

107TH CONGRESS
1ST SESSION

H. R. 3242

To ensure that the United States is prepared for an attack using biological or chemical weapons.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2001

Mr. BLAGOJEVICH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, the Judiciary, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that the United States is prepared for an attack using biological or chemical weapons.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Biological and Chem-
5 ical Weapons Preparedness Act of 2001”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) Terrorists may threaten to use, or attempt
2 to use, a biological or chemical weapon against the
3 United States.

4 (2) With respect to bioterrorism, State and
5 local first-responder, public health, and medical com-
6 munities stand directly on the front lines. How well
7 the United States responds to such a threat or at-
8 tack will depend on the preparedness of State and
9 local communities.

10 (3) State and local first-responder units (law
11 enforcement, fire, emergency transport, emergency
12 management, and medical or allied health profes-
13 sionals) lack the basic training and equipment need-
14 ed to effectively counter the bioterrorism threats
15 faced by the United States.

16 (4) There continues to be insufficient capital
17 funding by private and public sources of hospitals,
18 laboratories, clinics, information networks, and other
19 necessary elements to ensure the provision of public
20 health services in the event of a bioterrorism attack.

21 (5) The terrorism threat extends well beyond
22 traditional methods of attack. Common, everyday
23 agricultural products such as foods, fertilizers, pes-
24 ticides and even certain animals can be transformed
25 into devastating weapons that threaten economic

1 well-being as well as public health. The ability of the
2 United States to diagnose, contain, and treat plant
3 and animal diseases is hampered by a lack of coordi-
4 nation, training, and testing facilities.

5 (6) The common good of resisting bioterrorism
6 through immediate first response and a solid medical
7 and public health infrastructure depends upon a sus-
8 tained, consistent Federal, State, and local focus
9 and resource commitment.

10 (b) PURPOSE.—The purpose of this Act is—

11 (1) to encourage and promote State and local
12 community first-responder efforts to prepare for,
13 and respond to, a biological or chemical attack;

14 (2) to strengthen State and local medical and
15 public health infrastructures through a skilled pro-
16 fessional workforce, robust medical and disease sur-
17 veillance information and data systems, and strong
18 health departments, laboratories, and hospital emer-
19 gency medical facilities; and

20 (3) to develop and expand agricultural and
21 farm community readiness for a biological or chem-
22 ical attack involving plants, animals, or other food
23 commodities through coordination, training, and ex-
24 panded access to disease testing.

1 **SEC. 3. STATE AND LOCAL PUBLIC HEALTH INFRASTRUC-**
2 **TURE**

3 The Public Health Service Act (42 U.S.C. 201 et
4 seq.) is amended by adding at the end the following:

5 **“TITLE XXVIII—PREPARING FOR**
6 **AND RESPONDING TO BIO-**
7 **TERRORISM**

8 **“Subtitle A—National Biological or**
9 **Chemical Terrorism Prepared-**
10 **ness Goals**

11 **“SEC. 2801. PURPOSE.**

12 “The purpose of this subtitle is to establish National
13 Biological or Chemical Terrorism Preparedness Goals.

14 **“SEC. 2802. NATIONAL BIOLOGICAL OR CHEMICAL TER-**
15 **RORISM PREPAREDNESS GOALS.**

16 “The Congress declares that the National Biological
17 or Chemical Terrorism Preparedness Goals (referred to in
18 this title as the ‘Preparedness Goals’) are the following:

19 “(1) **FIRST RESPONDERS.**—By the year 2010,
20 each first-responder (including law enforcement, fire,
21 rescue, emergency medical services, emergency man-
22 agement, medical, and allied health professionals)
23 will have adequate capacity, including coordination
24 with other public and private stakeholders, response
25 training, resources, technology, and workforce, nec-

1 essary to effectively prepare for, and respond to, a
2 biological or chemical terrorist attack.

3 “(2) PUBLIC HEALTH DEPARTMENTS.—By the
4 year 2010, each public health department will have
5 adequate capacity, including coordination with other
6 public and private stakeholders, response training,
7 resources, technology, and workforce, necessary to
8 effectively prepare for, and respond to, a biological
9 or chemical terrorist attack.

10 “(3) DISEASE SURVEILLANCE.—By the year
11 2010, each State and local government will partici-
12 pate in, and have uninterrupted access to, sophisti-
13 cated, electronic disease surveillance, interoperable
14 networks and data protocols, information exchange,
15 and immediate access to medical data, treatment
16 guidelines, and health alerts.

17 “(4) LABORATORY READINESS.—By the year
18 2010, Federal, State, local, and public and private
19 stakeholders will collectively ensure laboratory readi-
20 ness for a biological or chemical attack, including
21 the development of a nationwide laboratory response
22 system, response training, capacity building, and co-
23 ordination assistance.

24 “(5) EMERGENCY ROOMS.—By the year 2010,
25 local emergency rooms will have adequate capacity,

1 including coordination with other public and private
2 stakeholders, response training, resources, tech-
3 nology, workforce, surge capacity, biocontainment,
4 and decontamination capabilities necessary to effec-
5 tively prepare for, and respond to, a biological or
6 chemical terrorist attack.

7 “(6) AGRICULTURAL BIOLOGICAL OR CHEMICAL
8 ATTACKS.—By the year 2010, each State and local
9 government will have adequate capacity, including
10 coordination with other public and private stake-
11 holders, response training, resources, technology,
12 and workforce, necessary to effectively prepare for,
13 and respond to, an agricultural biological or chem-
14 ical terrorist attack.

