4           throughout the intelligence community, includ-  
5           ing a description of statutory, regulatory, pol-  
6           icy, technical, security, or other barriers that  
7           prevent such sharing, and, as appropriate, the  
8           development of uniform standards across the  
9           intelligence community for such sharing.

10           (F) Actions necessary to identify and over-  
11           come activities by a foreign government or per-  
12           son to deny or deceive the intelligence commu-  
13           nity concerning intelligence regarding weapons  
14           of mass destruction.

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

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

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

1           (H) Assignments of roles and responsibil-  
2           ities to elements of the intelligence community  
3           to implement the strategy.

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

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

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

11          (3) REQUIREMENT TO CONSULT.—In devel-  
12          oping the strategy required by paragraph (1), the  
13          Director shall consult with appropriate officials of  
14          the United States including the Under Secretary of  
15          Defense for Acquisition, Technology, and Logistics  
16          and the Under Secretary for Science and Technology  
17          of the Department of Homeland Security.

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

20          (c) REQUIREMENT FOR REPORTS.—

21          (1) IN GENERAL.—Not less frequently than  
22          once during each 180-day period after the date of  
23          the submission of the strategy required by sub-  
24          section (b)(1) to the appropriate committees of Con-  
25          gress, the Director shall submit to the appropriate

1 committees of Congress a report on the implementa-  
2 tion of such strategy.

3 ~~(2) CONTENT.~~—Each report required by para-  
4 graph ~~(1)~~ shall include the following:

5 ~~(A)~~ An assessment of whether the objec-  
6 tives and tasks referred to in subsection  
7 ~~(b)(2)(G)~~ have been accomplished in accordance  
8 with the proposed schedule.

9 ~~(B)~~ Data corresponding to the metrics re-  
10 quired by subsection ~~(b)(2)(J)~~ for measuring  
11 the effectiveness and efficiency of the strategy.

12 ~~(C)~~ An assessment of the actions of the  
13 elements of the intelligence community to im-  
14 plement the strategy.

15 ~~(D)~~ An assessment of whether the per-  
16 sonnel, financial, and other resources available  
17 are sufficient to implement the strategy.

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

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

1 **SEC. 402. INTELLIGENCE COMMUNITY LANGUAGE CAPA-**  
2 **BILITIES AND CULTURAL KNOWLEDGE.**

3 (a) **DEFINITIONS.**—In this section, the terms “appro-  
4 priate committees of Congress”, “Director”, “intelligence  
5 community”, and “weapons of mass destruction” have the  
6 meaning given such terms in section 401.

7 (b) **STRATEGY FOR IMPROVING LANGUAGE CAPA-**  
8 **BILITIES AND CULTURAL KNOWLEDGE.**—

9 (1) **REQUIREMENT FOR STRATEGY.**—Not later  
10 than 180 days after the date of the enactment of  
11 this Act, the Director shall develop, implement, and  
12 submit to the appropriate committees of Congress a  
13 strategy for improving the recruiting, training, and  
14 retention of employees of the elements of the intel-  
15 ligence community who possess critical language ca-  
16 pabilities and cultural backgrounds relevant to coun-  
17 tering terrorism or collecting, analyzing, and dis-  
18 seminating intelligence related to weapons of mass  
19 destruction, including individuals who are first or  
20 second-generation United States citizens and United  
21 States citizens with immediate relatives who are for-  
22 eign nationals.

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

1           (A) The current and projected needs of the  
2 intelligence community during the ten-year peri-  
3 ods, beginning on the date the strategy is sub-  
4 mitted to the appropriate committees of Con-  
5 gress, for employees with critical language ca-  
6 pabilities and cultural backgrounds relevant to  
7 countering terrorism or collecting, analyzing,  
8 and disseminating intelligence related to weap-  
9 ons of mass destruction.

10           (B) Actions necessary to recruit, train, and  
11 retain employees with such capabilities or back-  
12 grounds.

13           (C) Barriers to effective recruitment, train-  
14 ing, and retention of employees with such capa-  
15 bilities or backgrounds, including security clear-  
16 ance processing, and actions necessary to over-  
17 come such barriers.

18           (D) Specific objectives to be accomplished  
19 during each year of the first 5-year period be-  
20 ginning on the date that the strategy is sub-  
21 mitted to the appropriate committees of Con-  
22 gress and tasks to accomplish such objectives,  
23 including—

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

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

3                   ~~(E)~~ Assignments of roles and responsibil-  
4                   ities to elements of the intelligence community  
5                   to carry out the strategy.

6                   ~~(F)~~ The personnel, financial, and other re-  
7                   sources necessary to implement the strategy,  
8                   and a plan for obtaining such resources.

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

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

13                  ~~(c)~~ REQUIREMENT FOR REPORTS.—

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

21                  ~~(2)~~ CONTENT.—Each report required by para-  
22                  graph ~~(1)~~ shall include the following:

23                  ~~(A)~~ An assessment of whether the objec-  
24                  tives referred to in subsection ~~(b)~~(2)(D) have



1           (1) ~~IN GENERAL.~~—The Director of the Con-  
 2           gressional Research Service shall establish an inter-  
 3           disciplinary capability to further the Congressional  
 4           Research Service’s responsibilities to advise Con-  
 5           gress pursuant to section 203(d) of the Legislative  
 6           Reorganization Act of 1946 (~~2 U.S.C. 166(d)~~) con-  
 7           cerning technology or technological applications de-  
 8           veloped or used for countering terrorism.

9           (2) ~~AUTHORIZATION OF APPROPRIATIONS.~~—  
 10          There is authorized to be appropriated to implement  
 11          this subsection the following amounts:

12                   (A) For fiscal year 2011, \$1,500,000.

13                   (B) For fiscal year 2012, \$3,000,000.

14                   (C) For fiscal year 2013, \$4,500,000.

15                   (D) For fiscal year 2014, \$6,000,000.

16                   (E) For fiscal year 2015 and for each fis-  
 17          cal year thereafter, \$7,500,000.

18          (c) ~~ASSESSMENTS OF AVAILABLE TECHNOLOGY.~~—

19           (1) ~~REQUIREMENT FOR ASSESSMENTS.~~—Pursu-  
 20          ant to section 717 of title 31, United States Code,  
 21          the Comptroller General of the United States shall  
 22          conduct assessments of technology or technological  
 23          applications that are—

24                   (A) being developed or used or are avail-  
 25          able to be used for countering terrorism by a

1 program or activity that is carried out by an  
2 agency; or

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

6 (i) a legislative proposal under consid-  
7 eration by a committee of the Senate or  
8 the House of Representatives; or

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

11 (2) SCOPE OF ASSESSMENT.—Each assessment  
12 of a technology or technological application carried  
13 out under paragraph (1) shall evaluate the actual or  
14 anticipated impact, effectiveness, or efficiency of the  
15 technology or technological application for coun-  
16 tering terrorism, including evaluating—

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

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

21 (C) the actual or anticipated operational  
22 requirements of the technology or technological  
23 application, including the logistical needs, per-  
24 sonnel training, and procedures for utilizing the  
25 technology or technological application;

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

4           (E) any actual or anticipated counter-  
5 measures to the technology or technological ap-  
6 plication by terrorists; and

7           (F) technology assessments or related re-  
8 ports prepared by or for an agency for the tech-  
9 nology or technological application.

10 ~~(3) TECHNOLOGY ASSESSMENT CAPABILITY.—~~

11           (A) REQUIREMENT TO ESTABLISH.—The  
12 Comptroller General of the United States shall  
13 establish an interdisciplinary capability to per-  
14 form the assessments required by paragraph (1)  
15 that includes officers and employees who have  
16 expertise in science, engineering, technology,  
17 homeland security, counterterrorism, or other  
18 fields that the Comptroller General considers  
19 appropriate to conduct such assessments.

20           (B) APPOINTMENT AND PROCUREMENT.—  
21 The Comptroller General shall appoint, pay,  
22 and assign officers and employees pursuant to  
23 subsection (a) of section 731 of title 31, United  
24 States Code, and may procure the services or  
25 assistance of experts and consultants pursuant

1 to subsection (e) of such section, in order to ac-  
2 quire the expertise in science, technology, or  
3 other fields necessary to conduct the assess-  
4 ments required by paragraph (1).

5 (4) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to implement  
7 this subsection the following amounts:

8 (A) For fiscal year 2011, \$2,000,000.

9 (B) For fiscal year 2012, \$5,000,000.

10 (C) For fiscal year 2013, \$8,000,000.

11 (D) For fiscal year 2014, \$12,000,000.

12 (E) For fiscal year 2015 and for each fis-  
13 cal year thereafter, \$15,000,000.

14 (d) ASSESSMENTS OF FUTURE TECHNOLOGY.—

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

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

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

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

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

12          ~~(3) AUTHORIZATION OF APPROPRIATIONS.—~~

13          There is authorized to be appropriated to implement  
14          this subsection the following amounts:

15                 (A) For fiscal year 2011, \$1,000,000.

16                 (B) For fiscal year 2012, \$2,000,000.

17                 (C) For fiscal year 2013, \$3,000,000.

18                 (D) For fiscal year 2014, \$4,000,000.

19                 (E) For fiscal year 2015 and for each fis-  
20          cal year thereafter, \$5,000,000.

1 **TITLE V—EMERGENCY MANAGE-**  
2 **MENT AND CITIZEN ENGAGE-**  
3 **MENT**

4 **SEC. 501. COMMUNICATION OF THREAT INFORMATION AND**  
5 **ALERTS.**

6 (a) FINDING.—Congress finds that the Commission  
7 on the Prevention of Weapons of Mass Destruction Pro-  
8 liferation and Terrorism recommended that “the Federal  
9 Government should practice greater openness of public in-  
10 formation so that citizens better understand the threat  
11 and the risk this threat poses to them.”

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

15 “(c) TERRORISM THREAT AWARENESS.—

16 “(1) TERRORISM THREAT AWARENESS.—The  
17 Secretary, in coordination with the Director of the  
18 Federal Bureau of Investigation, shall ensure that  
19 information concerning terrorist threats is available  
20 to the general public within the United States.

21 “(2) THREAT BULLETINS.—

22 “(A) IN GENERAL.—Consistent with the  
23 requirements of subsection (b), the Secretary  
24 shall on a timely basis prepare unclassified ter-  
25 rorism-related threat and risk assessments.

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

3                   “(i) include guidance to the general  
4                   public for preventing and responding to  
5                   acts of terrorism; and

6                   “(ii) be made available on the website  
7                   of the Department and other publicly ac-  
8                   cessible websites, communication systems,  
9                   and information networks.

10           “(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL  
11           GOVERNMENTS.—The Secretary shall provide to  
12           State, local, and tribal governments written guidance  
13           on how to disseminate information about terrorism-  
14           related threats and risks to the general public within  
15           their jurisdictions.

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

21           “(c) RESPONSIBILITIES OF THE SECRETARY.—Section  
22           201(d)(8) of the Homeland Security Act of 2002 (6  
23           U.S.C. 121(d)(8)) is amended by striking “and to agencies  
24           of State” and all that follows and inserting “to State,  
25           local, tribal, and private entities with such responsibilities;

1 and, as appropriate, to the general public, in order to as-  
 2 sist in deterring, preventing, or responding to acts of ter-  
 3 rorism against the United States.”.

4 (d) **REPORTING REQUIREMENT.**—Not later than 180  
 5 days after the date of enactment of this Act, the Secretary  
 6 of Homeland Security shall submit to the Committee on  
 7 Homeland Security and Governmental Affairs of the Sen-  
 8 ate and the Committee on Homeland Security of the  
 9 House of Representatives a report on the implementation  
 10 of section 203 of the Homeland Security Act of 2002, as  
 11 amended by subsection (b).

12 **SEC. 502. GUIDELINES CONCERNING WEAPONS OF MASS**  
 13 **DESTRUCTION.**

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

17 (1) develop guidelines, in coordination with  
 18 State, local, and tribal governments and representa-  
 19 tives of emergency response provider organizations,  
 20 for police, fire, emergency medical services, emer-  
 21 gency management, and public health personnel, for  
 22 responding to an explosion or release of nuclear, bio-  
 23 logical, radiological, or chemical material; and

24 (2) make the guidelines developed under para-  
 25 graph (1) available to State, local, and tribal govern-

1       ments, nongovernmental organizations, and the pri-  
2       vate sector.

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

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

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

10          (3) information regarding how emergency re-  
11       sponse providers and mass care facilities may most  
12       effectively deal with individuals affected by an inci-  
13       dent involving a nuclear, biological, radiological, or  
14       chemical material.

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

17           (1) not less frequently than every 2 years, re-  
18       view the guidelines developed under subsection  
19       (a)(1);

20           (2) make revisions to the guidelines as appro-  
21       priate; and

22           (3) make the revised guidelines available to  
23       State, local, and tribal governments, nongovern-  
24       mental organizations, the private sector, and the  
25       general public.

1           (d) PROCEDURES FOR DEVELOPING AND REVISING  
2 GUIDELINES.—In carrying out the requirements of this  
3 section, the Secretary of Homeland Security shall estab-  
4 lish procedures—

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

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

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

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

14           (5) to develop and disseminate the guidelines in  
15 accordance with the prioritization under paragraph  
16 (4).

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

21           (1) the Secretary of Energy;

22           (2) the Secretary of Health and Human Serv-  
23 ices;

24           (3) other Federal departments and agencies, as  
25 appropriate;

1           (4) the National Advisory Council established  
2           under section 508 of the Homeland Security Act of  
3           2002 (6 U.S.C. 318);

4           (5) State, local, and tribal governments; and

5           (6) nongovernmental organizations and private  
6           industry.

7           (f) REPORTING REQUIREMENTS.—Not later than  
8           180 days after the date of enactment of this Act, 1 year  
9           after such date of enactment, and annually thereafter, the  
10          Secretary of Homeland Security shall provide the Com-  
11          mittee on Homeland Security and Governmental Affairs  
12          of the Senate and the Committee on Homeland Security  
13          of the House of Representatives with—

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

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

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

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

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

1           (6) a plan for developing, revising, and dissemi-  
2           nating the guidelines.

3           (g) DEFINITION.—In this section, the term “emer-  
4           gency response provider” has the meaning given that term  
5           in section 2 of the Homeland Security Act of 2002 (6  
6           U.S.C. 101).

7           **SEC. 503. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

8           (a) INDIVIDUAL AND COMMUNITY PREPAREDNESS.—  
9           Title V of the Homeland Security Act of 2002 (6 U.S.C.  
10          311 et seq.), as amended by section 221, is amended by  
11          adding at the end the following:

12          **“SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

13          “(a) IN GENERAL.—The Administrator shall assist  
14          State, local, and tribal governments in improving and pro-  
15          moting individual and community preparedness for nat-  
16          ural disasters, acts of terrorism, and other man-made dis-  
17          asters, including incidents involving the use of weapons  
18          of mass destruction and other potentially catastrophic  
19          events, by—

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

1           “(2) disseminating the guidelines developed  
2           under section 502 of the Weapons of Mass Destruction  
3           Prevention and Preparedness Act of 2009 to  
4           communities and individuals, as appropriate;

5           “(3) compiling and disseminating information  
6           on best practices in individual and community pre-  
7           paredness;

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

11          “(5) conducting individual and community pre-  
12          paredness outreach efforts; and

13          “(6) such other actions as the Administrator  
14          determines appropriate.

15          “(b) COORDINATION.—Where appropriate, the Ad-  
16          ministrator shall coordinate with private sector and non-  
17          governmental organizations to promote individual and  
18          community preparedness.

19          “(c) SUPPORT FOR VOLUNTARY PROGRAMS.—In car-  
20          rying out the responsibilities described in subsection (a),  
21          the Administrator shall, where appropriate, work with and  
22          provide support to individual and community preparedness  
23          programs, such as the Community Emergency Response  
24          Team Program, Fire Corps, Medical Reserve Corps Pro-

1 gram, Volunteers in Police Service, USAonWatch-Neigh-  
 2 borhood Watch, and other voluntary programs.

3 “(d) DIRECTOR.—The Administrator shall appoint a  
 4 Director of Community Preparedness to coordinate and  
 5 oversee the individual and community preparedness efforts  
 6 of the Agency.

7 “(e) GRANTS.—

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

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

14 “(A) \$15,000,000 for fiscal year 2010;

15 “(B) \$20,000,000 for fiscal year 2011;

16 “(C) \$25,000,000 for fiscal year 2012;

17 “(D) \$30,000,000 for fiscal year 2013;

18 “(E) \$35,000,000 for fiscal year 2014; and

19 “(F) \$40,000,000 for fiscal year 2015.”

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

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

1           (2) by inserting after paragraph (19) the fol-  
2           lowing:

3           “~~(20) enhancing and promoting the prepared-~~  
4           ness of individuals and communities for natural dis-  
5           asters, acts of terrorism, and other man-made disas-  
6           ters;”.

7           (c) **TABLE OF CONTENTS.**—The table of contents in  
8           section 1(b) of the Homeland Security Act of 2002 (6  
9           U.S.C. 101 et seq.), as amended by section 221, is amend-  
10          ed by inserting after the item relating to section 525 the  
11          following:

          “Sec. 526. Individual and community preparedness.”.

