

107TH CONGRESS
1ST SESSION

H. R. 3255

To respond to the threat of bioterrorism.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

Mr. MENENDEZ (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. BISHOP, Mr. BORSKI, Ms. HARMAN, Mr. PASCRELL, Mr. SCOTT, Mr. SKELTON, Mr. COSTELLO, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. TURNER, Ms. PELOSI, Mr. FROST, Mrs. LOWEY, Ms. DELAURO, Mr. ACEVEDO-VILÁ, Mr. ALLEN, Mr. BACA, Mr. BAIRD, Mr. BENTSEN, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DEFazio, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR of California, Mr. FILNER, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. HOFFEL, Mr. HOLT, Mr. HOLDEN, Mr. ISRAEL, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. KIND, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. MOORE, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PHELPS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHERMAN, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of California, Mrs. THURMAN, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WOOLSEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, Armed Services, Science, Intelligence (Permanent Select), International Relations, Agriculture, and Ways and Means, 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 respond to the threat of bioterrorism.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Bioterrorism Protection Act (BioPAct) of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

**TITLE I—PUBLIC HEALTH INFRASTRUCTURE AND RESPONSE TO
 BIOTERRORISM**

**Subtitle A—Improving Community Emergency Response Capacity and
 Preparedness**

Sec. 101. Staffing shortages.

Sec. 102. Hospital capacity and resources.

Sec. 103. Provider training.

**Subtitle B—Ensuring an Adequate Supply of Vaccines and Treatments for
 All Americans**

Sec. 111. Supplies of vaccines and antibiotics.

**Subtitle C—Enhancing Community Planning and Intergovernmental
 Coordination**

Sec. 121. Local planning grants for health care providers.

Sec. 122. Planning, training and equipment for local government and first re-
 sponders.

Sec. 123. State medical disaster response plans regarding terrorist attacks.

Sec. 124. State trauma care systems.

Sec. 125. Intergovernmental coordination.

Sec. 126. Communication between FAA and FEMA.

Sec. 127. Public health representation on NSC.

Sec. 128. Use of counterterrorism technology of the laboratories of the National
 Nuclear Security Administration.

**Subtitle D—Enhancing Surveillance, Improving Communications, and
 Strengthening**

Sec. 131. Surveillance and technology infrastructure.

Sec. 132. Communications and technology resources and coordination.

Sec. 133. Information for first responders.

TITLE II—PROTECTING AGRICULTURAL PRODUCTION ACTIVITIES AND FOOD AND WATER SUPPLIES

Subtitle A—Keeping Food Sources and Supplies Safe

- Sec. 201. Department of Agriculture activities to reduce threats from agricultural pathogens and insect pests and increase security of department information systems.
- Sec. 202. Coordination between department of agriculture and food and drug administration.
- Sec. 203. Support for State efforts to track foodborne pathogens.
- Sec. 204. Expansion of Food and Drug Administration activities.
- Sec. 205. Expansion in number of FDA inspectors for domestic food shipments and domestic production facilities.
- Sec. 206. Additional authorities of Food and Drug Administration regarding imported food safety.
- Sec. 207. Maintenance and inspection of records for foods.
- Sec. 208. Registration of food manufacturing, processing, and handling facilities.
- Sec. 209. Relationship to treaty obligations.

Subtitle B—Safe Water Supply

- Sec. 211. Vulnerability assessments and emergency response plans.
- Sec. 212. Research and development.
- Sec. 213. Basic security enhancements.
- Sec. 214. Electronic security.
- Sec. 215. Definition.

TITLE III—ENHANCING LAW ENFORCEMENT’S ABILITY TO PROTECT THE NATION

Subtitle A—Providing the Right Tools to Law Enforcement Agencies

- Sec. 301. Expansion of biological weapons statute.
- Sec. 302. Identifying location of transport vehicles.
- Sec. 303. Training for first responders.
- Sec. 304. Authority to make grants to facilitate interfacing between national law enforcement databases and private databases.
- Sec. 305. Elimination of convicted offender DNA backlog.

Subtitle B—Securing United States Borders

- Sec. 311. Neutron scanner technology.
- Sec. 312. Technology to detect biological or chemical agents.
- Sec. 313. Identification of individuals crossing U.S. borders.
- Sec. 314. Increased numbers of border patrol and immigration officers.
- Sec. 315. Increased security in issuing and monitoring visas.
- Sec. 316. Information sharing between the immigration and naturalization service and consular officers abroad.
- Sec. 317. Preventing persons appearing on law enforcement “watch lists” from entering United States.
- Sec. 318. Tracking visa overstays and investigating offenders.
- Sec. 319. Improving Coast Guard boarding capability.