15 “(7) HEALTH CARE AND PUBLIC HEALTH
16 WORKFORCE.—By the year 2010, Federal, State,
17 and local stakeholders will collectively ensure health
18 care workforce readiness for a biological or chemical
19 attack, including efforts to expand and strengthen
20 the health care and public health workforce in key
21 biopreparedness priority workforce areas as needed
22 in an emergency.

23 **“SEC. 2803. DUTIES AND AUTHORITY OF THE SECRETARY.**

24 “(a) PLAN.—Not later than 1 year after the date of
25 enactment of this title, the Secretary, in consultation with

1 public and private health care and health infrastructure
2 entities, shall develop a coordinated plan to achieve the
3 Preparedness Goals. Such plan shall include the develop-
4 ment of specific benchmarks and outcome measures that
5 are necessary to evaluate the national, State, and local
6 progress towards achieving each such Goals.

7 “(b) AUTHORITY.—The Secretary shall carry out the
8 activities described in section 2802, and any additional ac-
9 tivities determined appropriate by the Secretary to achieve
10 the Preparedness Goals.

11 “(c) ANNUAL REPORTS.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this title, and annually
14 thereafter, the Secretary shall prepare and submit to
15 the Committee on Health, Education, Labor, and
16 Pensions of the Senate and the Committee on Com-
17 merce of the House of Representatives, a report con-
18 cerning the progress made, on the national, State,
19 and local levels, toward achieving each of the Pre-
20 paredness Goals.

21 “(2) ADDITIONAL AUTHORITY.—If the Sec-
22 retary determines that additional legislative author-
23 ity is needed to meet the Preparedness Goals by the
24 year 2010, the Secretary shall make recommenda-

1 tions for such authority in the annual report sub-
2 mitted under paragraph (1).

3 **“SEC. 2804. CONSULTATION AND COORDINATION.**

4 “The Secretary shall consult with the heads of other
5 Federal agencies and with State and local entities, to co-
6 ordinate programs, activities, and efforts to achieve the
7 Preparedness Goals, including activities under this title,
8 under the amendments made by the Public Health
9 Threats and Emergencies Act (sections 319 through 319G
10 of this Act), and under other laws.

11 **“Subtitle B—National Biological or**
12 **Chemical Terrorism Prepared-**
13 **ness Block Grants**

14 **“SEC. 2811. AUTHORIZATION OF APPROPRIATIONS.**

15 “For the purpose of making allotments under section
16 2812, there are authorized to be appropriated the fol-
17 lowing amounts:

18 “(1) For allotments under section 2812(a)(1),
19 \$55,000,000 for fiscal year 2002, and such sums as
20 may be necessary for each of fiscal years 2003
21 through 2006.

22 “(2) For allotments under section 2812(a)(2),
23 \$55,000,000 for fiscal year 2002, and such sums as
24 may be necessary for each of fiscal years 2003
25 through 2006.

1 “(3) For allotments under section 2812(a)(3),
2 \$100,000,000 for fiscal year 2002, and such sums
3 as may be necessary for each of fiscal years 2003
4 through 2006.

5 “(4) For allotments under section 2812(a)(4),
6 \$50,000,000 for fiscal year 2002, and such sums as
7 may be necessary for each of fiscal years 2003
8 through 2006.

9 “(5) For allotments under section 2812(a)(5),
10 \$100,000,000 for fiscal year 2002, and such sums
11 as may be necessary for each of fiscal years 2003
12 through 2006.

13 “(6) For allotments under section 2812(a)(6),
14 \$100,000,000 for fiscal year 2002, and such sums
15 as may be necessary for each of fiscal years 2003
16 through 2006.

17 “(7) For allotments under section 2812(a)(7),
18 \$95,000,000 for fiscal year 2002, and such sums as
19 may be necessary for each of fiscal years 2003
20 through 2006.

21 **“SEC. 2812. ALLOTMENTS.**

22 “(a) ALLOTMENT CATEGORIES.—From the amount
23 appropriated under section 2811 for any fiscal year, the
24 Secretary shall make an allotment to each State in one
25 or more of the following categories:

1 “(1) STATE AND LOCAL FIRST RESPONDERS.—
2 Allotments to improve the planning and training ac-
3 tivities of State and local first responders under sec-
4 tion 2814(a)(1).

5 “(2) STATE AND LOCAL HEALTH AGENCY PLAN-
6 NING AND TRAINING.—Allotments to carry out State
7 and local health agency planning and training activi-
8 ties under section 2814(a)(2).

9 “(3) STATE AND LOCAL DISEASE SURVEIL-
10 LANCE AND INFORMATION.—Allotments to improve
11 State and local efforts to develop disease surveil-
12 lance, data, and information under section
13 2814(a)(3).

14 “(4) LABORATORY READINESS.—Allotments to
15 carry out activities to improve laboratory readiness
16 under section 2814(a)(4).

17 “(5) HOSPITAL PREPAREDNESS.—Allotments to
18 carry out activities to improve hospital preparedness
19 under section 2814(a)(5).

20 “(6) DETECTION AND RESPONSE.—Allotments
21 to carry out activities to improve the ability of State
22 and local communities to detect and respond to bio-
23 logical or chemical agents under section 2814(a)(6).

1 “(7) HEALTH CARE WORKFORCE.—Allotments
2 to carry out activities to strengthen the health care
3 workforce under section 2814(a)(7).

4 “(b) FORMULA.—From the amount appropriated
5 under each of paragraphs (1) through (7) of section 2811
6 for any fiscal year for allotments under any of the cat-
7 egories described in subsection (a), the Secretary shall
8 make allotments to each State on the basis of the popu-
9 lation of the State.