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

13          (a) *SHORT TITLE.*—*This Act may be cited as the*  
14          *“Weapons of Mass Destruction Prevention and Prepared-*  
15          *ness Act of 2009” or the “WMD Prevention and Prepared-*  
16          *ness Act of 2009”.*

17          (b) *TABLE OF CONTENTS.*—*The table of contents is as*  
18          *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)—*

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

9                   (2) *by inserting after paragraph (1) the fol-*  
 10                  *lowing:*

11                   “(2) *TIER I AGENTS.—*

12                           “(A) *DESIGNATION OF TIER I AGENTS.—Not*  
 13                           *later than 180 days after the date of enactment*  
 14                           *of the Weapons of Mass Destruction Prevention*  
 15                           *and Preparedness Act of 2009, the Secretary, in*  
 16                           *coordination with the Secretary of Homeland Se-*

1           *curity, shall by regulation designate as ‘Tier I*  
2           *agents’ those agents and toxins—*

3                     *“(i) for which the Secretary of Home-*  
4                     *land Security has issued a Material Threat*  
5                     *Determination under section 319F–2(c)(2)*  
6                     *regarding the agent or toxin, unless the Sec-*  
7                     *retary of Health and Human Services de-*  
8                     *termines, in coordination with the Sec-*  
9                     *retary of Homeland Security, that such des-*  
10                    *ignation is unwarranted; or*

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

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

18                    *“(i) whether the agent or toxin has*  
19                    *clear potential to be used effectively in a bi-*  
20                    *ological attack that causes significant cas-*  
21                    *ualties;*

22                    *“(ii) information available from any*  
23                    *biological or bioterrorism risk assessments*  
24                    *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.—The*  
12          *Secretary, in coordination with the Secretary of*  
13          *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 the*  
21                 *list.”; and*

22                 (3) *in paragraph (3), as so redesignated, by*  
23                 *striking “list under paragraph (1)” and inserting*  
24                 *“lists under paragraphs (1) and (2)”.*”

1       **(b) AMENDMENTS TO THE AGRICULTURAL BIOTER-**  
2 *RORISM PROTECTION ACT OF 2002.—Section 212(a) of the*  
3 *Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C.*  
4 *8401(a)) is amended—*

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

7           **(2) by inserting after paragraph (1) the fol-**  
8 *lowing:*

9           **“(2) TIER I AGENTS.—**

10           **“(A) DESIGNATION OF TIER I AGENTS.—Not**  
11 *later than 180 days after the date of enactment*  
12 *of the Weapons of Mass Destruction Prevention*  
13 *and Preparedness Act of 2009, the Secretary, in*  
14 *coordination with the Secretary of Homeland Se-*  
15 *curity, shall by regulation designate as ‘Tier I*  
16 *agents’ those agents and toxins—*

17           **“(i) for which the Secretary of Home-**  
18 *land Security has issued a Material Threat*  
19 *Determination under section 319F–2(c)(2)*  
20 *of the Public Health Service Act (42 U.S.C.*  
21 *247d–6b(c)(2)) regarding the agent or toxin,*  
22 *unless the Secretary of Agriculture deter-*  
23 *mines, in coordination with the Secretary of*  
24 *Homeland Security, that such designation*  
25 *is unwarranted; or*

1                   “(ii) that meet the criteria under sub-  
2                   paragraph (B).

3                   “(B) CRITERIA.—In determining whether to  
4                   designate an agent or toxin as a Tier I agent  
5                   under subparagraph (A), the Secretary, in co-  
6                   ordination with the Secretary of Homeland Se-  
7                   curity, shall consider—

8                   “(i) whether the agent or toxin has  
9                   clear potential to be used effectively in a bi-  
10                  ological attack that causes catastrophic con-  
11                  sequences;

12                  “(ii) information available from any  
13                  biological or bioterrorism risk assessments  
14                  conducted by the Department of Homeland  
15                  Security or relevant assessments by other  
16                  agencies; and

17                  “(iii) such other criteria and informa-  
18                  tion that the Secretary determines appro-  
19                  priate and relevant.

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

1           “(D) *EVALUATION OF TIER I AGENTS.*—*The*  
 2           *Secretary, in coordination with the Secretary of*  
 3           *Homeland Security, shall—*

4                     “(i) *on an ongoing basis, consider the*  
 5                     *inclusion of additional agents or toxins on*  
 6                     *the list of Tier I agents, as appropriate;*  
 7                     *and*

8                     “(ii) *at least biennially, review the list*  
 9                     *of Tier I agents to determine whether any*  
 10                    *agents or toxins should be removed from the*  
 11                    *list.”; and*

12                   (3) *by striking “list under paragraph (1)” and*  
 13                    *inserting “lists under paragraphs (1) and (2)”.*

14 **SEC. 102. ENHANCED BIOSECURITY MEASURES.**

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

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

19           “(a) *DEFINITIONS.*—*In this section:*

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

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

1           “(B) *the list established and maintained by*  
2           *the Secretary of Agriculture under section*  
3           *212(a)(1) of the Agricultural Bioterrorism Pro-*  
4           *tection Act of 2002 (7 U.S.C. 8401(a)(1)).*

5           “(2) *PERSON.—The term ‘person’ has the mean-*  
6           *ing given that term in section 351A(l)(6) of the Pub-*  
7           *lic Health Service Act (42 U.S.C. 262a(l)(6)).*

8           “(3) *TIER I AGENT.—The term ‘Tier I agent’*  
9           *means an agent or toxin designated as a Tier I agent*  
10          *under section 351A(a)(2) of the Public Health Service*  
11          *Act (42 U.S.C. 262a(a)(2)) or section 212(a)(2) of the*  
12          *Agricultural Bioterrorism Protection Act of 2002 (7*  
13          *U.S.C. 8401(a)(2)).*

14          “(b) *REGULATIONS.—The Secretary, in consultation*  
15          *with the Secretary of Health and Human Services and the*  
16          *Secretary of Agriculture, shall through a negotiated rule-*  
17          *making under subchapter III of chapter 5 of title 5, United*  
18          *States Code, establish enhanced biosecurity measures for*  
19          *persons that possess, use, or transfer Tier I agents, which*  
20          *shall include—*

21                 “(1) *standards for personnel reliability pro-*  
22                 *grams;*

23                 “(2) *standards for biosecurity training of respon-*  
24                 *sible officials, laboratory personnel, and support per-*  
25                 *sonnel employed by such persons;*

1           “(3) *standards for performing laboratory risk as-*  
2           *sessments;*

3           “(4) *risk-based laboratory security performance*  
4           *standards; and*

5           “(5) *any other security standards jointly deter-*  
6           *mined necessary by the Secretary and the Secretary*  
7           *of Health and Human Services.*

8           “(c) *NEGOTIATED RULEMAKING COMMITTEE.—The ne-*  
9           *gotiated rulemaking committee established by the Secretary*  
10          *under subsection (b) shall include representatives from—*

11           “(1) *the Department;*

12           “(2) *the Department of Health and Human*  
13          *Services;*

14           “(3) *the Department of Agriculture;*

15           “(4) *the Department of Defense;*

16           “(5) *the Department of Energy;*

17           “(6) *the Department of Justice;*

18           “(7) *for profit research institutions;*

19           “(8) *academic research institutions;*

20           “(9) *nonprofit research institutions; and*

21           “(10) *other interested parties, as the Secretary*  
22          *determines appropriate.*

23          “(d) *TIME REQUIREMENT.—The procedures for the ne-*  
24          *gotiated rulemaking conducted under subsection (b) shall be*  
25          *conducted in a timely manner to ensure that—*

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

5           “(2) a final rule is promulgated not later than  
6           12 months after the date of enactment of this section.

7           “(e) *FACTORS TO BE CONSIDERED.*—In developing  
8           proposed and final standards under subsection (b), the Sec-  
9           retary and the negotiated rulemaking committee shall con-  
10          sider factors including—

11           “(1) the recommendations of the Commission on  
12          the Prevention of Weapons of Mass Destruction Pro-  
13          liferation and Terrorism (established under section  
14          1851 of the Implementing Recommendations of the 9/  
15          11 Commission Act of 2007 (Public Law 110–53; 121  
16          Stat. 501)), the National Science Advisory Board for  
17          Biosecurity (established under section 205 of the Pan-  
18          demic and All-Hazards Preparedness Act (Public  
19          Law 109–417; 120 Stat. 2851)), the Trans-Federal  
20          Task Force on Optimizing Biosafety and Biocontain-  
21          ment Oversight, and any working group established  
22          under Executive Order 13486 (74 Fed. Reg. 2289) re-  
23          lating to strengthening laboratory biosecurity; and

1           “(2) *how any disincentives to biological research*  
2           *arising from enhanced biosecurity measures can be*  
3           *minimized.*

4           “(f) *IMPLEMENTATION OF ENHANCED BIOSECURITY*  
5           *MEASURES.—*

6           “(1) *ENFORCEMENT.—The Secretary, in con-*  
7           *sultation as appropriate with the Secretary of Health*  
8           *and Human Services and the Secretary of Agri-*  
9           *culture, shall enforce the standards promulgated*  
10           *under subsection (b).*

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

16           “(3) *HARMONIZATION OF REGULATIONS.—*

17           “(A) *REGULATIONS UNDER PUBLIC HEALTH*  
18           *SERVICE ACT.—Not later than 120 days after the*  
19           *Secretary promulgates regulations or amend-*  
20           *ments thereto pursuant to this section, the Sec-*  
21           *retary of Health and Human Services shall*  
22           *amend regulations promulgated under the Select*  
23           *Agent Program under section 351A(b)(1) of the*  
24           *Public Health Service Act (42 U.S.C.*  
25           *262a(b)(1)) to ensure that such regulations do*

1           *not overlap or conflict with the regulations pro-*  
2           *mulgated by the Secretary under this section.*

3           “(B) *REGULATIONS UNDER AGRICULTURE*  
4           *BIOTERRORISM PROTECTION ACT OF 2002.—Not*  
5           *later than 120 days after the Secretary promul-*  
6           *gates regulations or amendments thereto pursu-*  
7           *ant to this section, the Secretary of Agriculture*  
8           *shall amend regulations promulgated under the*  
9           *Select Agent Program under section 212(b)(1) of*  
10           *the Agricultural Bioterrorism Protection Act of*  
11           *2002 (7 U.S.C. 8401(b)(1)) to ensure that such*  
12           *regulations do not overlap or conflict with the*  
13           *regulations promulgated by the Secretary under*  
14           *this section.*

15           “(4) *PENALTIES.—*

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

25           “(B) *INTERMEDIATE SANCTIONS.—*

1           “(i) *IN GENERAL.*—*If the Secretary de-*  
2           *termines that a person has violated any*  
3           *provision of regulations promulgated under*  
4           *this section, the Secretary may impose in-*  
5           *termediate sanctions in lieu of the actions*  
6           *authorized by subsection (A).*

7           “(ii) *TYPES OF SANCTIONS.*—*The in-*  
8           *termediate sanctions which may be imposed*  
9           *under paragraph (1) shall consist of—*

10                   “(I) *directed plans of correction;*

11                   “(II) *civil money penalties in an*  
12                   *amount not to exceed \$10,000 for each*  
13                   *violation of, or for each day of substan-*  
14                   *tial noncompliance with, the regula-*  
15                   *tions promulgated under this section;*

16                   “(III) *payment for the costs of on-*  
17                   *site monitoring; or*

18                   “(IV) *any combination of the ac-*  
19                   *tions described in subclauses (I), (II),*  
20                   *and (III).*

21           “(C) *SUSPENSION OF RESEARCH AND FUND-*  
22           *ING.*—

23           “(i) *IN GENERAL.*—*If the Secretary de-*  
24           *termines that a person has violated any*  
25           *provision of the regulations promulgated*

1           under subsection (b) and that the violation  
2           has endangered security, the Secretary may  
3           suspend the authority of the person to pos-  
4           sess, use, or transfer Tier I agents until the  
5           violation has been remedied.

6           “(ii) NOTICE.—If the Secretary sus-  
7           pends the authority of a person to possess,  
8           use, or transfer Tier I agents under clause  
9           (i), the Secretary shall notify each executive  
10          agency that provides funding for research  
11          on Tier I agents by the person.

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

17          “(iv) RULE OF CONSTRUCTION.—Noth-  
18          ing in this subparagraph shall be construed  
19          to limit or modify the authority to suspend  
20          the authority of a person to possess, use, or  
21          transfer Tier I agents, or to suspend fund-  
22          ing for research under any other provision  
23          of law.

24          “(D) PROCEDURES.—The Secretary shall  
25          develop and implement procedures with respect

1           to when and how penalties or intermediate sanc-  
2           tions are to be imposed under this paragraph.  
3           Such procedures shall provide for notice to the  
4           person, a reasonable opportunity to respond to  
5           the proposed penalty or intermediate sanction,  
6           and appropriate procedures for appealing deter-  
7           minations relating to the imposition of a penalty  
8           or intermediate sanction.

9           “(5)   SIMULTANEOUS   LABORATORY   INSPEC-  
10          TIONS.—

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

17                   “(B)   SIMULTANEOUS   INSPECTIONS.—All  
18                   Federal agencies conducting inspections of a per-  
19                   son to ensure compliance with regulations pro-  
20                   mulgated under subsection (b), regulations pro-  
21                   mulgated under section 351A(b)(1) of the Public  
22                   Health Service Act (42 U.S.C. 262a(b)(1)), regu-  
23                   lations promulgated under section 212(b)(1) of  
24                   the Agricultural Bioterrorism Protection Act of  
25                   2002 (7 U.S.C. 8401(b)(1)), or security stand-

1           ards applicable under a contract between a Fed-  
2           eral agency and the person shall be conducted si-  
3           multaneously to the extent practicable.

4           “(C) *JOINT INSPECTION PROCEDURES.*—  
5           Federal agencies conducting simultaneous in-  
6           spections of a person under this paragraph shall  
7           cooperate, to the maximum extent practicable, to  
8           ensure that the inspections are conducted effi-  
9           ciently and in a manner that minimizes the ad-  
10          ministrative burden on the person.

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



1           “(A) *technology that is particularly suitable*  
2 *to the development of an effective biological*  
3 *weapon, such as technology that would enable*  
4 *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 and*  
13 *the Secretary of Homeland Security, shall estab-*  
14 *lish and maintain by regulation a list of biologi-*  
15 *cal agents and toxins that have the potential to*  
16 *pose a severe threat to public, animal, or plant*  
17 *health but for which the potential to be used in*  
18 *a biological attack has not been established.*

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

22           “(C) *EXCLUSION OF SELECT AGENTS.—In*  
23 *determining whether to designate a biological*  
24 *agent or toxin as a Registry Agent, the Secretary*  
25 *shall exclude agents or toxins listed pursuant to*

1            *subsection (a)(1) of this section and section*  
2            *212(a)(1) of the Agricultural Bioterrorism Pro-*  
3            *tection Act of 2002.*

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

6            “(A) *REGULATIONS REQUIRING REGISTRA-*  
7            *TION.—The Secretary shall by regulation require*  
8            *the registration with the Secretary of labora-*  
9            *tories or other facilities that—*

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

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

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

24            “(C) *ADDITIONAL REGISTRATION REQUIRE-*  
25            *MENTS.—An individual who possesses, uses, or*

1           *transfers Registry Agents at a location other*  
2           *than a laboratory or other facility shall be re-*  
3           *quired to register with the Secretary pursuant to*  
4           *this subsection.*

5           “(4) *PENALTIES.*—*In addition to any other pen-*  
6           *alties that may apply under law, any person who vio-*  
7           *lates any provision of this subsection shall be subject*  
8           *to the United States for a civil penalty in an amount*  
9           *not to exceed \$25,000 in the case of an individual and*  
10           *\$50,000 in the case of any other person.*

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

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

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

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

3           **(1) REVIEW OF LISTED AGENTS.—**

4                   **(A) REVIEW BY THE SECRETARY OF**  
5 **HEALTH AND HUMAN SERVICES.—***Not later than*  
6 *180 days after the establishment of the list pur-*  
7 *suant to subsection (f)(2) of section 351A of the*  
8 *Public Health Service Act (as added by sub-*  
9 *section (a)), the Secretary of Health and Human*  
10 *Services shall conduct a comprehensive review of*  
11 *the list of biological agents and toxins main-*  
12 *tained pursuant to subsection (a)(1) of such sec-*  
13 *tion to determine which listed agents and toxins*  
14 *should instead be listed as Registry Agents (as*  
15 *described under such subsection (f)(2)).*

16                   **(B) REVIEW BY THE SECRETARY OF AGRICULTURE.—***Not later than 180 days after the es-*  
17 *tablishment of the list pursuant to subsection*  
18 *(f)(2) of section 351A of the Public Health Serv-*  
19 *ice Act (as amended by subsection (a)), the Sec-*  
20 *retary of Agriculture shall conduct a comprehen-*  
21 *sive review of the list of biological agents and*  
22 *toxins maintained pursuant to section 212(a)(1)*  
23 *of the Agricultural Bioterrorism Protection Act*  
24 *of 2002 (7 U.S.C. 8401(a)(1)) to determine*  
25

1           *which listed agents and toxins should instead be*  
2           *listed as Registry Agents (as described under*  
3           *such subsection (f)(2)).*

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

6                   (A) *CRITERIA.—Section 351A(a)(1)(B)(i) of*  
7           *the Public Health Service Act (42 U.S.C.*  
8           *262a(a)(1)(B)(i)) is amended—*

9                           (i) *by redesignating subclauses (III)*  
10                           *and (IV) as subclauses (IV) and (V), respec-*  
11                           *tively; and*

12                           (ii) *by inserting after subclause (II)*  
13                           *the following:*

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

17                   (B) *EXEMPTIONS FOR CLINICAL OR DIAG-*  
18           *NOSTIC LABORATORIES.—Section 351A(h)(1) of*  
19           *the Public Health Service Act (42 U.S.C.*  
20           *262a(h)(1)), as redesignated by subsection (a), is*  
21           *amended by striking “subsections (b) and (c)”*  
22           *and inserting “subsections (b), (c), and (f)”.*

23           (3) *AMENDMENTS TO THE AGRICULTURAL BIO-*  
24           *TERRORISM PROTECTION ACT.—Section*  
25           *212(a)(1)(B)(i) of the Agricultural Bioterrorism Pro-*

1 *tection Act of 2002 (7 U.S.C. 8401(a)(1)(B)(i)) is*  
2 *amended—*

3 *(A) by redesignating subclauses (III) and*  
4 *(IV) as subclauses (IV) and (V), respectively; and*  
5 *(B) by inserting after subclause (II) the fol-*  
6 *lowing:*

7 *“(III) the suitability of the agent*  
8 *or toxin to be used in a biological at-*  
9 *tack;”.*

10 *(c) AUTHORIZATION OF APPROPRIATIONS.—There are*  
11 *authorized to be appropriated such sums as may be nec-*  
12 *essary to carry out this section.*

13 *(d) CONFORMING AMENDMENTS.—*

14 *(1) PUBLIC HEALTH SERVICE ACT.—Section*  
15 *351A of the Public Health Service Act (42 U.S.C.*  
16 *262a) is amended—*

17 *(A) in subsection (e)(7)(B)(ii) by striking*  
18 *“subsection (h)” and inserting “subsection (i)”;*

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

22 *(C) in subsection (k), as so redesignated, by*  
23 *striking “subsection (l)” and inserting “sub-*  
24 *section (m)”;* and

1           (D) in subsection (l), as so redesignated, by  
2           striking “subsection (j)” and inserting “sub-  
3           section (k)”.