TITLE IV—STRENGTHENING OUR INTELLIGENCE COMMUNITY
THROUGH FULL COORDINATION

Subtitle A—Improving Organization and Coordination of the Intelligence
Community

- Sec. 401. New threat assessment and risk prioritization.
- Sec. 402. Intelligence sharing needs.
- Sec. 403. Reduction of barriers to information sharing among agencies.
- Sec. 404. Improved public education.

Subtitle B—Improving Intelligence Capabilities

- Sec. 411. Detection.
- Sec. 412. Cataloguing of biomaterials.
- Sec. 413. Additional translation personnel and improved translation technology.
- Sec. 414. Human intelligence collection.

TITLE V—MILITARY RESPONSE TO ATTACKS INVOLVING CHEMICAL AND BIOLOGICAL WEAPONS AND NONPROLIFERATION OF SUCH WEAPONS

Subtitle A—Initial Crisis Response and First Responder Support

- Sec. 501. Increasing military capability to respond to domestic crises.
- Sec. 502. Improvements regarding consequence management capabilities.
- Sec. 503. Interoperability of communications.
- Sec. 504. Training exercises for local first responders.
- Sec. 505. Authorization of appropriations.

Subtitle B—Interagency Crisis Response and Consequence Management—

- Sec. 511. Improvement of interagency coordination.
- Sec. 512. Authorization of appropriations.

Subtitle C—Research and Development

- Sec. 521. Accelerating technology research and development.
- Sec. 522. Authorization of appropriations.

Subtitle D—Nonproliferation of Chemical and Biological Materials and
Weapons

- Sec. 531. Verification of nonproliferation by the Secretary of Energy.
- Sec. 532. Preventing and defending against the proliferation of biological and chemical weapons by terrorists.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—

- 3 (1) IN GENERAL.—In the wake of the horrific
- 4 terrorist attacks on America of September 11, 2001,
- 5 and the subsequent bioterrorist attacks in various lo-

1 calities, the Congress through the enactment of this
2 Act immediately seeks to protect America from fur-
3 ther acts of bioterrorism and to help America's cit-
4 ies, towns, and rural communities to adequately pre-
5 vent, prepare for, and effectively respond to bioter-
6 rorism.

7 (2) COMPREHENSIVE APPROACH TO BIOTER-
8 RORISM.—The Congress finds as follows:

9 (A) To better enable America's cities,
10 towns, and rural communities to respond com-
11 prehensively to the threat of bioterrorism, the
12 United States must enhance its emergency pre-
13 paredness and response capabilities.

14 (B) Food and water are among our Na-
15 tion's most precious resources. The events of
16 September 11th underscore the danger and ter-
17 rible potential of a chemical, biological or radio-
18 logical attack to disrupt or contaminate these
19 basic human necessities. To better safeguard
20 the most abundant food supply in the world and
21 protect our vast water resources, these re-
22 sources must be protected from the threat of
23 bioterrorism.

24 (C) While preserving the fullness of our
25 constitutional rights and liberties, in the wake

1 of September 11th, the United States must en-
2 hance its law enforcement capabilities.

3 (D) Strengthening and better coordinating
4 intelligence capabilities are critical for pre-
5 venting and preparing for bioterrorism.

6 (E) Given the prominent role that the
7 United States Armed Forces will play in any bi-
8 ological, chemical, radiological, or nuclear at-
9 tack on American soil, the United States must
10 enhance its military capabilities.

11 (b) PURPOSES.—The purposes of this Act are as fol-
12 lows:

13 (1) With respect to emergency preparedness
14 and response—

15 (A) to provide America’s cities, towns, and
16 rural communities with sufficient resources and
17 expertise to develop comprehensive community
18 response plans for bioterrorist threats; and

19 (B) to improve, through grants for train-
20 ing, technology, and equipment, the ability of
21 localities throughout America to effectively re-
22 spond in the event of a bioterrorist attack.

23 (2) With respect to strengthening the United
24 States public health system—

1 (A) to ensure that America’s hospitals and
2 community health care centers have the nec-
3 essary bed space and personnel to respond to
4 biological attacks;

5 (B) to ensure adequate training for doc-
6 tors, nurses, and emergency responders to en-
7 able them to effectively identify and treat bio-
8 logical agents; and

9 (C) to ensure an adequate supply of vac-
10 cines and treatments for all Americans and in-
11 vest in the expedited research needed to develop
12 new and improved vaccines and antibiotics.