10 “(c) USE OF AVAILABLE FUNDS.—To the extent that
11 all the funds appropriated under any of paragraphs (1)
12 through (7) of section 2811 for a fiscal year and available
13 for allotment in such fiscal year are not otherwise allotted
14 to States because—

15 “(1) one or more States have not submitted an
16 application or description of activities in accordance
17 with section 2815 with respect to one or more of the
18 categories described in subsection (a) for the fiscal
19 year;

20 “(2) one or more States have notified the Sec-
21 retary that they do not intend to use the full amount
22 of their allotment under any such category; or

23 “(3) some State allotments are offset or repaid
24 under section 2816(b)(3);

1 such excess shall be allotted among each of the remaining
2 States in proportion to the amount otherwise allotted to
3 such States for the fiscal year without regard to this sub-
4 section.

5 “(d) INDIAN TRIBES.—

6 “(1) IN GENERAL.—If the Secretary—

7 “(A) receives a request from the governing
8 body of an Indian tribe or tribal organization
9 within any State that funds under this subtitle
10 be provided directly by the Secretary to such
11 tribe or organization; and

12 “(B) determines that the members of such
13 tribe or tribal organization would be better
14 served by means of grants made directly by the
15 Secretary under this subtitle;

16 the Secretary shall reserve from amounts which
17 would otherwise be allotted to such State under any
18 of the categories described in subsection (a) for the
19 fiscal year the amount determined under paragraph
20 (2).

21 “(2) AMOUNT.—The Secretary shall reserve for
22 the purpose of paragraph (1) from amounts that
23 would otherwise be allotted to such State under any
24 of the categories described in subsection (a) an
25 amount equal to the amount which bears the same

1 ratio to the State's allotment for the fiscal year in-
2 volved as the population of the Indian tribe or the
3 individuals represented by the tribal organization
4 bears to the total population of the State.

5 “(3) GRANT.—The amount reserved by the Sec-
6 retary on the basis of a determination under this
7 subsection shall be granted to the Indian tribe or
8 tribal organization serving the individuals for whom
9 such a determination has been made.

10 “(4) PLAN.—In order for an Indian tribe or
11 tribal organization to be eligible for a grant for a fis-
12 cal year under this subsection, it shall submit to the
13 Secretary a plan for such fiscal year which meets
14 such criteria as the Secretary may prescribe.

15 “(5) DEFINITIONS.—In this subsection, the
16 terms ‘Indian tribe’ and ‘tribal organization’ have
17 the same meaning given such terms in section 4(b)
18 and section 4(c) of the Indian Self-Determination
19 and Education Assistance Act.

20 **“SEC. 2813. PAYMENTS UNDER ALLOTMENTS TO STATES.**

21 “(a) PAYMENTS.—

22 “(1) IN GENERAL.—For each fiscal year, the
23 Secretary shall make payments, as provided for by
24 section 203 of the Intergovernmental Cooperation
25 Act of 1968 (42 U.S.C. 4213), to each State from

1 its allotment under section 2812 (other than any
2 amount reserved under section 2812(d)) from
3 amounts appropriated for that fiscal year.

4 “(2) AVAILABILITY OF FUNDS.—Any amount
5 paid to a State for a fiscal year under paragraph (1)
6 and remaining unobligated at the end of such year
7 shall remain available for the next fiscal year to such
8 State for the purposes for which it was made.

9 “(b) REDUCTION IN PAYMENTS.—The Secretary, at
10 the request of a State, may reduce the amount of pay-
11 ments under subsection (a) by—

12 “(1) the fair market value of any supplies or
13 equipment furnished the State; and

14 “(2) the amount of the pay, allowances, and
15 travel expenses of any officer or employee of the
16 Federal Government when detailed to the State and
17 the amount of any other costs incurred in connection
18 with the detail of such officer or employee;

19 when the furnishing of supplies or equipment or the detail
20 of an officer or employee is for the convenience of and
21 at the request of the State and for the purpose of con-
22 ducting activities described in section 2814. The amount
23 by which any payment is so reduced shall be available for
24 payment by the Secretary of the costs incurred in fur-
25 nishing the supplies or equipment or in detailing the per-

1 sonnel, on which the reduction of the payment is based,
2 and the amount shall be deemed to be part of the payment
3 and shall be deemed to have been paid to the State.

4 **“SEC. 2814. USE OF ALLOTMENTS.**

5 “(a) IN GENERAL.—Except as provided in sub-
6 sections (b) and (c), payments made to a State under sec-
7 tion 2813 may be used for the following:

8 “(1) STATE AND LOCAL FIRST RESPONDERS.—

9 With respect to payments relating to an allotment
10 described in section 2812(a)(1), to improve the abil-
11 ity of State and local first responders and emergency
12 managers to develop planning, training, and re-
13 sources in preparation for a bioterrorist attack, and
14 to monitor, coordinate, contain, and respond effec-
15 tively to the effects of a bioterrorist attack.

16 “(2) STATE AND LOCAL HEALTH AGENCY PLAN-

17 NING AND TRAINING.—With respect to payments re-
18 lating to an allotment described in section
19 2812(a)(2), to improve the ability of State and local
20 health agencies to develop planning, training, and
21 resources in preparation for a bioterrorist attack,
22 and to monitor, coordinate, contain, and respond ef-
23 fectively to the effects of a bioterrorist attack.