4           (2) *AGRICULTURAL BIOTERRORISM PROTECTION*  
5           *ACT OF 2002.*—Section 212(g)(1)(E) of the *Agricul-*  
6           *tural Bioterrorism Protection Act of 2002 (7 U.S.C.*  
7           *8401(g)(1)(E))* is amended by striking “351A(g)(3)”  
8           and inserting “351A(h)(3)”.

9   **SEC. 104. BACKGROUND CHECKS.**

10          Section 351A(e)(3)(A) of the *Public Health Service Act*  
11          (42 U.S.C. 262a(e)(3)(A)) is amended by adding at the end  
12          the following: “In identifying whether an individual is  
13          within a category specified in subparagraph (B)(ii)(II), the  
14          Attorney General shall consult with the Secretary of Home-  
15          land Security to determine if the Department of Homeland  
16          Security possesses any information relevant to the identi-  
17          fication of such an individual by the Attorney General.”.

18   **SEC. 105. BIOLOGICAL LABORATORY PROTECTION.**

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

21                 (1) *GRANTS AUTHORIZED.*—The Secretary of  
22                 Homeland Security, acting through the Administrator  
23                 of the Federal Emergency Management Agency, may  
24                 award grants to academic and nonprofit organiza-  
25                 tions and to State, local, and tribal governments to

1 *implement security improvements at laboratories of*  
2 *such organizations and governments that possess, use,*  
3 *or transfer Tier I agents or toxins, as so designated*  
4 *under section 351A(a)(2) of the Public Health Service*  
5 *Act or section 212(a)(2) of the Agricultural Bioter-*  
6 *rorism Protection Act of 2002, as amended by this*  
7 *Act.*

8 (2) *AUTHORIZATION OF APPROPRIATIONS.—*  
9 *There are authorized to be appropriated to the De-*  
10 *partment of Homeland Security to carry out this sub-*  
11 *section, \$50,000,000 for each of fiscal years 2011*  
12 *through 2014.*

13 (b) *VOLUNTARY VULNERABILITY ASSESSMENTS.—In*  
14 *carrying out section 201(d)(2) of the Homeland Security*  
15 *Act of 2002 (6 U.S.C. 121(d)(2)), the Secretary of Home-*  
16 *land Security shall encourage the voluntary participation*  
17 *of laboratories working with biological agents and toxins,*  
18 *as so designated under section 351A(a)(1) of the Public*  
19 *Health Service Act (42 U.S.C. 262a(a)(1)) or section*  
20 *212(a)(1) of the Agricultural Bioterrorism Protection Act*  
21 *of 2002 (7 U.S.C. 8401(a)(1)), commensurate with the risks*  
22 *such agents and toxins pose.*

23 **SEC. 106. BIOSECURITY INFORMATION SHARING.**

24 (a) *AMENDMENT TO THE PUBLIC HEALTH SERVICE*  
25 *ACT.—Section 351A(d) of the Public Health Service Act (42*

1 *U.S.C. 262a(d)* is amended by inserting after paragraph  
2 (2) the following:

3 “(3) *FEDERAL AGENCY ACCESS.*—*The Secretary*  
4 *shall ensure access to the database established pursu-*  
5 *ant to paragraph (2) by the Secretary of Agriculture,*  
6 *the Secretary of Homeland Security, the Attorney*  
7 *General, the Secretary of Energy, the Secretary of De-*  
8 *fense, and any other Federal agency that the Sec-*  
9 *retary determines appropriate.”.*

10 (b) *AMENDMENT TO THE AGRICULTURAL BIOTER-*  
11 *RORISM PROTECTION ACT OF 2002.*—*Section 212(d) of the*  
12 *Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C.*  
13 *8401(d)) is amended by inserting after paragraph (2) the*  
14 *following:*

15 “(3) *FEDERAL AGENCY ACCESS.*—*The Secretary*  
16 *shall ensure access to the database established pursu-*  
17 *ant to paragraph (2) by the Secretary of Health and*  
18 *Human Services, the Secretary of Homeland Secu-*  
19 *rity, the Attorney General, the Secretary of Energy,*  
20 *the Secretary of Defense, and any other Federal agen-*  
21 *cy that the Secretary determines appropriate.”.*

22 (c) *AMENDMENT TO THE HOMELAND SECURITY ACT*  
23 *OF 2002.*—*Title III of the Homeland Security Act of 2002*  
24 *(6 U.S.C. 181 et seq.), as amended by section 102, is amend-*  
25 *ed by adding at the end the following:*

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

2       “(a) *IN GENERAL.*—*Consistent with the responsibil-*  
3 *ities under section 201(d), the Secretary shall ensure that*  
4 *State, local, and tribal governments have access to relevant*  
5 *safety and security information relating to biological lab-*  
6 *oratories and facilities in or in close proximity to the juris-*  
7 *isdiction of the State, local, or tribal government, as the Sec-*  
8 *retary determines appropriate.*

9       “(b) *ACCESS TO INFORMATION IN DATABASES.*—*In*  
10 *carrying out this section, the Secretary may utilize infor-*  
11 *mation from the national databases established under sub-*  
12 *sections (d)(2) and (f)(3) of section 351A of the Public*  
13 *Health Service Act (42 U.S.C. 262a) and section 212(d)(2)*  
14 *of the Agricultural Bioterrorism Protection Act of 2002 (7*  
15 *U.S.C. 8401(d)(2)).*

16       “(c) *CLASSIFIED AND SENSITIVE INFORMATION.*—*The*  
17 *Secretary shall ensure that any information disseminated*  
18 *under this section is disseminated consistent with—*

19               “(1) *the authority of the Director of National In-*  
20 *telligence to protect intelligence sources and methods*  
21 *under the National Security Act of 1947 (50 U.S.C.*  
22 *401 et seq.) and related procedures or similar au-*  
23 *thorities of the Attorney General concerning sensitive*  
24 *law enforcement information;*

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

4           “(3) other relevant laws.”.

5           (d) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
6 table of contents in section 1(b) of the Homeland Security  
7 Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting  
8 after the item relating to section 318, as added by section  
9 102, the following:

          “Sec. 319. Biosecurity information sharing.”.

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

11           (a) *REGULATIONS.*—For the purposes of preventing a  
12 reengineering of the live Variola virus from Variola virus  
13 DNA fragments or parts of the Variola virus genome, not  
14 later than 180 days after the date of enactment of this Act,  
15 the Secretary of Health and Human Services, in consulta-  
16 tion with the Secretary of Homeland Security, shall pro-  
17 mulgate regulations governing the distribution, synthesis,  
18 and handling of Variola virus DNA.

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

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

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

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

8           (1) *which research entities are qualified to re-*  
9 *ceive Variola virus DNA fragments taking into ac-*  
10 *count adequate security and safety measures;*

11           (2) *the rules under which distribution to quali-*  
12 *fying research entities may occur;*

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

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

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

21           (6) *any other matters determined necessary by*  
22 *the Secretary to carry out the purposes of section*  
23 *351A(a) of the Public Health Service Act (as amended*  
24 *by this Act).*

1 **TITLE II—RESPONSE TO A WEAP-**  
 2 **ON OF MASS DESTRUCTION**  
 3 **ATTACK**

4 **Subtitle A—Ensuring Access to**  
 5 **Medical Countermeasures Dur-**  
 6 **ing Emergencies**

7 **SEC. 201. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
 8 **PENSING STRATEGY.**

9 *Title III of the Public Health Service Act (42 U.S.C.*  
 10 *241 et seq.) is amended by inserting after section 319M the*  
 11 *following:*

12 **“SEC. 319N. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
 13 **PENSING STRATEGY.**

14 *“(a) DEFINITIONS.—In this section—*

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

17 *“(A) the Committee on Homeland Security*  
 18 *and Governmental Affairs and the Committee on*  
 19 *Health, Education, Labor, and Pensions of the*  
 20 *Senate; and*

21 *“(B) the Committee on Homeland Security,*  
 22 *the Committee on Energy and Commerce, and*  
 23 *the Committee on Oversight and Government Re-*  
 24 *form of the House of Representatives;*

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

4           “(3) the term ‘medical countermeasure’ means a  
5           drug (as that term is defined in section 201(g)(1) of  
6           the Federal Food, Drug, and Cosmetic Act), a device  
7           (as that term is defined in section 201(h) of such  
8           Act), or a biological product (as that term is defined  
9           in section 351 of this Act), to—

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

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

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

23           “(b) STRATEGY.—The Secretary, in coordination with  
24           the Secretary of Homeland Security and the Postmaster  
25           General, shall develop, coordinate, and maintain a Na-

1 *tional Medical Countermeasure Dispensing Strategy (re-*  
2 *ferred to in this section as the ‘National MCM Dispensing*  
3 *Strategy’).*

4 “(c) *CONTENTS.—The National MCM Dispensing*  
5 *Strategy shall—*

6 “(1) *encompass all aspects of the Federal role in*  
7 *dispensing medical countermeasures (referred to in*  
8 *this section as ‘MCMs’) and describe methods by*  
9 *which the Federal Government may assist State,*  
10 *local, and tribal governments to dispense MCMs;*

11 “(2) *address a variety of geographical areas,*  
12 *population densities, and demographics;*

13 “(3) *create a multilayered approach for the dis-*  
14 *persing of MCMs that includes redundancies;*

15 “(4) *address—*

16 “(A) *a staffing plan for dispensing MCMs,*  
17 *including—*

18 “(i) *for MCM dispensing locations; and*

19 “(ii) *for dispensing through the United*  
20 *States Postal Service;*

21 “(B) *requirements for timeliness of MCM*  
22 *dispensing;*

23 “(C) *appropriateness, effectiveness, and effi-*  
24 *ciency of differing methods of MCM dispensing;*

1           “(D) measures and evaluations of MCM dis-  
2           pensing effectiveness and efficiency;

3           “(E) liability issues associated with MCM  
4           dispensing, considering—

5                 “(i) the volunteer force;

6                 “(ii) medical personnel;

7                 “(iii) potential adverse reactions to  
8           medications;

9                 “(iv) participating employees of the  
10           United States Postal Service; and

11                 “(v) security personnel;

12           “(F) security issues, including—

13                 “(i) partnerships with law enforce-  
14           ment; and

15                 “(ii) necessary levels of security to pro-  
16           tect MCM dispensing locations and related  
17           personnel, participating employees of the  
18           United States Postal Service, and transpor-  
19           tation of MCMs;

20           “(G) communications issues, including—

21                 “(i) communications between the Fed-  
22           eral, State, local, and tribal government of-  
23           ficials that may be involved in dispensing  
24           MCMs;

1           “(ii) communications between the gov-  
2           ernment and private sector; and

3           “(iii) the creation of prescribed mes-  
4           sages or message templates so that informa-  
5           tion about how people can acquire MCMs  
6           can be disseminated quickly in anticipation  
7           of or in the immediate aftermath of a bio-  
8           logical attack or a naturally occurring dis-  
9           ease outbreak;

10          “(H) transportation of MCMs to dispensing  
11          locations;

12          “(I) implementation and operations of dis-  
13          pensing plans;

14          “(J) necessary levels of Federal technical as-  
15          sistance in developing MCM dispensing capabili-  
16          ties;

17          “(K) measures that are necessary in order  
18          so that actions taken pursuant to the National  
19          MCM Dispensing Strategy will comply with ap-  
20          plicable requirements of the Federal Food, Drug,  
21          and Cosmetic Act and of section 351 of this Act;  
22          and

23          “(L) any other topics that the Secretary de-  
24          termines appropriate; and

1           “(5) *be exercised regularly in various jurisdic-*  
2           *tions.*

3           “(d) *COORDINATION.*—Where appropriate, the Sec-  
4           *retary, in coordination with the Secretary of Homeland Se-*  
5           *curity and the Postmaster General, shall coordinate with*  
6           *State, local, and tribal government officials, private sector,*  
7           *and nongovernmental organizations in development of the*  
8           *National MCM Dispensing Strategy.*

9           “(e) *REPORTS TO CONGRESS.*—

10           “(1) *IN GENERAL.*—The Secretary, in coordina-  
11           *tion with the Secretary of Homeland Security and the*  
12           *Postmaster General, shall—*

13                   “(A) *not later than 180 days after the date*  
14                   *of enactment of this section, submit the National*  
15                   *MCM Dispensing Strategy to the appropriate*  
16                   *committees of Congress; and*

17                   “(B) *not later than 180 days after the sub-*  
18                   *mission of the Strategy under subparagraph (A),*  
19                   *submit an implementation plan for such Strat-*  
20                   *egy to the appropriate committees of Congress.*

21           “(2) *STATUS REPORT.*—Not later than 1 year  
22           *after the submission of the implementation plan*  
23           *under paragraph (1)(B), the Secretary, in coordina-*  
24           *tion with the Secretary of Homeland Security and the*  
25           *Postmaster General, shall submit to the appropriate*

1 *committees of Congress a report describing the status*  
 2 *of the activities taken pursuant to the implementation*  
 3 *plan.”.*

4 **SEC. 202. TAILORING OF THE NATIONAL MEDICAL COUN-**  
 5 **TERMEASURE DISPENSING STRATEGY.**

6 *(a) IN GENERAL.—*

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

14 *(A) Cities Readiness Initiative jurisdictions*  
 15 *and other densely populated metropolitan areas*  
 16 *deemed at highest risk of being the target of a*  
 17 *terrorist attack;*

18 *(B) representative localities of varying geo-*  
 19 *graphic sizes, population densities, and demo-*  
 20 *graphics; and*

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

24 *(2) CONSULTATION WITH STATE, LOCAL, AND*  
 25 *TRIBAL GOVERNMENTS.—In fulfilling the require-*

1        *ments of paragraph (1), the Secretary of Health and*  
2        *Human Services, in coordination with the Secretary*  
3        *of Homeland Security and, where appropriate, the*  
4        *Postmaster General, shall consult with State, local,*  
5        *and tribal officials.*

6            (3) *REVIEW.—The Secretary of Homeland Secu-*  
7        *rity, during and in conjunction with the creation of*  
8        *tailored National MCM Dispensing Strategy plans*  
9        *under paragraph (1), shall—*

10            (A) *provide a review of transportation and*  
11        *logistics capabilities for moving medical counter-*  
12        *measures from State, local, and tribal receiving,*  
13        *staging, and storing sites to dispensing locations;*

14            (B) *review security plans and capabilities*  
15        *for protecting transportation of medical counter-*  
16        *measures and dispensing locations;*

17            (C) *work in coordination with the Post-*  
18        *master General to review security for protecting*  
19        *United States Postal Service employees per-*  
20        *forming dispensing;*

21            (D) *assist State, local, and tribal govern-*  
22        *ments in building partnerships with law enforce-*  
23        *ment to perform security for medical counter-*  
24        *measure transportation and dispensing;*



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

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

8           **(2)** *15 additional Cities Readiness Initiative ju-*  
9 *risdictions not later than 2 years after the date of en-*  
10 *actment of this Act.*

11       **(c) USPS MEDKITS.**—*The Secretary of Health and*  
12 *Human Services, in coordination with the Postmaster Gen-*  
13 *eral and the Secretary of Homeland Security, shall, on a*  
14 *biennial basis, reevaluate the contents of medkits provided*  
15 *to enrolled United States Postal Service employees and im-*  
16 *mediate family members of those employees under the U.S.*  
17 *Postal Service Dispensing Plan.*

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

21           **(1)** *consider information available from any bio-*  
22 *logical or bioterrorism risk assessments conducted by*  
23 *the Department of Homeland Security or other rel-*  
24 *evant assessments by other departments or the intel-*  
25 *ligence community;*

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

4           (3) *consult with private and public organiza-*  
5 *tions, as appropriate;*

6           (4) *comply with applicable requirements of the*  
7 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301*  
8 *et seq.) and of section 351 of the Public Health Serv-*  
9 *ice Act (42 U.S.C. 262); and*

10          (5) *consider such other criteria and information*  
11 *that the Secretary of Health and Human Services de-*  
12 *termines appropriate.*

13          (e) *REPORT.—Not later than 18 months after the date*  
14 *of enactment of this Act, the Secretary of Health and*  
15 *Human Services, the Postmaster General, and the Secretary*  
16 *of Homeland Security shall submit to the appropriate com-*  
17 *mittees of Congress a report on the implementation of this*  
18 *section.*

19          (f) *DEFINITIONS.—In this section—*

20               (1) *the term “appropriate committees of Con-*  
21 *gress” means—*

22                       (A) *the Committee on Homeland Security*  
23 *and Governmental Affairs and the Committee on*  
24 *Health, Education, Labor, and Pensions of the*  
25 *Senate; and*

1           (B) *the Committee on Homeland Security,*  
2           *the Committee on Energy and Commerce, and*  
3           *the Committee on Oversight and Government Re-*  
4           *form of the House of Representatives;*

5           (2) *the term “medkit” means a cache of anti-*  
6           *biotics and other medical countermeasures to be used*  
7           *during a public health emergency; and*

8           (3) *the term “public health emergency” means a*  
9           *public health emergency declared by the Secretary of*  
10           *Health and Human Services under section 319 of the*  
11           *Public Health Service Act (42 U.S.C. 247d).*

12           (g) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
13           *authorized to be appropriated such sums as may be nec-*  
14           *essary to carry out this section.*

15   **SEC. 204. DISPENSING MEDICAL COUNTERMEASURES**  
16           **THROUGH EMPLOYERS.**

17           (a) *DEFINITIONS.—In this section—*

18           (1) *the term “appropriate committees of Con-*  
19           *gress” means—*

20           (A) *the Committee on Homeland Security*  
21           *and Governmental Affairs and the Committee on*  
22           *Health, Education, Labor, and Pensions of the*  
23           *Senate; and*

1           (B) *the Committee on Homeland Security*  
2           *and the Committee on Energy and Commerce of*  
3           *the House of Representatives;*

4           (2) *the terms “biological agent” and “toxin”*  
5           *have the meanings given those terms in section 178 of*  
6           *title 18, United States Code;*

7           (3) *the term “covered Federal facility” means a*  
8           *Federal facility determined by the Secretary of Health*  
9           *and Human Services, in coordination with the Sec-*  
10          *retary of Homeland Security, to be of sufficient size,*  
11          *workforce level, and geographic location to warrant*  
12          *developing a plan for receiving and dispensing med-*  
13          *ical countermeasures to employees working in the*  
14          *Federal facility;*

15          (4) *the term “dispense” means to provide med-*  
16          *ical countermeasures to an affected population in re-*  
17          *sponse to a threat or incident;*

18          (5) *the term “medical countermeasure” means a*  
19          *drug (as that term is defined in section 201(g)(1) of*  
20          *the Federal Food, Drug, and Cosmetic Act), a device*  
21          *(as that term is defined in section 201(h) of such*  
22          *Act), or a biological product (as that term is defined*  
23          *in section 351 of this Act), to—*

24                  (A) *diagnose, mitigate, prevent, or treat*  
25                  *harm from any biological agent (including orga-*

1           nisms that cause an infectious disease) or toxin,  
2           chemical, radiological, or nuclear agent that  
3           may cause a public health emergency; or

4           (B) diagnose, mitigate, prevent, or treat  
5           harm from a condition that may result in ad-  
6           verse health consequences or death and may be  
7           caused by administering a drug, biological prod-  
8           uct, or device; and

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

13         (b) *FEDERAL PLAN*.—

14           (1) *IN GENERAL*.—The head of each executive  
15          agency, in consultation with the Secretary of Health  
16          and Human Services and the Secretary of Homeland  
17          Security, and in a manner that complies with the ap-  
18          plicable requirements of the Federal Food, Drug, and  
19          Cosmetic Act (21 U.S.C. 301 et seq.) and of section  
20          351 of the Public Health Service Act (42 U.S.C. 262),  
21          shall develop a plan to receive and dispense medical  
22          countermeasures to individuals employed by the exec-  
23          utive agency—

24           (A) if the individuals work in a covered  
25          Federal facility that is likely the target, or lo-

1           *cated in an area that is likely a target, of an act*  
2           *of terrorism involving a biological agent or*  
3           *toxin; or*

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

7           (2) *CONTENTS.*—*The plans developed under*  
8           *paragraph (1) shall identify individuals in the cov-*  
9           *ered Federal facility who will be performing receiving*  
10          *and dispensing of medical countermeasures to em-*  
11          *ployees.*

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

16           (4) *EXERCISES.*—*On a biennial basis, the head*  
17          *of each executive agency shall conduct exercises of the*  
18          *plan developed by the head of the executive agency*  
19          *under paragraph (1).*

20           (c) *OTHER EMPLOYERS.*—*The Secretary of Health and*  
21          *Human Services, in coordination with Secretary of Home-*  
22          *land Security, shall establish a set of best practices to guide*  
23          *and promote medical countermeasure dispensing capabili-*  
24          *ties among private sector entities.*

1       (d) *REPORT.*—Not later than 180 days after the date  
 2 of enactment of this Act, the Secretary of Health and  
 3 Human Services, in coordination with the Secretary of  
 4 Homeland Security, shall submit to the appropriate com-  
 5 mittees of Congress a report on the implementation of this  
 6 section.