13 (3) With respect to the defense of physical
14 infrastructure—

15 (A) to eliminate threats from agricultural
16 pathogens and insect pests;

17 (B) to protect and secure the Department
18 of Agriculture’s information systems;

19 (C) to improve coordination between the
20 Department of Agriculture and the Food and
21 Drug Administration (“FDA”) to respond to
22 food and water contamination;

23 (D) to assist State efforts to track food
24 borne pathogens;

1 (E) to provide more FDA inspectors for
2 domestic food shipments and domestic produc-
3 tion facilities;

4 (F) to comprehensively assess the vulner-
5 ability of water infrastructure facilities to chem-
6 ical, biological and radiological attacks;

7 (G) to review and develop water infrastruc-
8 ture emergency response plans to take into ac-
9 count such attacks;

10 (H) to research and develop vital tech-
11 nologies to detect contamination of public water
12 systems; and

13 (I) to enhance basic security at water in-
14 frastructure facilities and for enhancements of
15 water systems' cyber-security.

16 (4) With respect to law enforcement—

17 (A) to enhance the tools of law enforce-
18 ment to fight terrorism through the imposition
19 of greater restrictions on the handling and use
20 of biological and chemical agents, and the use
21 of state-of-the-art science and technology;

22 (B) to improve the readiness of Federal,
23 State, and local law enforcement personnel to
24 prevent and address biological terrorism threats

1 through increased manpower, equipment and
2 training;

3 (C) to ensure the security of our borders
4 against biological and other terrorism threats
5 through increased manpower, equipment, and
6 use of state-of-the-art technology;

7 (D) to enhance the security of the United
8 States Postal Service through the use of state-
9 of-the-art technology; and

10 (E) to enhance the security against a
11 major threat to our Internet communications
12 and automated data systems through the use of
13 state-of-the-art technology and increased redun-
14 dancy in vital data systems.

15 (5) With respect to intelligence—

16 (A) to conduct a threat assessment, identi-
17 fying and prioritizing the means, vulnerabilities,
18 and impacts of attacks to guide the national
19 strategy in preventing and preparing for ter-
20 rorist attack;

21 (B) to seamlessly share information be-
22 tween the intelligence community, the Federal
23 Government, State and local governments, and
24 law enforcement agencies in order to prevent
25 terrorist attacks;

1 (C) to educate Americans to the nature
2 and appropriate responses to biological weapon
3 attacks and provide for an effective educational
4 dialogue between government and the public;
5 and

6 (D) to improve its intelligence collection
7 and analysis capabilities through the increased
8 use of human intelligence, technical detection,
9 and regional and linguistic expertise.

10 (6) With respect to military preparedness, do-
11 mestic assistance and response—

12 (A) to provide the funds and training nec-
13 essary to allow our military personnel to be able
14 to respond promptly, appropriately, and with
15 clearly defined objectives;

16 (B) to determine the resources needed to
17 allow our uniformed servicemen and women to
18 both fight and win our Nation's war on ter-
19 rorism abroad, as well as participate with other
20 governmental agencies and first responders in
21 homeland crisis and consequence management
22 exercises;

23 (C) to properly equip, train, and define the
24 role of our Nation's military in homeland de-
25 fense, we believe that Americans can feel con-

1 fident that our armed forces are prepared to re-
2 spond to any foreign or domestic terrorist at-
3 tack;

4 (D) to redouble the Federal Government's
5 efforts to ensure the security of lightly guarded
6 biological, chemical, radiological, and nuclear
7 materials within the former Soviet Union; and

8 (E) to fully fund non-proliferation and
9 verification programs administered by the De-
10 partments of Defense, Energy, and State would
11 be an effective tool in preventing the wide-
12 spread dissemination of materials sought by
13 terrorist groups and rogue countries.

14 **TITLE I—PUBLIC HEALTH IN-**
15 **FRASTRUCTURE AND RE-**
16 **SPONSE TO BIOTERRORISM**

17 **Subtitle A—Improving Community**
18 **Emergency Response Capacity**
19 **and Preparedness**

20 **SEC. 101. STAFFING SHORTAGES.**

21 (a) INITIATIVES TO COMBAT NURSING SHORT-
22 AGES.—Title VIII of the Public Health Service Act (42
23 U.S.C. 296 et seq.) is amended by adding at the end the
24 following:

1 **“PART H—INITIATIVES TO STRENGTHEN THE**
2 **NURSING WORKFORCE**

3 **“SEC. 851. CAREER LADDER GRANT PROGRAM.**

4 “(a) PROGRAM AUTHORIZED.—The Secretary shall
5 award grants to eligible entities to assist individuals in ob-
6 taining education required to enter the nursing profession
7 and advance within such profession.