24 “(3) STATE AND LOCAL DISEASE SURVEIL-

25 LANCE AND INFORMATION.—With respect to pay-

1 ments relating to an allotment described in section
2 2812(a)(3), to supporting State and local efforts to
3 develop sophisticated, electronic disease surveillance
4 systems, establish interoperable networks and data
5 protocols, promote information exchange, and ensure
6 immediate access to medical data, treatment guide-
7 lines, and health alerts.

8 “(4) LABORATORY READINESS.—With respect
9 to payments relating to an allotment described in
10 section 2812(a)(4), to improve laboratory readiness,
11 including the development of a collaborative nation-
12 wide laboratory system, response training, capacity
13 building, and coordination assistance in order to ef-
14 fectively respond to a bioterrorist attack.

15 “(5) HOSPITAL PREPAREDNESS.—With respect
16 to payments relating to an allotment described in
17 section 2812(a)(5), to strengthen hospital prepared-
18 ness, including bioterrorist response training and co-
19 ordination, specialized equipment, efforts to increase
20 emergency room and intensive care unit surge capac-
21 ity, and efforts to facilitate hazardous materials de-
22 contamination and biocontainment.

23 “(6) DETECTION AND RESPONSE.—With re-
24 spect to payments relating to an allotment described
25 in section 2812(a)(6), to improve the ability of State

1 and local communities to rapidly detect and respond
2 to unwanted biological or chemical agents that affect
3 plants or animals that threaten public safety or un-
4 dermine confidence in the food supply.

5 “(7) HEALTH CARE WORKFORCE.—With re-
6 spect to payments relating to an allotment described
7 in section 2812(a)(7), to strengthen the health care
8 workforce involved in emergency response, including
9 efforts to expand the workforce in key bioprepared-
10 ness priority areas (as designated by the Secretary).

11 “(b) PROHIBITED USES.—A State may not use
12 amounts paid to it under section 2813 to—

13 “(1) provide inpatient services;

14 “(2) make cash payments to intended recipients
15 of health services;

16 “(3) purchase or improve land, purchase, con-
17 struct, or permanently improve (other than minor
18 remodeling) any building or other facility, or pur-
19 chase major medical equipment; or

20 “(4) satisfy any requirement for the expendi-
21 ture of non-Federal funds as a condition for the re-
22 ceipt of Federal funds.

23 The Secretary may waive the limitation contained in para-
24 graph (3) upon the request of a State if the Secretary
25 finds that there are extraordinary circumstances to justify

1 the waiver and that granting the waiver will assist in car-
2 rying out this subtitle.

3 “(c) TRANSFER OF FUNDS.—

4 “(1) IN GENERAL.—A State may transfer not
5 more than 10 percent of the amount allotted to the
6 State under any of the categories described in sec-
7 tion 2812(a) for any fiscal year for use by the State
8 under any other of such categories in accordance
9 with paragraph (2).

10 “(2) REQUIREMENT.—At any time in the first
11 three quarters of the fiscal year a State, under para-
12 graph (1) may transfer not more than 3 percent of
13 the allotment of the State for the fiscal year for
14 such use, and in the last quarter of a fiscal year a
15 State may transfer for such use not more than the
16 remainder of the amount of its allotment which may
17 be transferred.

18 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Of
19 the amount paid to any State under section 2813, not
20 more than 5 percent may be used for administering the
21 funds made available under such section. The State will
22 pay from non-Federal sources the remaining costs of ad-
23 ministering such funds.

1 **“SEC. 2815. APPLICATION FOR PAYMENTS; STATE PLAN.**

2 “(a) IN GENERAL.—The Secretary may make pay-
3 ments under section 2813 to a State for a fiscal year only
4 if—

5 “(1) the State submits to the Secretary an ap-
6 plication for the payments;

7 “(2) the application contains a State plan in ac-
8 cordance with subsection (b);

9 “(3) the application contains the certification
10 described in subsection (c);

11 “(4) the application contains such assurances
12 as the Secretary may require regarding the compli-
13 ance of the State with the requirements of this sub-
14 title (including assurances regarding compliance
15 with the agreements described in subsection (c));
16 and

17 “(5) the application is in such form and is sub-
18 mitted by such date as the Secretary may require.

19 “(b) STATE PLAN.—A State plan required in sub-
20 section (a)(2) for a fiscal year is in accordance with this
21 subsection if the plan meets the following conditions:

22 “(1) The plan is developed by the State agency
23 with principal responsibility for public health pro-
24 grams, in consultation with the advisory committee
25 established pursuant to subsection (c)(2).

1 “(2) The plan specifies the activities authorized
2 in section 2814 that are to be carried out with pay-
3 ments made to the State under section 2813.

4 “(3) The plan contains a strategy for expending
5 such payments to carry out activities under section
6 2814 which includes—

7 “(A) a description of the programs,
8 projects, and activities to be carried out; and

9 “(B) an estimate of the number of public
10 health personnel needed to carry out the strat-
11 egy.

12 “(4) The plan specifies the amount of such pay-
13 ments to be expended for each of such activities.

14 “(c) STATE CERTIFICATION.—The certification re-
15 ferred to in subsection (a)(3) for a fiscal year is a certifi-
16 cation to the Secretary by the chief executive officer of
17 the State involved as follows:

18 “(1)(A) In the development of the State plan
19 required in subsection (a)(2)—

20 “(i) the chief health officer of the State
21 held public hearings on the plan; and

22 “(ii) proposals for the plan were made
23 public in a manner that facilitated comments
24 from public and private entities (including Fed-
25 eral and other public agencies).