7 **SEC. 205. PERSONAL MEDKITS FOR EMERGENCY RESPONSE**  
 8                   **PROVIDERS AND MEMBERS OF PREPARED-**  
 9                   **NESS ORGANIZATIONS.**

10       (a) *IN GENERAL.*—Title III of the Homeland Security  
 11 Act of 2002 (6 U.S.C. 181 et seq.), as amended by section  
 12 106, is further amended by adding at the end the following:

13 **“SEC. 320. PERSONAL MEDKITS FOR EMERGENCY RE-**  
 14                   **SPONSE PROVIDERS AND MEMBERS OF PRE-**  
 15                   **PAREDNESS ORGANIZATIONS.**

16       “(a) *DEFINITIONS.*—In this section—

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

19                   “(A) the Committee on Homeland Security  
 20 and Governmental Affairs and the Committee on  
 21 Health, Education, Labor, and Pensions of the  
 22 Senate; and

23                   “(B) the Committee on Homeland Security  
 24 and the Committee on Energy and Commerce of  
 25 the House of Representatives;

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

4           “(3) the term ‘preparedness organization’ means  
5           an organization that contributes to State or local pre-  
6           paredness for an emergency or major disaster (as  
7           those terms are defined in section 102 of the Robert  
8           T. Stafford Disaster Relief and Emergency Assistance  
9           Act (42 U.S.C. 5122)), including Community Emer-  
10          gency Response Teams, the Medical Reserve Corps, the  
11          Fire Corps, and the citizen preparedness programs of  
12          the American Red Cross;

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

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

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

22          “(b) *ESTABLISHMENT.*—The Secretary, in coordina-  
23          tion with the Secretary of Health and Human Services and  
24          in a manner that complies with applicable requirements of  
25          the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301

1 *et seq.) and of section 351 of the Public Health Service Act*  
2 *(42 U.S.C. 262), shall establish a program to distribute*  
3 *medkits to emergency response providers, members of pre-*  
4 *paredness organizations, and immediate family members of*  
5 *an emergency response provider or member of a prepared-*  
6 *ness organization.*

7 “(c) *MEDKIT PROGRAM COMPONENTS.—*

8 “(1) *IN GENERAL.—An emergency response pro-*  
9 *vider, member of a preparedness organization, or im-*  
10 *mediate family member of an emergency response*  
11 *provider or member of a preparedness organization*  
12 *participating in the medkit program shall—*

13 “(A) *register with the Secretary;*

14 “(B) *before the distribution of a medkit, re-*  
15 *ceive training regarding—*

16 “(i) *the proper use and dosing of med-*  
17 *ical countermeasures;*

18 “(ii) *reporting of the use of a medkit;*

19 “(iii) *the proper storage of a medkit;*

20 *and*

21 “(iv) *any other topic determined ap-*  
22 *propriate by the Secretary;*

23 “(C) *before the distribution of a medkit, un-*  
24 *dergo appropriate medical screening; and*

1           “(D) report the use of a medkit within a  
2           reasonable time period, as established by the Sec-  
3           retary.

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

7           “(d) AUTHORIZATION AND CONTENTS.—

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

11           “(A) seek an emergency use authorization  
12           under section 564 of the Federal Food, Drug,  
13           and Cosmetic Act (21 U.S.C. 360bbb–3), if need-  
14           ed, to allow distribution and use of medkits  
15           under the medkit program; and

16           “(B) establish the appropriate contents for  
17           medkits distributed under the medkit program.

18           “(2) CONTENT CONSIDERATION.—In establishing  
19           the appropriate contents for medkits under paragraph  
20           (1)(B), the Secretary, in coordination with the Sec-  
21           retary of Health and Human Services, shall—

22           “(A) consider information available from  
23           any biological or bioterrorism risk assessments  
24           conducted by the Department of Homeland Secu-

1            *rity or other relevant assessments by other de-*  
2            *partments or the intelligence community;*

3            *“(B) consider the criteria described in sec-*  
4            *tion 351A(a)(1)(B) of the Public Health Service*  
5            *Act (42 U.S.C. 262a(a)(1)(B));*

6            *“(C) consult with relevant private and pub-*  
7            *lic organizations; and*

8            *“(D) consider such other criteria and infor-*  
9            *mation that the Secretary, in coordination with*  
10           *the Secretary of Health and Human Services,*  
11           *determines appropriate.*

12           *“(e) REPORT.—Not later than 180 days after the date*  
13           *of enactment of this section, the Secretary shall submit to*  
14           *the appropriate committees of Congress a report on the im-*  
15           *plementation of this section.*

16           *“(f) AUTHORIZATION OF APPROPRIATIONS.—There is*  
17           *authorized to be appropriated to the Secretary to carry out*  
18           *this section, \$20,000,000 for each of fiscal years 2011*  
19           *through 2013.”.*

20           *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*  
21           *table of contents in section 1(b) of the Homeland Security*  
22           *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
23           *after the item relating to section 319, as added by section*  
24           *106 of this Act, the following:*

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

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

2 (a) *DEFINITIONS.*—*In this section—*

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

9 (2) *the term “medkit” means a cache of anti-*  
10 *biotics and other medical countermeasures to be used*  
11 *during a public health emergency declared by the Sec-*  
12 *retary of Health and Human Services under section*  
13 *319 of the Public Health Service Act (42 U.S.C.*  
14 *247d).*

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

19 (c) *REQUIREMENTS.*—*In carrying out the pilot pro-*  
20 *gram, the Secretary of Health and Human Services, in co-*  
21 *ordination with the Secretary of Homeland Security and*  
22 *in a manner that complies with applicable requirements of*  
23 *the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301*  
24 *et seq.) and of section 351 of the Public Health Service Act*  
25 *(42 U.S.C. 262), shall ensure that—*

1           (1) *enrollment of participants in the pilot pro-*  
2 *gram encompasses a diverse range of municipality*  
3 *sizes, various geographic locations, and different so-*  
4 *cioeconomic statuses;*

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

10          (3) *the program shall evaluate the ability of*  
11 *households to maintain medkits in the home as di-*  
12 *rected and reserve for emergency use; and*

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

15               (A) *proper use and dosing of medical coun-*  
16 *termeasures;*

17               (B) *reporting of use of medkits;*

18               (C) *proper storage of medkits; and*

19               (D) *any other information that the Sec-*  
20 *retary of Health and Human Services and the*  
21 *Secretary of Homeland Security determine ap-*  
22 *propriate.*

23          (d) *AUTHORIZATION AND CONTENT.—The Secretary of*  
24 *Health and Human Services and the Secretary of Home-*

1 *land Security shall coordinate with the Commissioner of*  
2 *Food and Drugs—*

3           (1) *to seek an emergency use authorization under*  
4 *section 564 of the Federal Food, Drug, and Cosmetic*  
5 *Act (21 U.S.C. 360bbb–3), if needed, to allow dis-*  
6 *tribution of medkits for the purpose of the pilot pro-*  
7 *gram; and*

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

10 *(e) REPORT.—*

11           (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*

12 *In this subsection, the term “appropriate committees*  
13 *of Congress” means—*

14           (A) *the Committee on Homeland Security*  
15 *and Governmental Affairs and the Committee on*  
16 *Health, Education, Labor, and Pensions of the*  
17 *Senate; and*

18           (B) *the Committee on Homeland Security*  
19 *and the Committee on Energy and Commerce of*  
20 *the House of Representatives.*

21           (2) *REPORT.—Not later than 90 days after com-*  
22 *pletion of the program under this section, the Sec-*  
23 *retary of Health and Human Services, in coordina-*  
24 *tion with the Secretary of Homeland Security, shall*  
25 *submit to the appropriate committees of Congress a*

1       *report on the conclusions of such program. The report*  
2       *shall include recommendations and conclusions on the*  
3       *feasibility of creating a national medkit program,*  
4       *through which medkits would be distributed widely to*  
5       *the public.*

6       (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
7       *authorized to be appropriated such sums as may be nec-*  
8       *essary to carry out this section.*

9       **SEC. 207. REPORT ON THE USE OF EXPIRING COUNTER-**  
10       **MEASURES.**

11       (a) *IN GENERAL.—The Secretary of Health and*  
12       *Human Services shall contract with the Director of the In-*  
13       *stitute of Medicine to conduct a study to be completed not*  
14       *later than 1 year after the date of enactment of this Act*  
15       *that examines the feasibility and effectiveness of alternative*  
16       *uses of medical countermeasures (as defined in section 319N*  
17       *of the Public Health Service Act, as added by section 201*  
18       *of this Act), including vaccines, in the Strategic National*  
19       *Stockpile before the expiration of the medical counter-*  
20       *measures.*

21       (b) *AREAS.—The study under subsection (a) shall in-*  
22       *clude the examination of—*

23               (1) *the effectiveness of allowing States to access*  
24       *medical countermeasures approaching expiration in a*  
25       *timely way to allow emergency response providers (as*

1 *defined in section 2 of the Homeland Security Act of*  
 2 *2002 (6 U.S.C. 101)) in those States to voluntarily*  
 3 *choose pre-event or post-event vaccination or treat-*  
 4 *ment; and*

5 *(2) the ability of States to effectively determine*  
 6 *which personnel should receive pre-event treatment*  
 7 *using the medical countermeasures approaching expi-*  
 8 *ration from the Strategic National Stockpile.*

9 ***Subtitle B—Bioforensics***  
 10 ***Capabilities and Strategy***

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

12 *(a) IN GENERAL.—Title III of the Homeland Security*  
 13 *Act of 2002 (6 U.S.C. 181 et seq.), as amended by section*  
 14 *205, is further amended by adding at the end the following:*

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

16 *“(a) DEFINITIONS.—In this section—*

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

19 *“(A) the Committee on Homeland Security*  
 20 *and Governmental Affairs, the Committee on the*  
 21 *Judiciary, the Committee on Health, Education,*  
 22 *Labor, and Pensions, the Committee on Agri-*  
 23 *culture, Nutrition, and Forestry, and the Com-*  
 24 *mittee on Armed Services of the Senate; and*

1           “(B) *the Committee on Homeland Security,*  
2           *the Committee on the Judiciary, the Committee*  
3           *on Energy and Commerce, the Committee on Ag-*  
4           *riculture, and the Committee on Armed Services*  
5           *of the House of Representatives;*

6           “(2) *the term ‘bioforensic’ means the scientific*  
7           *discipline dedicated to analyzing evidence from a bio-*  
8           *terrorism act, biological agent or toxin based criminal*  
9           *act, or inadvertent biological agent or toxin release*  
10          *for attribution purposes;*

11          “(3) *the term ‘National Bioforensics Analysis*  
12          *Center’ means the National Bioforensics Analysis*  
13          *Center established under subsection (b);*

14          “(4) *the term ‘national bioforensics repository*  
15          *collection’ means the national bioforensics repository*  
16          *collection established under subsection (c)(1); and*

17          “(5) *the term ‘national bioforensics strategy’*  
18          *means the national bioforensics strategy developed*  
19          *under subsection (d)(1).*

20          “(b) *NATIONAL BIOFORENSICS ANALYSIS CENTER.—*  
21          *There is in the Department a National Bioforensics Anal-*  
22          *ysis Center which shall—*

23                 “(1) *serve as the lead Federal facility to conduct*  
24                 *and facilitate bioforensic analysis in support of the*

1 *executive agency with primary responsibility for re-*  
2 *sponding to the biological incident;*

3 *“(2) maintain the national bioforensics reposi-*  
4 *tory collection as a reference collection of biological*  
5 *agents and toxins for comparative bioforensic identi-*  
6 *fications; and*

7 *“(3) support threat agent characterization stud-*  
8 *ies and bioforensic assay development.*

9 *“(c) NATIONAL BIOFORENSIC REPOSITORY COLLEC-*  
10 *TION.—*

11 *“(1) IN GENERAL.—The National Bioforensics*  
12 *Analysis Center shall maintain a national*  
13 *bioforensics repository collection.*

14 *“(2) ACTIVITIES.—The national bioforensics re-*  
15 *pository collection shall—*

16 *“(A) receive, store, and distribute biological*  
17 *threat agents and toxins and related biological*  
18 *agents and toxins;*

19 *“(B) serve as a reference collection for com-*  
20 *parative bioforensic identifications; and*

21 *“(C) support threat agent characterization*  
22 *studies and bioforensic assay development.*

23 *“(3) PARTICIPATION.—*

24 *“(A) IN GENERAL.—The Secretary, the At-*  
25 *torney General, the Secretary of Health and*

1           *Human Services, the Secretary of Agriculture,*  
2           *the Secretary of Defense, and the head of any*  
3           *other appropriate executive agency with a bio-*  
4           *logical agent or toxin collection that is useful for*  
5           *the bioforensic analysis of biological incidents,*  
6           *performance of biological threat agent character-*  
7           *ization studies, or development of bioforensic as-*  
8           *says shall provide samples of relevant biological*  
9           *agents and toxins, as determined by the Sec-*  
10          *retary, in consultation with the head of the exec-*  
11          *utive agency possessing the agent or toxin, which*  
12          *shall not include any variola virus, to the na-*  
13          *tional bioforensics repository collection.*

14                 “(B) *OTHER BIOLOGICAL AGENTS AND TOX-*  
15                 *INS.—The Secretary shall encourage the con-*  
16                 *tribution of public and private biological agent*  
17                 *and toxin collections to the national bioforensics*  
18                 *repository collection that were collected or cre-*  
19                 *ated with support from a Federal grant or con-*  
20                 *tract and that support the functions described in*  
21                 *paragraph (2).*

22                 “(4) *ACCESS.—The Secretary shall—*

23                         “(A) *provide an executive agency that sub-*  
24                         *mits a biological agent or toxin to the national*  
25                         *bioforensics repository collection with access to*

1       *the national bioforensics repository collection;*  
2       *and*

3               “(B) *establish a mechanism to provide pub-*  
4       *lic and private entities with access to the na-*  
5       *tional bioforensics repository collection, as ap-*  
6       *propriate, for scientific analysis of a biological*  
7       *agent or toxin in the national bioforensics repos-*  
8       *itory collection, with appropriate protection for*  
9       *intellectual property rights.*

10       “(5) *REPORT.—*

11               “(A) *IN GENERAL.—Not later than 180*  
12       *days after the date of enactment of this section,*  
13       *the Secretary, in consultation with the Attorney*  
14       *General, the Secretary of Health and Human*  
15       *Services, the Secretary of Agriculture, the Sec-*  
16       *retary of Defense, and the head of any other ap-*  
17       *propriate executive agency that will participate*  
18       *in or contribute to the national bioforensics re-*  
19       *pository collection, shall submit to the appro-*  
20       *priate committees of Congress a report regarding*  
21       *the national bioforensics repository collection.*

22               “(B) *CONTENTS.—The report submitted*  
23       *under subparagraph (A) shall—*

1           “(i) discuss the status of the establish-  
2           ment of the national bioforensics repository  
3           collection;

4           “(ii) identify domestic and inter-  
5           national biological agent and toxin collec-  
6           tions that would prove useful in carrying  
7           out the functions of the national bioforensics  
8           repository collection;

9           “(iii) examine any access or participa-  
10          tion issues affecting the establishment of the  
11          national bioforensics repository collection or  
12          the ability to support bioforensic analysis,  
13          threat characterization studies, or bio-  
14          forensic assay development, including—

15               “(I) intellectual property con-  
16               cerns;

17               “(II) access to collected or created  
18               biological agent or toxin collections  
19               funded by a Federal grant or contract;

20               “(III) costs for the national  
21               bioforensics repository collection associ-  
22               ated with accessing domestic and inter-  
23               national biological agent and toxin col-  
24               lections;

1           “(IV) costs incurred by domestic  
2           and international biological agent and  
3           toxin collections to allow broad access  
4           or contribute biological agents or tox-  
5           ins to the national bioforensics reposi-  
6           tory collection; and

7           “(V) access to the national  
8           bioforensics repository collection by  
9           public and private researchers to sup-  
10          port threat characterization studies  
11          and bioforensic assay development; and

12          “(iv) other issues determined appro-  
13          priate by the Secretary.