1 “(B) The State agrees that, if any revisions are
2 made in such plan during the fiscal year, the State
3 will, with respect to the revisions, hold hearings and
4 make proposals public in accordance with subpara-
5 graph (A), and will submit to the Secretary a de-
6 scription of the revisions.

7 “(2) The State has established an advisory
8 committee in accordance with subsection (d).

9 “(3) The State agrees to expend payments
10 under section 2813 only for the activities authorized
11 in section 2814.

12 “(4) The State agrees to expend such payments
13 in accordance with the State plan submitted under
14 subsection (a)(2) (with any revisions submitted to
15 the Secretary under paragraph (1)(B)), including
16 making expenditures to carry out the strategy con-
17 tained in the plan pursuant to subsection (b)(3).

18 “(5) The State agrees that the State will collect
19 and report data in accordance with section 2816(a).

20 “(6) With respect to the activities authorized in
21 section 2814, the State agrees to maintain State ex-
22 penditures for such activities at a level that is not
23 less than the average level of such expenditures
24 maintained by the State for the 2-year period pre-

1 ceding the fiscal year for which the State is applying
2 to receive payments under section 2813.

3 “(7) The State agrees to establish reasonable
4 criteria to evaluate the effective performance of enti-
5 ties that receive funds from such payments and pro-
6 cedures for procedural and substantive independent
7 State review of the failure by the State to provide
8 funds for any such entity.

9 “(8) The State agrees to permit and cooperate
10 with Federal investigations undertaken in accord-
11 ance with section 2817.

12 “(9) The State agrees to provide the officer of
13 the State government responsible for the administra-
14 tion of the State highway safety program with an
15 opportunity to—

16 “(A) participate in the development of any
17 plan by the State relating to emergency medical
18 services, as such plan relates to highway safety;
19 and

20 “(B) review and comment on any proposal
21 by any State agency to use any Federal grant
22 or Federal payment received by the State for
23 the provision of emergency medical services as
24 such proposal relates to highway safety.

25 “(d) STATE ADVISORY COMMITTEE.—

1 “(1) IN GENERAL.—For purposes of subsection
2 (c)(2), an advisory committee is in accordance with
3 this subsection if such committee is known as the
4 State Bioterrorism Preparedness Advisory Com-
5 mittee (in this subsection referred to as the ‘Com-
6 mittee’) and the Committee meets the conditions de-
7 scribed in the subsequent paragraphs of this sub-
8 section.

9 “(2) DUTIES.—A condition under paragraph
10 (1) for a State is that the duties of the Committee
11 are—

12 “(A) to hold public hearings on the State
13 plan required in subsection (a)(2); and

14 “(B) to make recommendations pursuant
15 to subsection (b)(1) regarding the development
16 and implementation of such plan, including rec-
17 ommendations on—

18 “(i) which of the activities authorized
19 in section 2814 should be carried out in
20 the State;

21 “(ii) the allocation of payments made
22 to the State under section 2813;

23 “(iii) the coordination of activities
24 carried out under such plan with relevant
25 programs of other entities; and

1 “(iv) the collection and reporting of
2 data in accordance with section 2816(a).

3 “(3) COMPOSITION.—

4 “(A) IN GENERAL.—A condition under
5 paragraph (1) for a State is that the Committee
6 is composed of such members of the general
7 public, and such officials of the health depart-
8 ments of political subdivisions of the State, as
9 may be necessary to provide adequate represen-
10 tation of the general public and of such health
11 departments, laboratories, first responders, and
12 agricultural stakeholders.

13 “(B) SPECIFIC REPRESENTATION.—With
14 respect to compliance with subparagraph (A),
15 the membership of advisory committees estab-
16 lished pursuant to subsection (c)(2) may in-
17 clude representatives of community-based orga-
18 nizations (including minority community-based
19 organizations), schools of public health, and en-
20 tities to which the State involved awards grants
21 or contracts to carry out activities authorized in
22 section 2814.

23 “(4) CHAIR; MEETINGS.—A condition under
24 paragraph (1) for a State is that the State public
25 health officer serves as the chair of the Committee,

1 and that the Committee meets not less than twice
2 each fiscal year.

3 “(e) CONSOLIDATED APPLICATION.—A State may
4 submit a single consolidated application for one or more
5 allotments under any of the categories described in para-
6 graphs (1) through (7) of section 2812(a).

7 **“SEC. 2816. REPORTS, DATA, AND AUDITS.**

8 “(a) COLLECTION AND REPORTING OF DATA.—

9 “(1) IN GENERAL.—For purposes of section
10 2815(e)(5), a State is collecting and reporting data
11 for a fiscal year in accordance with this subsection
12 if the State submits to the Secretary, not later than
13 February 1 of the succeeding fiscal year, a report
14 that—

15 “(A) describes the purposes for which the
16 State expended payments made to the State
17 under section 2813;

18 “(B) meets the conditions described in the
19 subsequent paragraphs of this subsection; and

20 “(C) contains such additional information
21 regarding activities authorized in section 2814,
22 and is submitted in such form, as the Secretary
23 may require.

24 “(2) UNIFORM DATA SETS.—

1 “(A) IN GENERAL.—The Secretary, in con-
2 sultation with the States, shall develop sets of
3 data for uniformly deriving information under
4 this section. Each of such sets shall consist of
5 one or more categories of information (in this
6 subsection individually referred to as a ‘uniform
7 data item’). The Secretary shall develop for-
8 mats for the uniform collecting and reporting of
9 information on such items.

10 “(B) COLLECTION OF INFORMATION.—A
11 condition under paragraph (1)(B) for a fiscal
12 year is that the State involved will, in accord-
13 ance with the applicable format under subpara-
14 graph (A), collect during such year, and include
15 in the report under paragraph (1), the nec-
16 essary information for one uniform data item
17 from each of the uniform data sets, which items
18 are selected for the State by the Secretary.

19 “(3) CRITERIA.—The Secretary, in consultation
20 with the States, shall establish criteria for the uni-
21 form collection and reporting of data on activities
22 authorized in section 2814 with respect to which no
23 uniform data items exist.

24 “(4) AVAILABILITY OF INFORMATION.—A con-
25 dition under paragraph (1) for a fiscal year is that

1 the State involved will make copies of the report
2 submitted under such paragraph for the fiscal year
3 available for public inspection, and will upon request
4 provide a copy of the report to any individual for a
5 charge not exceeding the cost of providing the copy.

6 “(b) FISCAL CONTROLS.—

7 “(1) IN GENERAL.—Each State shall establish
8 fiscal control and fund accounting procedures as
9 may be necessary to assure the proper disbursement of
10 and accounting for Federal funds paid to the State
11 under section 2813 and funds transferred under sec-
12 tion 2814(c) for use under this subtitle.

13 “(2) AUDITS.—Each State shall annually audit
14 its expenditures from payments received under sec-
15 tion 2813. Such State audits shall be conducted by
16 an entity independent of any agency administering a
17 program funded under this subtitle and, in so far as
18 practical, in accordance with the Comptroller Gen-
19 eral’s standards for auditing governmental organiza-
20 tions, programs, activities, and functions. Within 30
21 days following the date each audit is completed, the
22 chief executive officer of the State shall transmit a
23 copy of that audit to the Secretary.

24 “(3) REPAYMENTS.—Each State shall, after
25 being provided by the Secretary with adequate notice

1 and opportunity for a hearing within the State,
2 repay to the United States amounts found not to
3 have been expended in accordance with the require-
4 ments of this subtitle or the certification provided by
5 the State under section 2815. If such repayment is
6 not made, the Secretary shall, after providing the
7 State with adequate notice and opportunity for a
8 hearing within the State, offset such amounts
9 against the amount of any allotment to which the
10 State is or may become entitled under this subtitle.

11 “(4) AVAILABILITY OF REPORTS.—The State
12 shall make copies of the reports and audits required
13 by this section available for public inspection within
14 the State.

15 “(5) EVALUATION BY SECRETARY.—The Comp-
16 troller General of the United States shall, from time
17 to time, evaluate the expenditures by States of
18 grants under this subtitle in order to ensure that ex-
19 penditures are consistent with the provisions of this
20 subtitle and the certification provided by the State
21 under section 2815.

22 “(6) REPORT.—Not later than 1 year after the
23 date of enactment of this title, and annually there-
24 after, the Secretary shall report to the Congress on
25 the activities of the States that have received funds

1 under this subtitle and may include in the report
2 any recommendations for appropriate changes in leg-
3 islation.

4 **“SEC. 2817. WITHHOLDING.**

5 “(a) REQUIREMENTS.—

6 “(1) IN GENERAL.—The Secretary shall, after
7 adequate notice and an opportunity for a hearing
8 conducted within the affected State, withhold funds
9 from any State which does not use its allotment in
10 accordance with the requirements of this subtitle or
11 the certification provided under section 2815. The
12 Secretary shall withhold such funds until the Sec-
13 retary finds that the reason for the withholding has
14 been removed and there is reasonable assurance that
15 it will not recur.

16 “(2) INVESTIGATION.—The Secretary may not
17 institute proceedings to withhold funds under para-
18 graph (1) unless the Secretary has conducted an in-
19 vestigation concerning whether the State has used
20 its allotment in accordance with the requirements of
21 this subtitle or the certification provided under sec-
22 tion 2815. Investigations required by this paragraph
23 shall be conducted within the affected State by
24 qualified investigators.

1 “(3) RESPONSE TO COMPLAINTS.—The Sec-
2 retary shall respond in an expeditious manner to
3 complaints of a substantial or serious nature that a
4 State has failed to use funds in accordance with the
5 requirements of this subtitle or certifications pro-
6 vided under section 2815.

7 “(4) MINOR FAILURES.—The Secretary may
8 not withhold funds under paragraph (1) from a
9 State for a minor failure to comply with the require-
10 ments of this subtitle or certifications provided
11 under section 2815.

12 “(b) INVESTIGATIONS.—

13 “(1) BY SECRETARY.—The Secretary shall con-
14 duct in several States in each fiscal year investiga-
15 tions of the use of funds received by the States
16 under this subtitle in order to evaluate compliance
17 with the requirements of this subtitle and certifi-
18 cations provided under section 2815.

19 “(2) BY COMPTROLLER GENERAL.—The Comp-
20 troller General of the United States may conduct in-
21 vestigations of the use of funds received under this
22 subtitle by a State in order to insure compliance
23 with the requirements of this subtitle and certifi-
24 cations provided under section 2815.

1 “(c) AVAILABILITY OF INFORMATION FOR INSPEC-
2 TION.—Each State, and each entity which has received
3 funds from an allotment made to a State under this sub-
4 title, shall make appropriate books, documents, papers,
5 and records available to the Secretary or the Comptroller
6 General of the United States, or any of their duly author-
7 ized representatives, for examination, copying, or mechan-
8 ical reproduction on or off the premises of the appropriate
9 entity upon a reasonable request therefore.