14          “(d) NATIONAL BIOFORENSIC STRATEGY.—

15                 “(1) IN GENERAL.—The Secretary, in coordina-  
16                 tion with the Attorney General, the Secretary of  
17                 Health and Human Services, the Secretary of Agri-  
18                 culture, the Secretary of Defense, and the head of any  
19                 other appropriate executive agency, as determined by  
20                 the Secretary, shall develop, coordinate, and maintain  
21                 a national bioforensics strategy.

22                 “(2) CONTENTS.—The national bioforensics  
23                 strategy shall—

24                         “(A) provide for a coordinated approach  
25                         across all executive agencies with responsibilities

1       *for analyzing evidence from a bioterrorism act,*  
2       *biological agent or toxin based criminal act, or*  
3       *inadvertent biological agent or toxin release for*  
4       *attribution purposes;*

5               *“(B) describe the roles and responsibilities*  
6       *of all relevant executive agencies;*

7               *“(C) establish mechanisms, in coordination*  
8       *with State, local, and tribal governments, for co-*  
9       *ordinating with law enforcement agencies in*  
10       *analyzing bioforensic evidence;*

11               *“(D) include guidance for collecting, proc-*  
12       *essing, and analyzing samples; and*

13               *“(E) provide for a coordinated approach*  
14       *across all executive agencies to support threat*  
15       *agent characterization research, funding, and*  
16       *assay development.*

17               *“(3) REPORT.—Not later than 180 days after the*  
18       *date of enactment of this section, the Secretary, in*  
19       *consultation with the Attorney General, the Secretary*  
20       *of Health and Human Services, the Secretary of Agri-*  
21       *culture, the Secretary of Defense, and the head of any*  
22       *other appropriate executive agency, as determined by*  
23       *the Secretary, shall submit to the appropriate com-*  
24       *mittees of Congress the national bioforensics strategy.*

1       “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 2 *authorized to be appropriated such sums as may be nec-*  
 3 *essary to carry out this section.*”.

4       (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
 5 *table of contents in section 1(b) of the Homeland Security*  
 6 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
 7 *after the item relating to section 320, as added by section*  
 8 *205 of this Act, the following:*

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

9                   ***Subtitle C—Communications***  
 10                   ***Planning***

11 ***SEC. 221. COMMUNICATIONS PLANNING.***

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

15 ***“SEC. 525. COMMUNICATIONS PLANNING.***

16       “(a) *INCORPORATION OF COMMUNICATIONS PLANS.*—

17               “(1) *IN GENERAL.*—*The Secretary, acting*  
 18 *through the Administrator of the Federal Emergency*  
 19 *Management Agency, shall incorporate into each*  
 20 *operational plan developed under sections 653(a)(4)*  
 21 *and 653(b) of the Post-Katrina Emergency Manage-*  
 22 *ment Reform Act of 2006 (6 U.S.C. 701 note) a com-*  
 23 *munications plan for providing information to the*  
 24 *public related to preventing, preparing for, protecting*  
 25 *against, and responding to imminent natural disas-*

1        *ters, acts of terrorism, and other man-made disasters,*  
2        *including incidents involving the use of weapons of*  
3        *mass destruction and other potentially catastrophic*  
4        *events.*

5            “(2) *CONSULTATION.*—*In developing commu-*  
6        *nications plans under paragraph (1), the Adminis-*  
7        *trator shall consult with State, local, and tribal gov-*  
8        *ernments and coordinate, as the Administrator con-*  
9        *siders appropriate, with other Federal departments*  
10       *and agencies that have responsibilities under the Na-*  
11       *tional Response Framework and other relevant Fed-*  
12       *eral departments and agencies.*

13           “(b) *PRESCRIPTED MESSAGES AND MESSAGE TEM-*  
14 *PLATES.*—

15            “(1) *IN GENERAL.*—*As part of the communica-*  
16        *tion plans, the Administrator shall develop*  
17        *prescribed messages or message templates, as appro-*  
18        *priate, to be included in the plans to be provided to*  
19        *State, local, and tribal officials so that those officials*  
20        *can quickly and rapidly disseminate critical informa-*  
21        *tion to the public in anticipation or in the immediate*  
22        *aftermath of a disaster or incident.*

23            “(2) *DEVELOPMENT AND DESIGN.*—*The*  
24        *prescribed messages or message templates shall—*

1           “(A) be developed, as the Administrator de-  
2           termines appropriate, in consultation with  
3           State, local, and tribal governments and in co-  
4           ordination with other Federal departments and  
5           agencies that have responsibilities under the Na-  
6           tional Response Framework and other relevant  
7           Federal departments and agencies;

8           “(B) be designed to provide accurate, essen-  
9           tial, and appropriate information and instruc-  
10          tions to the population directly affected by a dis-  
11          aster or incident, including information related  
12          to evacuation, sheltering in place, and issues of  
13          immediate health and safety; and

14          “(C) be designed to provide accurate, essen-  
15          tial, and appropriate technical information and  
16          instructions to emergency response providers and  
17          medical personnel responding to a disaster or in-  
18          cident.

19          “(c) *COMMUNICATIONS FORMATS.*—In developing the  
20          prescribed messages or message templates required under  
21          subsection (b), the Administrator shall develop each such  
22          prescribed message or message template in multiple for-  
23          mats to ensure delivery—

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

4           “(2) *to individuals with disabilities or other spe-*  
5           *cial needs and individuals with limited English pro-*  
6           *ficiency in accordance with section 616 of the Post-*  
7           *Katrina Emergency Management Reform Act of 2006*  
8           *(6 U.S.C. 701 note).*

9           “(d) *DISSEMINATION AND TECHNICAL ASSISTANCE.—*  
10          *The Administrator shall ensure that all prescribed mes-*  
11          *sages and message templates developed under this section*  
12          *are made available to State, local, and tribal governments*  
13          *so that those governments may incorporate them, as appro-*  
14          *priate, into their emergency plans. The Administrator shall*  
15          *also make available relevant technical assistance to those*  
16          *governments to support communications planning.*

17          “(e) *EXERCISES.—To ensure that the prescribed mes-*  
18          *sages or message templates developed under this section can*  
19          *be effectively utilized in a disaster or incident, the Adminis-*  
20          *trator shall incorporate such prescribed messages or mes-*  
21          *sage templates into exercises conducted under the National*  
22          *Exercise Program described in section 648 of the Post-*  
23          *Katrina Emergency Management Reform Act of 2006 (6*  
24          *U.S.C. 701 note).*

1       “(f) *REPORT.*—Not later than 1 year after the date of  
 2 *the enactment of this section, the Administrator shall sub-*  
 3 *mit to the Committee on Homeland Security and Govern-*  
 4 *mental Affairs of the Senate and the Committee on Home-*  
 5 *land Security of the House of Representatives a copy of the*  
 6 *communications plans required to be developed under this*  
 7 *section, including prescribed messages or message tem-*  
 8 *plates developed in conjunction with the plans and a de-*  
 9 *scription of the means that will be used to deliver such mes-*  
 10 *sages in a natural disaster, act of terrorism, or other man-*  
 11 *made disaster.”.*

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

“Sec. 525. *Communications planning.*”.

16 **SEC. 222. PLUME MODELING.**

17       (a) *DEFINITIONS.*—In this section—

18           (1) the term “appropriate committees of Con-  
 19 *gress” means—*

20                   (A) *the Committee on Homeland Security*  
 21 *and Governmental Affairs, the Committee on*  
 22 *Energy and Natural Resources, the Committee*  
 23 *on Armed Services, and the Committee on*  
 24 *Health, Education, Labor, and Pensions of the*  
 25 *Senate; and*

1           (B) *the Committee on Homeland Security,*  
2           *the Committee on Energy and Commerce, and*  
3           *the Committee on Armed Services of the House*  
4           *of Representatives;*

5           (2) *the term “executive agency” has the meaning*  
6           *given that term in section 2 of the Homeland Secu-*  
7           *rity Act of 2002 (6 U.S.C. 101);*

8           (3) *the term “integrated plume model” means a*  
9           *plume model that integrates protective action guid-*  
10           *ance and other information as the Secretary of Home-*  
11           *land Security determines appropriate; and*

12           (4) *the term “plume model” means the assess-*  
13           *ment of the location and prediction of the spread of*  
14           *nuclear, radioactive, or chemical fallout and biologi-*  
15           *cal pathogens resulting from an explosion or release*  
16           *of nuclear, radioactive, chemical, or biological sub-*  
17           *stances.*

18           (b) *DEVELOPMENT.—*

19           (1) *IN GENERAL.—The Secretary of Homeland*  
20           *Security shall develop and disseminate integrated*  
21           *plume models to enable rapid response activities fol-*  
22           *lowing a nuclear, radiological, chemical, or biological*  
23           *explosion or release.*

24           (2) *SCOPE.—The Secretary of Homeland Secu-*  
25           *rity shall—*

1           (A) ensure the rapid development and dis-  
2           tribution of integrated plume models to appro-  
3           priate officials of the Federal Government and  
4           State, local, and tribal governments to enable  
5           immediate response to a nuclear, radiological,  
6           chemical, or biological incident; and

7           (B) establish mechanisms for dissemination  
8           by appropriate emergency response officials of  
9           the integrated plume models described in para-  
10          graph (1) to nongovernmental organizations and  
11          the public to enable appropriate response activi-  
12          ties by individuals.

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

18                 (A) the Secretary of Energy, the Secretary  
19                 of Defense, the Secretary of Health and Human  
20                 Services, the Secretary of Commerce, and the  
21                 heads of other executive agencies determined ap-  
22                 propriate by the Secretary of Homeland Secu-  
23                 rity; and

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

1           (c) *EXERCISES.*—*The Secretary of Homeland Security*  
2 *shall ensure that the development and dissemination of inte-*  
3 *grated plume models are assessed during exercises adminis-*  
4 *tered by the Department of Homeland Security.*

5           (d) *REPORTING.*—*Not later than 180 days after the*  
6 *date of enactment of this Act, and every year thereafter for*  
7 *3 years , the Secretary of Homeland Security shall submit*  
8 *to the appropriate committees of Congress a report regard-*  
9 *ing—*

10                   (1) *the development and dissemination of inte-*  
11 *grated plume models under this section; and*

12                   (2) *lessons learned from assessing the develop-*  
13 *ment and dissemination of integrated plume models*  
14 *during exercises administered by the Department of*  
15 *Homeland Security, and plans for improving the de-*  
16 *velopment and dissemination of integrated plume*  
17 *models, as appropriate.*

1 **TITLE III—INTERNATIONAL**  
2 **MEASURES TO PREVENT BIO-**  
3 **LOGICAL TERRORISM**

4 **Subtitle A—Prevention and Protec-**  
5 **tion Against International Bio-**  
6 **logical Threats**

7 **SEC. 301. INTERNATIONAL THREAT ASSESSMENT: TIER I**  
8 **PATHOGEN FACILITIES.**

9 (a) *REVIEW.*—Not later than 6 months after the date  
10 of the enactment of this Act, the Director of National Intel-  
11 ligence, in consultation with the Secretary of State, the Sec-  
12 retary of Defense, the Secretary of Homeland Security, the  
13 Secretary of Health and Human Services, the Secretary of  
14 Agriculture, and the heads of other appropriate Federal  
15 agencies, shall complete a global review of international bio-  
16 logical security threats to the United States.

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

18 (1) *assess global biological risks, including by de-*  
19 *scribing regions or countries with the greatest biologi-*  
20 *cal security risk, taking into account factors such*  
21 *as—*

22 (A) *the presence and capabilities of a for-*  
23 *ign terrorist organization;*

24 (B) *the location of highest risk pathogen col-*  
25 *lections; and*

1           (C) *the location of biological laboratories*  
2           *operating with inadequate security measures;*  
3           *and*

4           (2) *assess any gaps in knowledge about inter-*  
5           *national biosecurity threats.*

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

9           (d) *SUBMISSION OF REVIEW OR UPDATE.—Not later*  
10          *than 6 months after the date of the enactment of this Act,*  
11          *and biennially thereafter, the Director shall submit the clas-*  
12          *sified review or update to—*

13               (1) *the Select Committee on Intelligence of the*  
14               *Senate;*

15               (2) *the Committee on Armed Services of the Sen-*  
16               *ate;*

17               (3) *the Committee on Foreign Relations of the*  
18               *Senate;*

19               (4) *the Permanent Select Committee on Intel-*  
20               *ligence of the House of Representatives*

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

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

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

6           (1) *the Committee on Agriculture of the Senate;*

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

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

11          (4) *the Committee on Agriculture of the House of*  
12 *the Representatives;*

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

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

17       (f) *SUNSET DATE.*—*The requirements specified in sub-*  
18 *sections (c), (d), and (e) of this section shall terminate five*  
19 *years after the date of the enactment of this Act.*

20 **SEC. 302. STRENGTHENING INTERNATIONAL BIOSECURITY.**

21       (a) *TECHNICAL AND FINANCIAL ASSISTANCE AUTHOR-*  
22 *IZED.*—*The Secretary of State, in coordination with the*  
23 *Secretary of Health and Human Services, the Secretary of*  
24 *Defense, the Secretary of Agriculture, the Secretary of*  
25 *Homeland Security, and other appropriate agencies, shall*

1 *provide technical and financial assistance, including the*  
2 *activities described in subsection (b), to countries or regions*  
3 *identified by the Threat Assessment mandated in section*  
4 *301.*

5 *(b) AUTHORIZED ACTIVITIES.—*

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

9 *(A) provide assistance to remove or consoli-*  
10 *date an agent or toxin designated as a Tier I*  
11 *agent under section 351A(a)(2) of the Public*  
12 *Health Service Act or section 212(a)(2) of the*  
13 *Agricultural Bioterrorism Protection Act of 2002*  
14 *(in this subtitle referred to as a “Tier I agent”)*  
15 *and other dangerous pathogen collections spread*  
16 *among multiple locations within a country or re-*  
17 *gion into facilities with appropriate safety and*  
18 *security;*

19 *(B) provide assistance to replace dangerous*  
20 *or obsolete pathogen isolation techniques with*  
21 *modern diagnostic tools to improve safety and*  
22 *security and to reduce the number and size of*  
23 *dangerous pathogen collections in high risk re-*  
24 *gions and countries;*

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

6           (D) provide assistance to identify and se-  
7 cure Tier I agents and other dangerous pathogen  
8 collections in high risk regions and countries;  
9 and

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

13           (2) *PREVENTION AND PROTECTION.*—The Sec-  
14 retary of State shall—

15           (A) raise awareness of international biologi-  
16 cal threats with foreign governments, academic  
17 institutions, and industrial laboratories that  
18 possess, use, or transfer Tier I agents and other  
19 dangerous pathogen collections through con-  
20 ferences, seminars and workshops;

21           (B) provide biosecurity upgrades at high  
22 risk laboratories;

23           (C) train foreign partners in high risk re-  
24 gions on best laboratory biosecurity practices  
25 within facilities that possess, use, or transfer

1           *Tier I agents and other dangerous pathogen col-*  
2           *lections;*

3                   *(D) assist foreign countries in establishing*  
4           *personnel reliability measures, as part of a com-*  
5           *prehensive laboratory management system;*

6                   *(E) partner with foreign governments, lab-*  
7           *oratories, and scientists in activities that*  
8           *strengthen and reinforce best biological safety*  
9           *and security practices within facilities that pos-*  
10          *sess, use, or transfer Tier I agents and other*  
11          *dangerous pathogen collections;*

12                   *(F) enhance information sharing through*  
13          *regular meetings of relevant United States and*  
14          *foreign government agencies with subject matter*  
15          *expertise on pathogen security and laboratory*  
16          *best practices in high risk regions;*

17                   *(G) increase support for United States*  
18          *science and technology agreements and initia-*  
19          *tives in high risk regions and countries, includ-*  
20          *ing collaborative projects in the areas of bioter-*  
21          *rorism prevention, infectious disease control, dis-*  
22          *ease surveillance, bioforensics, laboratory bio-*  
23          *safety, and hazardous waste management; and*

24                   *(H) develop laboratory biosafety and bio-*  
25          *security standards and guidelines, including per-*

1            *sonnel reliability measures, for facilities that*  
2            *possess, use, or transfer Tier I agents and other*  
3            *dangerous pathogen collections.*

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

6                    (A) *promote research and development col-*  
7                    *laboration on highly infectious human, animal*  
8                    *and plant disease agents in facilities with appro-*  
9                    *priate safety and security measures;*

10                   (B) *provide opportunities for foreign sci-*  
11                   *entists, particularly those located in highest risk*  
12                   *countries identified in section 301, to receive*  
13                   *training in the United States on biological safety*  
14                   *and security best practices, standard operating*  
15                   *procedures, and maintenance for high contain-*  
16                   *ment facilities; and*

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

22 **SEC. 303. PROMOTING SECURE BIOTECHNOLOGY ADVANCE-**  
23 **MENT.**

24            (a) *PLAN TO PROMOTE INTERNATIONAL ADHERENCE*  
25 *TO INTERNATIONAL AGREEMENTS.—The Secretary of State,*

1 *in coordination with appropriate agencies, shall produce*  
2 *and implement a plan for promoting international adher-*  
3 *ence to, and implementation of, frameworks, treaties, and*  
4 *other international agreements regarding weapons of mass*  
5 *destruction, including the Biological Weapons Convention,*  
6 *World Health Organization International Health Regula-*  
7 *tions, and United Nations Security Council Resolution*  
8 *1540.*

9 *(b) BIOTECHNOLOGY DISCUSSIONS.—*

10 *(1) IN GENERAL.—The Secretary of State, in co-*  
11 *ordination with appropriate agencies, shall pursue*  
12 *discussions with government, academic, and industry*  
13 *representatives in countries that possess established or*  
14 *emerging biotechnology sectors or are identified as*  
15 *high-risk countries in the Threat Assessment required*  
16 *under section 301.*

17 *(2) TOPICS.—Topics to be discussed under para-*  
18 *graph (1) shall include—*

19 *(A) multilateral initiatives intended to pro-*  
20 *mote safe and secure biotechnology;*

21 *(B) norms and safeguards necessary to pre-*  
22 *vent the misuse of biotechnology;*

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

1                   (D) other topics on international biosecu-  
2                   rity that the Secretary of State considers to be  
3                   relevant.

4                   **Subtitle B—Global Pathogen**  
5                   **Surveillance**

6                   **SEC. 321. SHORT TITLE.**

7                   This subtitle may be cited as the “Global Pathogen  
8                   Surveillance Act of 2009”.

9                   **SEC. 322. FINDINGS; PURPOSE.**

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

11                   (1) *The frequency of the occurrence of biological*  
12                   *events that could threaten the national security of the*  
13                   *United States has increased and is likely increasing.*  
14                   *The threat to the United States from such events in-*  
15                   *cludes threats from diseases that infect humans, ani-*  
16                   *imals, or plants regardless of whether such diseases are*  
17                   *introduced naturally, accidentally, or intentionally.*

18                   (2) *Bioterrorism poses a grave national security*  
19                   *threat to the United States. The insidious nature of*  
20                   *a bioterrorist attack, the likelihood that the recogni-*  
21                   *tion of such an attack would be delayed, and the*  
22                   *underpreparedness of the domestic public health infra-*  
23                   *structure to respond to such an attack could result in*  
24                   *catastrophic consequences following a biological weap-*  
25                   *ons attack against the United States.*

1           (3) *The ability to recognize that a country or or-*  
2           *ganization is carrying out a covert biological weapons*  
3           *program is dependent on a number of indications and*  
4           *warnings. A critical component of this recognition is*  
5           *the timely detection of sentinel events such as commu-*  
6           *nity-level outbreaks that could be the earliest indica-*  
7           *tion of an emerging bioterrorist program in a foreign*  
8           *country. Early detection of such events may enable*  
9           *earlier counterproliferation intervention.*

10           (4) *A contagious pathogen engineered as a bio-*  
11           *logical weapon and developed, tested, produced, or re-*  
12           *leased in a foreign country could quickly spread to*  
13           *the United States. Considering the realities of inter-*  
14           *national travel, trade, and migration patterns, a dan-*  
15           *gerous pathogen appearing naturally, accidentally, or*  
16           *intentionally anywhere in the world can spread to the*  
17           *United States in a matter of days, before any effective*  
18           *quarantine or isolation measures could be imple-*  
19           *mented.*

20           (5) *To combat bioterrorism effectively and ensure*  
21           *that the United States is fully prepared to prevent,*  
22           *recognize, and contain a biological weapons attack or*  
23           *emerging infectious disease, measures to strengthen*  
24           *the domestic public health infrastructure and improve*

1       *domestic event detection, surveillance, and response,*  
2       *while absolutely essential, are not sufficient.*

3               *(6) The United States should enhance coopera-*  
4       *tion with the World Health Organization, regional*  
5       *international health organizations, and individual*  
6       *countries, including data sharing with appropriate*  
7       *agencies and departments of the United States, to*  
8       *help detect and quickly contain infectious disease out-*  
9       *breaks or a bioterrorism agent before such a disease*  
10       *or agent is spread.*

11               *(7) The World Health Organization has done an*  
12       *impressive job in monitoring infectious disease out-*  
13       *breaks around the world, notably in the April 2000*  
14       *establishment and subsequent operation of the Global*  
15       *Outbreak Alert and Response Network.*

16               *(8) The capabilities of the World Health Organi-*  
17       *zation depend on the timeliness and quality of the*  
18       *data and information the Organization receives from*  
19       *the countries that are members of the Organization,*  
20       *pursuant to the 2005 revision of the International*  
21       *Health Regulations. Developing countries, in par-*  
22       *ticular, often lack the necessary resources to build and*  
23       *maintain effective public health infrastructures.*

24               *(9) Developing countries could benefit from—*

- 1           (A) better trained public health profes-  
2           sionals and epidemiologists to recognize disease  
3           patterns;
- 4           (B) appropriate laboratory equipment for  
5           diagnosis of pathogens;
- 6           (C) disease reporting systems that—
- 7                 (i) are based on disease and syndrome  
8                 surveillance; and
- 9                 (ii) could enable an effective response  
10                to a biological event to begin at the earliest  
11                possible opportunity;
- 12           (D) a narrowing of the existing technology  
13           gap in disease and syndrome surveillance capa-  
14           bilities, based on reported symptoms, and real-  
15           time information dissemination to public health  
16           officials; and
- 17           (E) appropriate communications equipment  
18           and information technology to efficiently trans-  
19           mit information and data within national,  
20           international regional, and international health  
21           networks, including inexpensive, Internet-based  
22           geographic information systems and relevant  
23           telephone-based systems for early recognition and  
24           diagnosis of diseases.

1           (10) *An effective international capability to de-*  
2 *tect, monitor, and quickly diagnose infectious disease*  
3 *outbreaks will offer dividends not only in the event of*  
4 *biological weapons development, testing, production,*  
5 *and attack, but also in the more likely cases of natu-*  
6 *rally occurring infectious disease outbreaks that could*  
7 *threaten the United States. Furthermore, a robust*  
8 *surveillance system will serve to deter or contain ter-*  
9 *rorist use of biological weapons, mitigating the in-*  
10 *tended effects of such malevolent uses.*

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

13           (1) *To enhance the capability of the inter-*  
14 *national community, through international health or-*  
15 *ganizations and individual countries, to detect, iden-*  
16 *tify, and contain infectious disease outbreaks, whether*  
17 *the cause of those outbreaks is intentional human ac-*  
18 *tion or natural in origin.*

19           (2) *To enhance the training of public health pro-*  
20 *fessionals and epidemiologists from eligible developing*  
21 *countries in advanced Internet-based disease and syn-*  
22 *drome surveillance systems, in addition to traditional*  
23 *epidemiology methods, so that such professionals and*  
24 *epidemiologists may better detect, diagnose, and con-*  
25 *tain infectious disease outbreaks, especially such out-*

1       *breaks caused by the pathogens that may be likely to*  
2       *be used in a biological weapons attack.*

3               *(3) To provide assistance to eligible developing*  
4       *countries to purchase appropriate communications*  
5       *equipment and information technology to detect, ana-*  
6       *lyze, and report biological threats, including—*

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

12                      *(B) appropriate computer equipment and*  
13       *Internet connectivity mechanisms—*

14                               *(i) to facilitate the exchange of Geo-*  
15       *graphic Information Systems-based disease*  
16       *and syndrome surveillance information;*  
17       *and*

18                               *(ii) to effectively gather, analyze, and*  
19       *transmit public health information for in-*  
20       *fectious disease surveillance and diagnosis.*

21               *(4) To make available greater numbers of public*  
22       *health professionals who are employed by the Govern-*  
23       *ment of the United States to international regional*  
24       *and international health organizations, international*

1 regional and international health networks, and  
2 United States diplomatic missions, as appropriate.

3 (5) To expand the training and outreach activi-  
4 ties of United States laboratories located in foreign  
5 countries, including the Centers for Disease Control  
6 and Prevention or Department of Defense labora-  
7 tories, to enhance the public health capabilities of de-  
8 veloping countries.

9 (6) To provide appropriate technical assistance  
10 to existing international regional and international  
11 health networks and, as appropriate, seed money for  
12 new international regional and international net-  
13 works.

14 **SEC. 323. DEFINITIONS.**

15 *In this subtitle:*

16 (1) *ELIGIBLE DEVELOPING COUNTRY.*—The term  
17 “eligible developing country” means any developing  
18 country that—

19 (A) has agreed to the objective of fully com-  
20 plying with requirements of the World Health  
21 Organization on reporting public health infor-  
22 mation on outbreaks of infectious diseases;

23 (B) has not been determined by the Sec-  
24 retary of State, for purposes of section 40 of the  
25 Arms Export Control Act (22 U.S.C. 2780), sec-

1            *tion 620A of the Foreign Assistance Act of 1961*  
2            *(22 U.S.C. 2371), or section 6(j) of the Export*  
3            *Administration Act of 1979 (as in effect pursu-*  
4            *ant to the International Emergency Economic*  
5            *Powers Act; 50 U.S.C. 1701 et seq.), to have re-*  
6            *peatedly provided support for acts of inter-*  
7            *national terrorism, unless the Secretary of State*  
8            *exercises a waiver certifying that it is in the na-*  
9            *tional interest of the United States to provide as-*  
10           *sistance under the provisions of this subtitle; and*

11                    *(C) is a party to the Convention on the Pro-*  
12                    *hibition of the Development, Production and*  
13                    *Stockpiling of Bacteriological (Biological) and*  
14                    *Toxin Weapons and on Their Destruction, done*  
15                    *at Washington, London, and Moscow April 10,*  
16                    *1972 (26 UST 583).*

17            *(2) ELIGIBLE NATIONAL.—The term “eligible na-*  
18            *tional” means any citizen or national of an eligible*  
19            *developing country who—*

20                    *(A) does not have a criminal background;*

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

23                    *(C) is not affiliated with any foreign ter-*  
24            *rorist organization.*

1           (3) *INTERNATIONAL HEALTH ORGANIZATION.*—  
 2           The term “international health organization” in-  
 3           cludes the World Health Organization, regional offices  
 4           of the World Health Organization, and such similar  
 5           international organizations as the Pan American  
 6           Health Organization.

7           (4) *LABORATORY.*—The term “laboratory” means  
 8           a facility for the biological, microbiological, sero-  
 9           logical,           chemical,           immunohematological,  
 10          hematological, biophysical, cytological, pathological,  
 11          or other medical examination of materials derived  
 12          from the human body for the purpose of providing in-  
 13          formation for the diagnosis, prevention, or treatment  
 14          of any disease or impairment of, or the assessment of  
 15          the health of, human beings.

16          (5) *DISEASE AND SYNDROME SURVEILLANCE.*—  
 17          The term “disease and syndrome surveillance” means  
 18          the recording of clinician-reported symptoms (patient  
 19          complaints) and signs (derived from physical exam-  
 20          ination and laboratory data) combined with simple  
 21          geographic locators to track the emergence of a disease  
 22          in a population.

23 **SEC. 324. ELIGIBILITY FOR ASSISTANCE.**

24          (a) *IN GENERAL.*—Except as provided in subsection  
 25          (b), assistance may be provided to an eligible developing

1 *country under any provision of this subtitle only if the gov-*  
 2 *ernment of the eligible developing country—*

3 *(1) permits personnel from the World Health Or-*  
 4 *ganization and the Centers for Disease Control and*  
 5 *Prevention to investigate outbreaks of infectious dis-*  
 6 *eases within the borders of such country; and*

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

10 *(b) WAIVER.—The Secretary of State may waive the*  
 11 *prohibition set out in subsection (a) if the Secretary of State*  
 12 *determines that it is in the national interest of the United*  
 13 *States to provide such a waiver.*

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

20 **SEC. 325. RESTRICTION.**

21 *(a) IN GENERAL.—Notwithstanding any other provi-*  
 22 *sion of this subtitle, no foreign national participating in*  
 23 *a program authorized under this subtitle shall have access,*  
 24 *during the course of such participation, to a select agent*  
 25 *or toxin described in section 73.4 of title 42, Code of Federal*

1 *Regulations (or any corresponding similar regulation) or*  
 2 *an overlap select agent or toxin described in section 73.5*  
 3 *of such title (or any corresponding similar regulation) that*  
 4 *may be used as, or in, a biological weapon, except in a*  
 5 *supervised and controlled setting.*

6       **(b) RELATIONSHIP TO REGULATIONS.**—*The restriction*  
 7 *set out in subsection (a) may not be construed to limit the*  
 8 *ability of the Secretary of Health and Human Services to*  
 9 *prescribe, through regulation, standards for the possession,*  
 10 *use, or transfer of a select agent or toxin or an overlap select*  
 11 *agent or toxin described in such subsection.*

12 **SEC. 326. FELLOWSHIP PROGRAM.**

13       **(a) ESTABLISHMENT.**—*There is established a fellow-*  
 14 *ship program under which the Secretary of State, in con-*  
 15 *sultation with the Secretary of Health and Human Services*  
 16 *and the Secretary of Homeland Security and subject to the*  
 17 *availability of appropriations, shall award fellowships to*  
 18 *eligible nationals to pursue public health education or*  
 19 *training, as follows:*

20               **(1) MASTER OF PUBLIC HEALTH DEGREE.**—  
 21       *Graduate courses of study leading to a master of pub-*  
 22       *lic health degree with a concentration in epidemiology*  
 23       *from an institution of higher education in the United*  
 24       *States with a Center for Public Health Preparedness,*

1       *as determined by the Director of the Centers for Dis-*  
2       *ease Control and Prevention.*

3               (2) *ADVANCED PUBLIC HEALTH EPIDEMIOLOGY*  
4       *TRAINING.*—*Advanced public health training in epi-*  
5       *demiology for public health professionals from eligible*  
6       *developing countries to be carried out at the Centers*  
7       *for Disease Control and Prevention, an appropriate*  
8       *facility of a State, or an appropriate facility of an-*  
9       *other agency or department of the United States*  
10       *(other than a facility of the Department of Defense or*  
11       *a national laboratory of the Department of Energy)*  
12       *for a period of not less than 6 months or more than*  
13       *12 months.*

14              (b) *SPECIALIZATION IN BIOTERRORISM RESPONSE.*—  
15       *In addition to the education or training specified in sub-*  
16       *section (a), each recipient of a fellowship under this section*  
17       *(in this section referred to as a “fellow”) may take courses*  
18       *of study at the Centers for Disease Control and Prevention*  
19       *or at an equivalent facility on diagnosis and containment*  
20       *of likely bioterrorism agents.*

21              (c) *FELLOWSHIP AGREEMENT.*—

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

1           (A) to maintain satisfactory academic  
2 progress, as determined in accordance with regu-  
3 lations issued by the Secretary of State and con-  
4 firmed in regularly scheduled updates to the Sec-  
5 retary of State from the institution providing the  
6 education or training on the progress of the fel-  
7 low's education or training;

8           (B) upon completion of such education or  
9 training, to return to the fellow's country of na-  
10 tionality or last habitual residence (so long as it  
11 is an eligible developing country) and complete  
12 at least 4 years of employment in a public health  
13 position in the government or a nongovern-  
14 mental, not-for-profit entity in that country or,  
15 with the approval of the Secretary of State, com-  
16 plete part or all of this requirement through  
17 service with an international health organization  
18 without geographic restriction; and

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

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

4                   (ii) is not higher than the rate gen-  
5                   erally applied in connection with other Fed-  
6                   eral loans.

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

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

13                  (B) humanitarian considerations require  
14                  such a waiver.

15                  (d) *AGREEMENT.*—The Secretary of State, in consulta-  
16                  tion with the Secretary of Health and Human Services and  
17                  the Secretary of Homeland Security, is authorized to enter  
18                  into an agreement with the government of an eligible devel-  
19                  oping country under which such government agrees—

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

22                  (2) to guarantee that a fellow will be offered a  
23                  professional public health position within the devel-  
24                  oping country upon completion of the fellow's studies;  
25                  and

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

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

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

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

19           (f) *USE OF EXISTING PROGRAMS.*—The Secretary of  
20           State, with the concurrence of the Secretary of Health and  
21           Human Services, may elect to use existing programs of the  
22           Department of Health and Human Services to provide the  
23           education and training described in subsection (a) if the  
24           requirements of subsections (b), (c), and (d) will be substan-  
25           tially met under such existing programs.

1 **SEC. 327. IN-COUNTRY TRAINING IN LABORATORY TECH-**  
2 **NIQUES AND DISEASE AND SYNDROME SUR-**  
3 **VEILLANCE.**

4 *(a) LABORATORY TECHNIQUES.—*

5 *(1) IN GENERAL.—The Secretary of State, after*  
6 *consultation with the Secretary of Health and*  
7 *Human Services, the Secretary of Defense, and the*  
8 *Secretary of Homeland Security and in conjunction*  
9 *with elements of those departments that engage in ac-*  
10 *tivities of this type overseas, and subject to the avail-*  
11 *ability of appropriations, shall provide assistance for*  
12 *short training courses for eligible nationals who are*  
13 *laboratory technicians or other public health per-*  
14 *sonnel in laboratory techniques relating to the identi-*  
15 *fication, diagnosis, and tracking of pathogens respon-*  
16 *sible for possible infectious disease outbreaks.*

17 *(2) LOCATION.—The training described in para-*  
18 *graph (1) shall be held outside the United States and*  
19 *may be conducted in facilities of the Centers for Dis-*  
20 *ease Control and Prevention located in foreign coun-*  
21 *tries or in Overseas Medical Research Units of the*  
22 *Department of Defense, as appropriate.*

23 *(3) COORDINATION WITH EXISTING PROGRAMS.—*  
24 *The Secretary of State shall coordinate the training*  
25 *described in paragraph (1), where appropriate, with*

1 *existing programs and activities of international*  
2 *health organizations.*

3 *(b) DISEASE AND SYNDROME SURVEILLANCE.—*

4 *(1) IN GENERAL.—The Secretary of State, after*  
5 *consultation with the Secretary of Health and*  
6 *Human Services, the Secretary of Defense, and the*  
7 *Secretary of Homeland Security and in conjunction*  
8 *with elements of those departments that engage in ac-*  
9 *tivities of this type overseas, and subject to the avail-*  
10 *ability of appropriations, shall establish and provide*  
11 *assistance for short training courses for eligible na-*  
12 *tionals who are health care providers or other public*  
13 *health personnel in techniques of disease and syn-*  
14 *drome surveillance reporting and rapid analysis of*  
15 *syndrome information using geographic information*  
16 *system tools.*

17 *(2) LOCATION.—The training described in para-*  
18 *graph (1) shall be conducted via the Internet or in*  
19 *appropriate facilities located in a foreign country, as*  
20 *determined by the Secretary of State.*

21 *(3) COORDINATION WITH EXISTING PROGRAMS.—*  
22 *The Secretary of State shall coordinate the training*  
23 *described in paragraph (1), where appropriate, with*  
24 *existing programs and activities of international re-*  
25 *gional and international health organizations.*

1 **SEC. 328. ASSISTANCE FOR THE PURCHASE AND MAINTEN-**  
2 **NANCE OF PUBLIC HEALTH LABORATORY**  
3 **EQUIPMENT AND SUPPLIES.**