10 “(d) LIMITATION ON REQUESTS FOR INFORMA-
11 TION.—

12 “(1) IN GENERAL.—In conducting any inves-
13 tigation in a State, the Secretary or the Comptroller
14 General of the United States may not make a re-
15 quest for any information not readily available to
16 such State or an entity which has received funds
17 from an allotment made to the State under this sub-
18 title or make an unreasonable request for informa-
19 tion to be compiled, collected, or transmitted in any
20 form not readily available.

21 “(2) JUDICIAL PROCEEDINGS.—Paragraph (1)
22 does not apply to the collection, compilation, or
23 transmittal of data in the course of a judicial pro-
24 ceeding.

1 **“SEC. 2818. NONDISCRIMINATION.**

2 “(a) GENERAL REQUIREMENTS.—

3 “(1) APPLICATION OF PROVISIONS.—For the
4 purpose of applying the prohibitions against dis-
5 crimination on the basis of age under the Age Dis-
6 crimination Act of 1975, on the basis of handicap
7 under section 504 of the Rehabilitation Act of 1973,
8 on the basis of sex under title IX of the Education
9 Amendments of 1972, or on the basis of race, color,
10 or national origin under title VI of the Civil Rights
11 Act of 1964, programs and activities funded in
12 whole or in part with funds made available under
13 this subtitle are considered to be programs and ac-
14 tivities receiving Federal financial assistance.

15 “(2) SEX OR RELIGION.—No person shall on
16 the ground of sex or religion be excluded from par-
17 ticipation in, be denied the benefits of, or be sub-
18 jected to discrimination under, any program or ac-
19 tivity funded in whole or in part with funds made
20 available under this subtitle.

21 “(b) FAILURE TO COMPLY.—Whenever the Secretary
22 finds that a State, or an entity that has received a pay-
23 ment from an allotment to a State under section 2812,
24 has failed to comply with a provision of law referred to
25 in subsection (a)(1), with subsection (a)(2), or with an ap-
26 plicable regulation (including one prescribed to carry out

1 subsection (a)(2)), the Secretary shall notify the chief ex-
2 ecutive officer of the State and shall request that such
3 officer secure compliance. If within a reasonable period of
4 time, not to exceed 60 days, the chief executive officer fails
5 or refuses to secure compliance, the Secretary may—

6 “(1) refer the matter to the Attorney General
7 with a recommendation that an appropriate civil ac-
8 tion be instituted;

9 “(2) exercise the powers and functions provided
10 by title VI of the Civil Rights Act of 1964, the Age
11 Discrimination Act of 1975, or section 504 of the
12 Rehabilitation Act of 1973, as may be applicable; or

13 “(3) take such other action as may be provided
14 by law.

15 “(c) REFERRAL TO ATTORNEY GENERAL.—When a
16 matter is referred to the Attorney General pursuant to
17 subsection (b)(1), or whenever the Attorney General has
18 reason to believe that a State or an entity is engaged in
19 a pattern or practice in violation of a provision of law re-
20 ferred to in subsection (a)(1) or in violation of subsection
21 (a)(2), the Attorney General may bring a civil action in
22 any appropriate district court of the United States for
23 such relief as may be appropriate, including injunctive re-
24 lief.

1 **“SEC. 2819. CRIMINAL PENALTY FOR FALSE STATEMENTS.**

2 “Whoever—

3 “(1) knowingly and willfully makes or causes to
4 be made any false statement or representation of a
5 material fact in connection with the furnishing of
6 items or services for which payment may be made by
7 a State from funds allotted to the State under this
8 subtitle; or

9 “(2) having knowledge of the occurrence of any
10 event affecting his or her initial or continued right
11 to any such payment conceals or fails to disclose
12 such event with an intent fraudulently to secure
13 such payment either in a greater amount than is due
14 or when no such payment is authorized,
15 shall be fined not more than \$25,000 or imprisoned for
16 not more than five years, or both.

17 **“SEC. 2820. RESERVATION OF AMOUNT FOR NATIONAL BIO-**
18 **LOGICAL OR CHEMICAL TERRORISM PRE-**
19 **PAREDNESS GOALS.**

20 “(a) IN GENERAL.—The Secretary may reserve not
21 to exceed 10 percent of the amount appropriated under
22 any of paragraphs (1) through (7) of section 2811(a) for
23 a fiscal year to carry out activities to address one or more
24 of the National Biological or Chemical Terrorism Pre-
25 paredness Goals.

1 “(b) REPORT.—Not later than 60 days after making
2 a reservation under subsection (a), the Secretary shall pre-
3 pare and submit to the appropriate committees of Con-
4 gress a report that contains—

5 “(1) a description of the funds so reserved; and

6 “(2) a description of the activities to be carried
7 out by the Secretary using such funds.

8 **“Subtitle C—Miscellaneous Grant**
9 **Programs**

10 **“SEC. 2831. GRANTS TO STRENGTHEN HOSPITAL EMER-**
11 **GENCY, TRAUMA, AND ICU CAPACITY.**

12 “(a) PROGRAM AUTHORIZED.—The Secretary shall
13 award competitive grants to eligible entities to address
14 core bioterrorism response capacity needs using capacities
15 developed in consultation with public and private entities,
16 with a particular focus on building emergency surge ca-
17 pacity, biocontainment, and decontamination capabilities.

18 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
19 a grant under subsection (a), an entity shall—

20 “(1) be a public or private hospital, or a State
21 or political subdivision of a State acting on behalf of
22 a public hospital; and

23 “(2) prepare and submit to the Secretary an
24 application, at such time, in such manner, and con-

1 taining such information as the Secretary may re-
2 quire.