4 (a) *AUTHORIZATION.*—*The President is authorized to*  
5 *provide, on such terms and conditions as the President may*  
6 *determine, assistance to eligible developing countries to pur-*  
7 *chase and maintain the public health laboratory equipment*  
8 *and supplies described in subsection (b).*

9 (b) *EQUIPMENT AND SUPPLIES COVERED.*—*The equip-*  
10 *ment and supplies described in this subsection are equip-*  
11 *ment and supplies that are—*

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

14 (2) *necessary to collect, analyze, and identify ex-*  
15 *peditiously a broad array of pathogen strains, which*  
16 *may cause disease outbreaks or may be used in a bio-*  
17 *logical weapon;*

18 (3) *compatible with general standards set forth*  
19 *by the World Health Organization and, as appro-*  
20 *priate, the Centers for Disease Control and Preven-*  
21 *tion, to ensure interoperability with international re-*  
22 *gional and international public health networks; and*

23 (4) *not defense articles, defense services, or train-*  
24 *ing, as such terms are defined in the Arms Export*  
25 *Control Act (22 U.S.C. 2751 et seq.).*

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

7           (d) *LIMITATION.*—*Amounts appropriated to carry out*  
8 *this section shall not be made available for the purchase*  
9 *from a foreign country of equipment or supplies that, if*  
10 *made in the United States, would be subject to the Arms*  
11 *Export Control Act (22 U.S.C. 2751 et seq.) or likely be*  
12 *barred or subject to special conditions under the Export Ad-*  
13 *ministration Act of 1979 (as in effect pursuant to the Inter-*  
14 *national Emergency Economic Powers Act; 50 U.S.C. 1701*  
15 *et seq.).*

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

22           (f) *COUNTRY COMMITMENTS.*—*The assistance provided*  
23 *under this section for equipment and supplies may be pro-*  
24 *vided only if the eligible developing country that receives*  
25 *such equipment and supplies agrees to provide the infra-*

1 *structure, technical personnel, and other resources required*  
2 *to house, maintain, support, secure, and maximize use of*  
3 *such equipment and supplies.*

4 **SEC. 329. ASSISTANCE FOR IMPROVED COMMUNICATION OF**  
5 **PUBLIC HEALTH INFORMATION.**

6 (a) *ASSISTANCE FOR PURCHASE OF COMMUNICATION*  
7 *EQUIPMENT AND INFORMATION TECHNOLOGY.*—*The Presi-*  
8 *dent is authorized to provide, on such terms and conditions*  
9 *as the President may determine, assistance to eligible devel-*  
10 *oping countries to purchase and maintain the communica-*  
11 *tions equipment and information technology described in*  
12 *subsection (b), and the supporting equipment, necessary to*  
13 *effectively collect, analyze, and transmit public health infor-*  
14 *mation.*

15 (b) *COVERED EQUIPMENT.*—*The communications*  
16 *equipment and information technology described in this*  
17 *subsection are communications equipment and information*  
18 *technology that—*

19 (1) *are suitable for use under the particular con-*  
20 *ditions of the geographic area of intended use;*

21 (2) *meet the standards set forth by the World*  
22 *Health Organization and, as appropriate, the Sec-*  
23 *retary of Health and Human Services, to ensure*  
24 *interoperability with like equipment of other coun-*  
25 *tries and international organizations; and*

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

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

10          (d) *LIMITATION.*—Amounts appropriated to carry out  
11          this section shall not be made available for the purchase  
12          from a foreign country of communications equipment or in-  
13          formation technology that, if made in the United States,  
14          would be subject to the Arms Export Control Act (22 U.S.C.  
15          2751 et seq.) or likely be barred or subject to special condi-  
16          tions under the Export Administration Act of 1979 (as in  
17          effect pursuant to the International Emergency Economic  
18          Powers Act; 50 U.S.C. 1701 et seq.).

19          (e) *PROCUREMENT PREFERENCE.*—In the use of grant  
20          funds under subsection (a), preference should be given to  
21          the purchase of communications equipment and informa-  
22          tion technology of United States manufacture. The use of  
23          amounts appropriated to carry out this section shall be sub-  
24          ject to section 604 of the Foreign Assistance Act of 1961  
25          (22 U.S.C. 2354).

1           (f) *ASSISTANCE FOR STANDARDIZATION OF REPORT-*  
2 *ING.—The President is authorized to provide, on such terms*  
3 *and conditions as the President may determine, technical*  
4 *assistance and grant assistance to international health or-*  
5 *ganizations to facilitate standardization in the reporting*  
6 *of public health information between and among developing*  
7 *countries and international health organizations.*

8           (g) *COUNTRY COMMITMENTS.—The assistance pro-*  
9 *vided under this section for communications equipment and*  
10 *information technology may be provided only if the eligible*  
11 *developing country that receives such equipment and tech-*  
12 *nology agrees to provide the infrastructure, technical per-*  
13 *sonnel, and other resources required to house, maintain,*  
14 *support, secure, and maximize use of such equipment and*  
15 *technology.*

16 **SEC. 330. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**  
17 **UNITED STATES MISSIONS AND INTER-**  
18 **NATIONAL ORGANIZATIONS.**

19           (a) *IN GENERAL.—Upon the request of the chief of a*  
20 *diplomatic mission of the United States or of the head of*  
21 *an international regional or international health organiza-*  
22 *tion, and with the concurrence of the Secretary of State and*  
23 *of the employee concerned, the head of an agency or depart-*  
24 *ment of the United States may assign to the mission or*  
25 *the organization any officer or employee of the agency or*

1 *department that occupies a public health position within*  
2 *the agency or department for the purpose of enhancing dis-*  
3 *ease and pathogen surveillance efforts in developing coun-*  
4 *tries.*

5 *(b) REIMBURSEMENT.—The costs incurred by an agen-*  
6 *cy or department of the United States by reason of the de-*  
7 *tail of personnel under subsection (a) may be reimbursed*  
8 *to that agency or department out of the applicable appro-*  
9 *priations account of the Department of State if the Sec-*  
10 *retary of State determines that the agency or department*  
11 *may otherwise be unable to assign such personnel on a non-*  
12 *reimbursable basis.*

13 **SEC. 331. EXPANSION OF CERTAIN UNITED STATES GOV-**  
14 **ERNMENT LABORATORIES ABROAD.**

15 *(a) IN GENERAL.—Subject to the availability of appro-*  
16 *priations and with the concurrence of the government of*  
17 *each host country, the Director of the Centers for Disease*  
18 *Control and Prevention and the Secretary of Defense shall*  
19 *each—*

20 *(1) increase the number of personnel assigned to*  
21 *laboratories of the Centers for Disease Control and*  
22 *Prevention or the Department of Defense, as appro-*  
23 *priate, located in eligible developing countries that*  
24 *conduct research and other activities with respect to*  
25 *infectious diseases; and*

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

5           (b) *COOPERATION AND COORDINATION BETWEEN LAB-*  
 6           *ORATORIES.—Subsection (a) shall be carried out in such*  
 7           *a manner as to foster cooperation and avoid duplication*  
 8           *between and among laboratories.*

9           **SEC. 332. ASSISTANCE FOR INTERNATIONAL HEALTH NET-**  
 10                           **WORKS AND EXPANSION OF FIELD EPIDEMI-**  
 11                           **LOGY TRAINING PROGRAMS.**

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

15                   (1) *enhancing the surveillance and reporting ca-*  
 16                   *pabilities of the World Health Organization and ex-*  
 17                   *isting international regional and international health*  
 18                   *networks; and*

19                   (2) *developing new international regional and*  
 20                   *international health networks.*

21           (b) *EXPANSION OF FIELD EPIDEMIOLOGY TRAINING*  
 22           *PROGRAMS.—The Secretary of Health and Human Services*  
 23           *is authorized to establish new country or regional inter-*  
 24           *national Field Epidemiology Training Programs in eligible*

1 *developing countries, with the concurrence of the govern-*  
2 *ment of each host country.*

3 **SEC. 333. REPORTS.**

4 *Not later than 90 days after the date of enactment of*  
5 *this Act, the Secretary of State, in conjunction with the Sec-*  
6 *retary of Health and Human Services, the Secretary of De-*  
7 *fense, and the Secretary of Homeland Security, shall submit*  
8 *to the Committee on Foreign Relations and the Committee*  
9 *on Homeland Security and Governmental Affairs of the*  
10 *Senate and the Committee on Foreign Affairs and the Com-*  
11 *mittee on Homeland Security of the House of Representa-*  
12 *tives a report on the implementation of programs under this*  
13 *subtitle, including an estimate of the level of funding re-*  
14 *quired to carry out such programs.*

15 **SEC. 334. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 ***Subtitle C—Strengthening the Over-***  
2 ***sight of Nuclear Nonprolifera-***  
3 ***tion***

4 **SEC. 351. DEFINITIONS.**

5 *In this title:*

6 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
7 *TEES.—The term “appropriate congressional commit-*  
8 *tees” means—*

9 (A) *the Committee on Foreign Relations, the*  
10 *Committee on Homeland Security and Govern-*  
11 *mental Affairs, the Committee on Armed Serv-*  
12 *ices, the Select Committee on Intelligence, the*  
13 *Committee on Energy and Natural Resources,*  
14 *and the Committee on Environment and Public*  
15 *Works of the Senate; and*

16 (B) *the Committee on Foreign Affairs, the*  
17 *Committee on Oversight and Government Re-*  
18 *form, the Committee on Armed Services, the Per-*  
19 *manent Select Committee on Intelligence, and*  
20 *the Committee on Energy and Commerce of the*  
21 *House of Representatives.*

22 (2) *COMMISSION.—The term “Commission”*  
23 *means the Commission on the Prevention of Weapons*  
24 *of Mass Destruction Proliferation and Terrorism es-*  
25 *tablished by section 1851 of the Implementing Rec-*

1 *ommendation of the 9/11 Commission Act of 2007*  
2 *(Public Law 110–53; 121 Stat. 501).*

3 (3) *COORDINATOR.*—*The term “Coordinator”*  
4 *means the President’s Coordinator for the Prevention*  
5 *of Weapons of Mass Destruction Proliferation and*  
6 *Terrorism established by section 1841(b)(1) of the Im-*  
7 *plementing Recommendations of the 9/11 Commission*  
8 *Act of 2007 (50 U.S.C. 2931(b)(1)).*

9 (4) *DEPUTY COORDINATOR.*—*The term “Deputy*  
10 *Coordinator” means the Deputy United States Coor-*  
11 *dinator for the Prevention of Weapons of Mass De-*  
12 *struction Proliferation and Terrorism established*  
13 *under section 1841(b)(2) of the Implementing Rec-*  
14 *ommendations of the 9/11 Commission Act of 2007*  
15 *(50 U.S.C. 2931(b)(2)).*

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

19 (6) *IAEA.*—*The term “IAEA” means the Inter-*  
20 *national Atomic Energy Agency.*

21 (7) *SPECIAL NUCLEAR MATERIAL.*—*The term*  
22 *“special nuclear material” has the meaning given the*  
23 *term in section 11(aa) of the Atomic Energy Act of*  
24 *1954 (42 U.S.C. 2014(aa)).*

1 **SEC. 352. REPORT ON UNITED STATES NUCLEAR NON-**  
2 **PROLIFERATION EFFORTS.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date  
4 of the enactment of this Act, and annually thereafter, the  
5 Coordinator shall submit to the appropriate congressional  
6 committees an unclassified report, with classified annexes  
7 as necessary, on the findings and recommendations of the  
8 Commission described in subsection (b).

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

11 (1) *A description of the financial incentives the*  
12 *United States Government used during the previous*  
13 *year to promote civilian nuclear energy abroad, in-*  
14 *cluding the types, amounts, and recipients of such fi-*  
15 *nancial incentives.*

16 (2) *A description of the actions the United States*  
17 *Government has taken for improving the secure civil-*  
18 *ian storage of, and minimizing the use and export of,*  
19 *weapons useable highly enriched uranium during the*  
20 *previous year, and the amount the United States Gov-*  
21 *ernment spends annually to fuel United States civil-*  
22 *ian reactors that use highly enriched uranium.*

23 (3) *A description of the actions that have been*  
24 *taken by the United States Government to implement*  
25 *title V of the Nuclear Non-Proliferation Act of 1978*  
26 *(22 U.S.C. 3261 et seq.) during the previous year and*

1        *any obstacles pertaining to its implementation with*  
2        *recommended actions.*

3                *(4) A description of the steps the United States*  
4        *Government has taken during the previous year to*  
5        *upgrade the physical security of civilian nuclear reac-*  
6        *tors in the United States that store or handle special*  
7        *nuclear material.*

8                *(5) A United States Government assessment of*  
9        *the capabilities of the IAEA, completed in consulta-*  
10        *tion with all relevant United States Government*  
11        *agencies, including the Office of the Director of Na-*  
12        *tional Intelligence, including—*

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

15                    *(B) the ability of IAEA to afford timely de-*  
16                    *tection of possible military diversions and wheth-*  
17                    *er or not the IAEA has met its own timely detec-*  
18                    *tion inspection goals;*

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

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

4           (c) *ABSENCE OF THE COORDINATOR AND THE DEPUTY*  
5 *COORDINATOR.*—The President shall submit the report re-  
6 quired under this section if neither the Coordinator nor the  
7 Deputy Coordinator have been appointed pursuant to sec-  
8 tion 1841(b)(3) of the Implementing Recommendation of the  
9 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).

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

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

18           (b) *CONTENT.*—The report required under subsection  
19 (a) shall include details about the progress of the work of  
20 the United States Government with the IAEA Director Gen-  
21 eral to—

22                   (1) establish a safeguards user fee, whereby coun-  
23 tries with inspected facilities would be assessed a fee  
24 to help cover the costs of IAEA inspections;

1           (2) *assess whether the IAEA can meet its own*  
2 *inspection goals, whether those goals afford timely de-*  
3 *tection to account for a bomb's worth of special nu-*  
4 *clear material, whether there are situations in which*  
5 *achieving those goals is not possible, and what correc-*  
6 *tive actions, if any, might help the IAEA to achieve*  
7 *its inspection goals;*

8           (3) *promote transparency at suspect sites and to*  
9 *encourage IAEA member states to maintain a reg-*  
10 *istry, made available to other IAEA members upon*  
11 *request, of all foreign visitors at safeguarded sites;*

12           (4) *provide for the acquisition and implementa-*  
13 *tion of near-real-time surveillance equipment in the*  
14 *use of safeguards, including at sites where nuclear*  
15 *fuel rods are located;*

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

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

22           (c) *ABSENCE OF THE COORDINATOR AND THE DEPUTY*  
23 *COORDINATOR.—The President shall submit the report re-*  
24 *quired under this section if neither the Coordinator nor the*  
25 *Deputy Coordinator have been appointed pursuant to sec-*

1 *tion 1841(b)(3) of the Implementing Recommendation of the*  
2 *9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).*

3 **SEC. 354. AUTHORIZATION OF APPROPRIATIONS.**

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

8 ***Subtitle D—Energy Development***  
9 ***Program Implementation***

10 **SEC. 361. FINDINGS.**

11 *Congress finds that—*

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

19 *(2) in December 2008, the Commission on the*  
20 *Prevention of Weapons of Mass Destruction Prolifera-*  
21 *tion and Terrorism noted that the Federal Govern-*  
22 *ment had failed to implement title V of that Act and*  
23 *recommended that the Federal Government implement*  
24 *title V of that Act to help reduce the risk of nuclear*  
25 *proliferation.*

1 **SEC. 362. DEFINITIONS.**

2 *In this title:*

3 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
4 *TEES.*—*The term “appropriate congressional commit-*  
5 *tees” means—*

6 (A) *the Committee on Homeland Security*  
7 *and Governmental Affairs, the Committee on*  
8 *Foreign Relations, the Committee on Energy and*  
9 *Natural Resources, and the Committee on Appro-*  
10 *priations of the Senate; and*

11 (B) *the Committee on Oversight and Gov-*  
12 *ernment Reform, the Committee on Foreign Af-*  
13 *airs, the Committee on Energy and Commerce,*  
14 *and the Committee on Appropriations of the*  
15 *House of Representatives.*

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

20 (3) *SECRETARY.*—*The term “Secretary” means*  
21 *the Secretary of Energy, in cooperation with the Sec-*  
22 *retary of State and the Administrator of the United*  
23 *States Agency for International Development.*

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

26 (a) *STRATEGIC AND IMPLEMENTATION PLANS.*—

1           (1) *IN GENERAL.*—Not later than 180 days after  
2           the date of enactment of this Act, the Secretary shall  
3           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 de-*  
9                   *velopment program consistent with title V of that*  
10                  *Act.*

11           (2) *REVIEW OF PLANS.*—Not later than 180 days  
12           after the date of enactment of this Act, the Secretary  
13           shall submit the strategic and implementation plans  
14           to the appropriate congressional committees for re-  
15           view.

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

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

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

1           (2) *EMPLOYING AGENCY.*—*For the purpose of*  
2           *preserving allowance, privileges, rights, seniority, and*  
3           *other benefits with respect to the Federal employee,*  
4           *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 are*  
11          *authorized to be appropriated such sums as are necessary*  
12          *to carry out this section for fiscal year 2010 and each fiscal*  
13          *year thereafter.*

14          **SEC. 364. REPORTS.**

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

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

22                   (1) *COOPERATIVE ACTIVITIES.*—*Not later than 1*  
23                   *year after the date of implementation of the plans*  
24                   *under section 363(b), the Secretary shall report to the*  
25                   *appropriate congressional committees on the feasi-*

1 *bility of expanding the cooperative activities estab-*  
2 *lished pursuant to section 502(c) of the Nuclear Non-*  
3 *Proliferation Act of 1978 (22 U.S.C. 3262) into an*  
4 *international cooperative effort.*

5 (2) *REQUIREMENTS.*—*The report required under*  
6 *paragraph (1) shall include an analysis and descrip-*  
7 *tion of—*

8 (A) *an Alternative Energy Corps that is de-*  
9 *signed to encourage large numbers of technically*  
10 *trained volunteers to live and work in developing*  
11 *countries for varying periods of time for the pur-*  
12 *pose of engaging in projects to aid in meeting*  
13 *the energy needs of those countries through—*

14 (i) *the search for and use of non-nu-*  
15 *clear indigenous energy resources; and*

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

20 (B) *other mechanisms that are available to*  
21 *coordinate an international effort to develop,*  
22 *demonstrate, and encourage the use of suitable*  
23 *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 CONGRESS.—*

7           *The term “appropriate committees of Congress”*  
8           *means—*

9               (A) *the Select Committee on Intelligence, the*  
10           *Committee on Appropriations, the Committee on*  
11           *Armed Services, and the Committee on Home-*  
12           *land Security and Governmental Affairs of the*  
13           *Senate; and*

14               (B) *the Permanent Select Committee on In-*  
15           *telligence, the Committee on Appropriations, the*  
16           *Committee on Armed Services, and the Com-*  
17           *mittee on Homeland Security of the House of*  
18           *Representatives.*

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

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

1           (4) *WEAPON OF MASS DESTRUCTION.*—*The term*  
2           *“weapon of mass destruction” has the meaning given*  
3           *that term in section 1403 of the Defense Against*  
4           *Weapons of Mass Destruction Act of 1996 (50 U.S.C.*  
5           *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 this*  
10           *Act, the Director shall develop, implement, and sub-*  
11           *mit 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 destruction,*  
15           *including intelligence related to the relationship be-*  
16           *tween weapons of mass destruction and terrorism.*

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

20                   (A) *Methods for recruitment, training, and*  
21                   *retention of individuals with expertise in the col-*  
22                   *lection, 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 appropriate,*  
2 *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 information*  
7 *related to intelligence on weapons of*  
8 *mass destruction, including such intelligence*  
9 *concerning state actors and nonstate actors, such*  
10 *as smugglers, criminal enterprises, and financiers,*  
11 *that will be used to guide intelligence*  
12 *collection.*

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

16           (E) *Actions necessary to increase the effectiveness*  
17 *and efficiency of the sharing of intelligence*  
18 *on weapons of mass destruction throughout*  
19 *the intelligence community, including a description*  
20 *of statutory, regulatory, policy, technical,*  
21 *security, or other barriers that prevent*  
22 *such sharing, and, as appropriate, the development*  
23 *of uniform standards across the intelligence*  
24 *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 com-*  
9           *mittees of Congress and tasks to accomplish such*  
10          *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 to*  
17           *implement the strategy.*

18           (I) *The personnel, financial, and other re-*  
19           *sources necessary to implement the strategy and*  
20           *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, and,*  
24           *as appropriate, revision of the strategy.*

1           (3) *REQUIREMENT TO CONSULT.*—*In developing*  
2 *the strategy required by paragraph (1), the Director*  
3 *shall consult with the Secretary of Homeland Secu-*  
4 *rity, the Secretary of Defense, and other officials as*  
5 *the Director determines appropriate.*

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

8           (c) *REQUIREMENT FOR REPORTS.*—

9           (1) *IN GENERAL.*—*Not less frequently than once*  
10 *during each 180-day period after the date of the sub-*  
11 *mission of the strategy required by subsection (b)(1)*  
12 *to the appropriate committees of Congress, the Direc-*  
13 *tor shall submit to the appropriate committees of*  
14 *Congress a report on the implementation of such*  
15 *strategy.*

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

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

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

1           (C) *An assessment of the actions of the ele-*  
2           *ments of the intelligence community to imple-*  
3           *ment the strategy.*

4           (D) *An assessment of whether the personnel,*  
5           *financial, and other resources available are suffi-*  
6           *cient 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 in*  
10          *paragraph (1) shall terminate three years after the*  
11          *date of the submission of the strategy required by sub-*  
12          *section (b)(1) to the appropriate committees of Con-*  
13          *gress.*

14   **SEC. 402. INTELLIGENCE COMMUNITY LANGUAGE CAPABILI-**  
15                           **TIES 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 CAPABILI-*  
21          *TIES AND CULTURAL KNOWLEDGE.—*

22                 (1) *REQUIREMENT FOR STRATEGY.—Not later*  
23                 *than 180 days after the date of the enactment of this*  
24                 *Act, the Director shall develop, implement, and sub-*  
25                 *mit 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 dissemi-*  
6        *nating intelligence related to weapons of mass de-*  
7        *struction, including individuals who are first or sec-*  
8        *ond-generation United States citizens and United*  
9        *States citizens with immediate relatives who are for-*  
10       *ign nationals.*

11            (2) *ELEMENTS.*—*The strategy required by para-*  
12        *graph (1) shall include a description of each of the*  
13        *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 capa-*  
19        *bilities 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 begin-*  
8           *ning on the date that the strategy is submitted*  
9           *to the appropriate committees of Congress and*  
10          *tasks to accomplish 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          (E) *Assignments of roles and responsibil-*  
16          *ities to elements of the intelligence community to*  
17          *carry out the strategy.*

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

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

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

25          (c) *REQUIREMENT FOR REPORTS.—*

1           (1) *IN GENERAL.*—Not less frequently than once  
2           during each 180-day period after the date of the sub-  
3           mission of the strategy required by subsection (b)(1)  
4           to the appropriate committees of Congress, the Direc-  
5           tor shall submit to the appropriate committees of  
6           Congress a report on the implementation of such  
7           strategy.

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

10           (A) *An assessment of whether the objectives*  
11           *referred to in subsection (b)(2)(D) have been ac-*  
12           *complished in accordance with the proposed*  
13           *schedule.*

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

17           (C) *An assessment of the actions by the ele-*  
18           *ments of the intelligence community to imple-*  
19           *ment the strategy.*

20           (D) *An assessment of whether the personnel,*  
21           *financial, and other resources available are suffi-*  
22           *cient to implement the strategy.*

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

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

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 Congres-*  
14                 *sional Research Service shall establish an inter-*  
15                 *disciplinary capability to further the Congressional*  
16                 *Research Service’s responsibilities to advise Congress*  
17                 *pursuant to section 203(d) of the Legislative Reorga-*  
18                 *nization Act of 1946 (2 U.S.C. 166(d)) concerning*  
19                 *technology or technological applications developed or*  
20                 *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, the*  
3           *Comptroller General of the United States shall con-*  
4           *duct assessments of technology or technological appli-*  
5           *cations that are—*

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

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

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

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

16           (2) *SCOPE OF ASSESSMENT.*—*Each assessment of*  
17           *a technology or technological application carried out*  
18           *under paragraph (1) shall evaluate the actual or an-*  
19           *ticipated impact, effectiveness, or efficiency of the*  
20           *technology or technological application for countering*  
21           *terrorism, including evaluating—*

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

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

1           (C) *the actual or anticipated operational re-*  
2 *quirements of the technology or technological ap-*  
3 *plication, including the logistical needs, per-*  
4 *sonnel training, and procedures for utilizing the*  
5 *technology or technological application;*

6           (D) *the actual or anticipated costs, as com-*  
7 *pared to the actual or anticipated benefits of the*  
8 *technology or technological application;*

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

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

15       (3) *TECHNOLOGY ASSESSMENT CAPABILITY.—*

16           (A) *REQUIREMENT TO ESTABLISH.—The*  
17 *Comptroller General of the United States shall*  
18 *establish an interdisciplinary capability to per-*  
19 *form the assessments required by paragraph (1)*  
20 *that includes officers and employees who have ex-*  
21 *pertise in science, engineering, technology, home-*  
22 *land security, counterterrorism, or other fields*  
23 *that the Comptroller General considers appro-*  
24 *priate to conduct such assessments.*

1           (B) *APPOINTMENT AND PROCUREMENT.*—

2           *The Comptroller General shall appoint, pay, and*  
3           *assign officers and employees pursuant to sub-*  
4           *section (a) of section 731 of title 31, United*  
5           *States Code, and may procure the services or as-*  
6           *sistance of experts and consultants pursuant to*  
7           *subsection (e) of such section, in order to acquire*  
8           *the expertise in science, technology, or other*  
9           *fields necessary to conduct the assessments re-*  
10           *quired by paragraph (1).*

11           (4) *AUTHORIZATION OF APPROPRIATIONS.*—

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

15           (d) *ASSESSMENTS OF FUTURE TECHNOLOGY.*—

16           (1) *REQUIREMENT FOR ASSESSMENTS.*—*The*

17           *Comptroller General of the United States shall, as ap-*  
18           *propriate, enter into arrangements with the National*  
19           *Academy of Sciences to assess technology and techno-*  
20           *logical applications that are being developed or could*  
21           *be developed for purposes of countering terrorism.*

22           (2) *SCOPE OF ASSESSMENTS.*—*Each assessment*

23           *carried out under paragraph (1) shall include—*

24           (A) *determining trends related to the devel-*

25           *opment of technology or technological applica-*

1            *tions and their implications for countering ter-*  
2            *rorism;*

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

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

10          *(3) AUTHORIZATION OF APPROPRIATIONS.—*  
11          *There is authorized to be appropriated to implement*  
12          *this subsection \$2,000,000 for each of fiscal years*  
13          *2011 through 2013.*

14          ***TITLE V—EMERGENCY MANAGE-***  
15          ***MENT AND CITIZEN ENGAGE-***  
16          ***MENT***

17          ***SEC. 501. COMMUNICATION OF THREAT INFORMATION AND***  
18          ***ALERTS.***

19          *(a) FINDING.—Congress finds that the Commission on*  
20          *the Prevention of Weapons of Mass Destruction Prolifera-*  
21          *tion and Terrorism recommended that “the Federal Govern-*  
22          *ment should practice greater openness of public information*  
23          *so that citizens better understand the threat and the risk*  
24          *this threat poses to them.”.*

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

4       **“(c) TERRORISM THREAT AWARENESS.**—

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

10       **“(2) THREAT BULLETINS.**—

11           **“(A) IN GENERAL.**—*Consistent with the re-*  
12 *quirements of subsection (b), the Secretary shall*  
13 *on a timely basis prepare unclassified terrorism-*  
14 *related threat and risk assessments.*

15           **“(B) REQUIREMENTS.**—*Each assessment re-*  
16 *quired under subparagraph (A) shall—*

17                   **“(i)** *include guidelines for the general*  
18 *public for preventing and responding to*  
19 *acts of terrorism; and*

20                   **“(ii)** *be made available on the website*  
21 *of the Department and other publicly acces-*  
22 *sible websites, communication systems, and*  
23 *information networks.*

24       **“(3) GUIDELINES FOR STATE, LOCAL, AND TRIB-**  
25 **AL GOVERNMENTS.**—*The Secretary shall provide to*

1        *State, local, and tribal governments written guide-*  
2        *lines on how to disseminate information about ter-*  
3        *rorism-related threats and risks to the general public*  
4        *within their jurisdictions.*

5                *“(4) USE OF EXISTING RESOURCES.—The Sec-*  
6        *retary shall use websites, communication systems, and*  
7        *information networks in operation on the date of an*  
8        *assessment under this subsection to satisfy the re-*  
9        *quirements of paragraph (2)(B)(ii).”.*

10        *(c) RESPONSIBILITIES OF THE SECRETARY.—Section*  
11        *201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C.*  
12        *121(d)(8)) is amended by striking “and to agencies of*  
13        *State” and all that follows and inserting “to State, local,*  
14        *tribal, and private entities with such responsibilities, and,*  
15        *as appropriate, to the general public, in order to assist in*  
16        *detering, preventing, or responding to acts of terrorism*  
17        *against the United States.”.*

18        *(d) REPORTING REQUIREMENT.—Not later than 180*  
19        *days after the date of enactment of this Act, the Secretary*  
20        *of Homeland Security shall submit to the Committee on*  
21        *Homeland Security and Governmental Affairs of the Senate*  
22        *and the Committee on Homeland Security of the House of*  
23        *Representatives a report on the implementation of section*  
24        *203 of the Homeland Security Act of 2002, as amended by*  
25        *subsection (b).*

1 **SEC. 502. GUIDELINES CONCERNING WEAPONS OF MASS**  
2 **DESTRUCTION.**

3 (a) *ESTABLISHMENT OF GUIDELINES.*—Not later than  
4 1 year after the date of enactment of this Act, the Secretary  
5 of Homeland Security shall—

6 (1) *develop guidelines, in coordination with*  
7 *State, local, and tribal governments and representa-*  
8 *tives of emergency response provider organizations,*  
9 *for police, fire, emergency medical services, emergency*  
10 *management, and public health personnel, for re-*  
11 *sponding to an explosion or release of nuclear, bio-*  
12 *logical, radiological, or chemical material; and*

13 (2) *make the guidelines developed under para-*  
14 *graph (1) available to State, local, and tribal govern-*  
15 *ments, nongovernmental organizations, and the pri-*  
16 *vate sector.*

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

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

21 (2) *information regarding the effects of the bio-*  
22 *logical, chemical, or radiological agent on those ex-*  
23 *posed to the agent; and*

24 (3) *information regarding how emergency re-*  
25 *sponse providers and mass care facilities may most*  
26 *effectively deal with individuals affected by an inci-*

1       *dent involving a nuclear, biological, radiological, or*  
2       *chemical material.*

3       (c) *REVIEW AND REVISION OF GUIDELINES.*—*The Sec-*  
4       *retary of Homeland Security shall—*

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

7             (2) *make revisions to the guidelines as appro-*  
8       *priate; and*

9             (3) *make the revised guidelines available to*  
10       *State, local, and tribal governments, nongovernmental*  
11       *organizations, the private sector, and the general pub-*  
12       *lic.*

13       (d) *PROCEDURES FOR DEVELOPING AND REVISING*  
14       *GUIDELINES.*—*In carrying out the requirements of this sec-*  
15       *tion, the Secretary of Homeland Security shall establish*  
16       *procedures—*

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

19             (2) *to enable the public to submit recommenda-*  
20       *tions of areas for which guidelines could be developed*  
21       *under subsection (a)(1);*

22             (3) *to determine which entities should be con-*  
23       *sulted in developing or revising the guidelines;*

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

1           (5) to develop and disseminate the guidelines in  
2           accordance with the prioritization under paragraph  
3           (4).

4           (e) *CONSULTATIONS*.—The Secretary of Homeland Se-  
5           curity shall develop and revise the guidelines developed  
6           under subsection (a)(1), and the procedures required under  
7           subsection (d), in consultation with—

8           (1) the Secretary of Energy;

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

11          (3) the Secretary of Defense;

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

14          (5) the National Advisory Council established  
15          under section 508 of the Homeland Security Act of  
16          2002 (6 U.S.C. 318);

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

18          (7) nongovernmental organizations and private  
19          industry.

20          (f) *REPORTING REQUIREMENTS*.—Not later than 180  
21          days after the date of enactment of this Act, 1 year after  
22          such date of enactment, and annually thereafter, the Sec-  
23          retary of Homeland Security shall provide the Committee  
24          on Homeland Security and Governmental Affairs of the

1 *Senate and the Committee on Homeland Security of the*  
 2 *House of Representatives with—*

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

5           (2) *any guidelines in effect on the date of the re-*  
 6 *port;*

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

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

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

15           (6) *a plan for developing, revising, and dissemi-*  
 16 *nating the guidelines.*

17           (g) *DEFINITION.—In this section, the term “emergency*  
 18 *response provider” has the meaning given that term in sec-*  
 19 *tion 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).*

20 **SEC. 503. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

21           (a) *INDIVIDUAL AND COMMUNITY PREPAREDNESS.—*  
 22 *Title V of the Homeland Security Act of 2002 (6 U.S.C.*  
 23 *311 et seq.), as amended by section 221, is amended by add-*  
 24 *ing at the end the following:*

1 **“SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

2       “(a) *IN GENERAL.*—*The Administrator shall assist*  
3 *State, local, and tribal governments in improving and pro-*  
4 *moting individual and community preparedness for nat-*  
5 *ural disasters, acts of terrorism, and other man-made disas-*  
6 *ters, including incidents involving the use of weapons of*  
7 *mass destruction and other potentially catastrophic events,*  
8 *by—*

9               “(1) *developing guidelines and checklists of rec-*  
10 *ommended actions for individual and community*  
11 *prevention and preparedness efforts and dissemi-*  
12 *nating such guidelines and checklists to communities*  
13 *and individuals;*

14               “(2) *disseminating the guidelines developed*  
15 *under section 502 of the Weapons of Mass Destruction*  
16 *Prevention and Preparedness Act of 2009 to commu-*  
17 *nities and individuals, as appropriate;*

18               “(3) *compiling and disseminating information*  
19 *on best practices in individual and community pre-*  
20 *paredness;*

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

24               “(5) *conducting individual and community pre-*  
25 *paredness outreach efforts; and*

1           “(6) *such other actions as the Administrator de-*  
2           *termines appropriate.*

3           “(b) *COORDINATION.*—Where appropriate, the Admin-  
4           *istrator shall coordinate with private sector and nongovern-*  
5           *mental organizations to promote individual and commu-*  
6           *nity preparedness.*

7           “(c) *SUPPORT FOR VOLUNTARY PROGRAMS.*—In car-  
8           *rying out the responsibilities described in subsection (a),*  
9           *the Administrator shall, where appropriate, work with and*  
10          *provide support to individual and community preparedness*  
11          *programs, such as the Community Emergency Response*  
12          *Team Program, Fire Corps, Medical Reserve Corps Pro-*  
13          *gram, Volunteers in Police Service, USAonWatch-Neighbor-*  
14          *hood Watch, and other voluntary programs, including those*  
15          *sponsored by nongovernmental organizations.*

16          “(d) *DIRECTOR.*—The Administrator shall appoint a  
17          *Director of Community Preparedness to coordinate and*  
18          *oversee the individual and community preparedness efforts*  
19          *of the Agency.*

20          “(e) *GRANTS.*—

21                 “(1) *IN GENERAL.*—The Administrator may  
22                 *make grants to States to support individual and com-*  
23                 *munity preparedness efforts, including through the*  
24                 *Citizen Corps Program.*

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

3                     “(A) \$15,000,000 for fiscal year 2011;

4                     “(B) \$20,000,000 for fiscal year 2012; and

5                     “(C) \$20,000,000 for fiscal year 2013.”.

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

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

11                    (2) *by inserting after paragraph (19) the fol-*  
12           *lowing:*

13                     “(20) *enhancing and promoting the preparedness*  
14           *of individuals and communities for natural disasters,*  
15           *acts of terrorism, and other man-made disasters;”.*

16           (c) *TABLE OF CONTENTS.*—*The table of contents in*  
17           *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*  
18           *101 et seq.), as amended by section 221, is amended by in-*  
19           *serting after the item relating to section 525 the following:*

                  “*Sec. 526. Individual and community preparedness.*”.



Calendar No. 705

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1649**

[Report No. 111-377]

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## **A BILL**

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

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DECEMBER 17, 2010

Reported with an amendment