3 “(c) USE OF FUNDS.—An entity that receives a grant
4 under subsection (a), may use amounts received under the
5 grant to—

6 “(1) train hospital personnel in responding to
7 bioterrorism threats;

8 “(2) develop, enhance, coordinate, or improve
9 institutional, local, regional, or Statewide emergency
10 surge capacity, biocontainment, or decontamination
11 capabilities; or

12 “(3) develop a plan for responding to bioter-
13 rorism threats.

14 “(d) ALLOCATION.—In allocating amounts under this
15 section, the Secretary shall give priority to applicants that
16 are hospitals located within 1 mile of a metropolitan area
17 with a population of at least 100,000.

18 “(e) REPORT.—Not later than 1 year after the date
19 of enactment of this title, and annually thereafter, the Sec-
20 retary shall prepare and submit to the Committee on
21 Health, Education, Labor, and Pensions of the Senate and
22 the Committee on Commerce of the House of Representa-
23 tives a report that describes the activities carried out
24 under this section.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section,
3 \$154,000,000 for fiscal year 2002, and such sums as may
4 be necessary for each of fiscal years 2003 through 2006.”.

5 **SEC. 4. REVITALIZING FEDERAL BIOLOGICAL AND CHEM-**
6 **ICAL COUNTERTERRORISM EFFORTS.**

7 (a) FINDING.—Congress finds that significant new
8 Federal personnel and infrastructure investments are
9 needed to effectively counter biological and chemical ter-
10 rorism in the next century, including threats to agriculture
11 and the domestic food supply, increase preparedness, and
12 strengthen Federal response efforts.

13 (b) IMPROVING VACCINE, ANTIBIOTIC, AND THERA-
14 PEUTIC RESEARCH AND DEVELOPMENT.—For the pur-
15 poses of improving Federal vaccine, antibiotic, and thera-
16 peutic research and development, upgrading bioterrorism
17 capacities at the Centers for Disease Control and Preven-
18 tion, enabling the Federal Government to provide training
19 and assistance to local communities to improve prepared-
20 ness, strengthening the National Pharmaceutical Stock-
21 pile, and other critical capacity building and preparedness
22 efforts, there is authorized to be appropriated
23 \$844,000,000 for fiscal year 2002, and such sums as may
24 be necessary for each of fiscal years 2003 through 2006.

1 (c) PROTECTING THE FOOD SUPPLY.—For the pur-
2 poses of protecting agricultural production and safe-
3 guarding the food supply of the United States, increasing
4 federal diagnostic and testing resources available to the
5 States, and expanding Federal efforts to interdict dan-
6 gerous or noxious substances which may be hazardous to
7 public health, there is authorized to be appropriated—

8 (1) to the Secretary of Agriculture
9 \$250,000,000 for fiscal year 2002, and such sums
10 as may be necessary for each of fiscal years 2003
11 through 2006; and

12 (2) to the Attorney General for use by the
13 United States Customs Service \$100,000,000 for fis-
14 cal year 2002, and such sums as may be necessary
15 for each of fiscal years 2003 through 2006.

16 (d) ADDITIONAL RESEARCH AND DEVELOPMENT.—
17 For the purposes of promoting and expanding research on
18 biological and chemical terrorism—

19 (1) there is authorized to be appropriated to the
20 Secretary of Energy, \$10,000,000 for fiscal year
21 2002, and such sums as may be necessary for each
22 of fiscal years 2003 through 2006;

23 (2) there is authorized to be appropriated to the
24 Attorney General, \$10,000,000 for fiscal year 2002,

1 and such sums as may be necessary for each of fis-
2 cal years 2003 through 2006;

3 (3) there is authorized to be appropriated to the
4 Secretary of Agriculture, \$10,000,000 for fiscal year
5 2002, and such sums as may be necessary for each
6 of fiscal years 2003 through 2006; and

7 (4) there is authorized to be appropriated to the
8 Administrator of the Environmental Protection
9 Agency, \$10,000,000 for fiscal year 2002, and such
10 sums as may be necessary for each of fiscal years
11 2003 through 2006.

12 **SEC. 5. STRENGTHENING RURAL COMMUNITY PREPARED-**
13 **NESS FOR A BIOLOGICAL OR CHEMICAL AT-**
14 **TACK.**

15 (a) FINDING.—Congress finds that rural commu-
16 nities may lack the coordination, training, or resources
17 necessary to fully and effectively prepare for, and respond
18 to, a biological or chemical terrorist attack.

19 (b) STRENGTHENING RURAL COMMUNITY PRE-
20 PAREDNESS FOR A BIOLOGICAL OR CHEMICAL ATTACK.—
21 The Secretary of Health and Human Services shall review
22 existing Federal counterterrorism efforts in light of spe-
23 cific characteristics which may render a rural community
24 uniquely vulnerable to a biological or chemical terrorist at-
25 tack, including distance, lack of emergency transport, hos-

1 pital or laboratory capacity, lack of integration into State
2 or Federal public health networks, workforce deficits, or
3 other relevant conditions, and carry out activities where
4 necessary to strengthen rural community preparedness.

5 (c) REPORT.—Not later than 1 year after the date
6 of enactment of this Act, the Secretary of Health and
7 Human Services shall prepare and submit to the appro-
8 priate committees of Congress a report containing the re-
9 sults of the review conducted under subsection (b). If the
10 Secretary determines that additional legislative authority
11 is necessary to effectively strengthen rural community pre-
12 paredness, the report shall contain the recommendation of
13 the Secretary to that effect.

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