8 “(b) USE OF FUNDS.—An eligible entity that receives
9 a grant under subsection (a) shall use funds under such
10 grant to establish student scholarships or stipends for
11 nurse professionals, licensed practical nurses, certified
12 nurse assistants, and home health aids who enroll in entry
13 level nursing programs, advanced practice nursing degree
14 programs, RN/Master’s nursing degree programs, doctoral
15 nursing programs, public health nursing programs, nurse
16 educator programs, nurse administrator programs, long
17 term care nursing programs, and training programs fo-
18 cused on specific technology use or disease management.

19 **“SEC. 852. GRANTS FOR PARTNERSHIPS.**

20 “(a) IN GENERAL.—The Secretary shall award
21 grants to designated eligible entities to enable such enti-
22 ties to form partnerships to carry out the activities de-
23 scribed in subsection (d).

24 “(b) DESIGNATED ELIGIBLE ENTITY.—

25 “(1) IN GENERAL.—For purposes of this sec-
26 tion, the term ‘designated eligible entity’ means a

1 school of nursing (including a minority serving insti-
2 tution) and a health care facility, both of which are
3 eligible entities, that form a partnership to carry out
4 the activities described in subsection (d).

5 “(2) HEALTH CARE FACILITY.—For purposes
6 of this section, the term ‘health care facility’ means
7 a hospital, nursing home, home health care agency,
8 hospice, federally qualified health center, rural
9 health clinic, or public health clinic.

10 “(d) USE OF FUNDS.—A designated eligible entity
11 that receives a grant under subsection (a) shall use funds
12 received through such grant to—

13 “(1) provide employees of the facility advanced
14 training and education at the school or facility using
15 up-to-date equipment and technology;

16 “(2) establish or expand nursing practice ar-
17 rangements in noninstitutional settings to dem-
18 onstrate methods to improve access to health care in
19 medically underserved communities;

20 “(3) purchase distance learning technology to
21 extend general education and training programs to
22 rural areas, and to extend specialty education and
23 training programs to all areas; and

24 “(4) establish or expand mentoring and intern-
25 ship programs for training in specialty care areas.

1 **“SEC. 853. GRANTS FOR HEALTH CAREER ACADEMIES.**

2 “(a) IN GENERAL.—The Secretary shall award
3 grants to designated eligible entities for the purpose of as-
4 sisting such entities in collaborating to carry out programs
5 that form education pipelines to facilitate the entry of stu-
6 dents of secondary educational institutions into careers in
7 the field of nursing.

8 “(b) DESIGNATED ELIGIBLE ENTITIES.—For pur-
9 poses of subsection (a), the term ‘designated eligible enti-
10 ties’ means eligible entities that are schools of nursing,
11 health care providers, or secondary educational institu-
12 tions, including minority serving institutions.

13 **“SEC. 854. FAST-TRACK NURSING FACULTY SCHOLARSHIP**
14 **AND LOAN REPAYMENT PROGRAMS.**

15 “(a) IN GENERAL.—The Secretary shall establish a
16 program of entering into contracts with individuals de-
17 scribed in subsection (b) under which the individuals agree
18 to serve as members of the faculties of schools of nursing
19 in consideration of the Federal Government agreeing—

20 “(1) to provide scholarships for full-time at-
21 tendance at doctoral programs in the field of nurs-
22 ing; or

23 “(2) to pay, for each year of service as such a
24 faculty member, not more than \$20,000 of the prin-
25 cipal and interest of the educational loans of such
26 individuals.

1 “(b) ELIGIBLE INDIVIDUALS.—The individuals re-
2 ferred to in subsection (a) are—

3 “(1) in the case of the scholarship program
4 under such subsection, individuals who are enrolled
5 or accepted for enrollment in a doctoral program in
6 the field of nursing; and

7 “(2) in the case of the loan repayment program
8 under such subsection—

9 “(A) individuals who have a doctoral de-
10 gree in the field of nursing; or

11 “(B) are enrolled in a doctoral program in
12 such field and are in the final academic year of
13 the program.

14 “(c) REQUIREMENTS REGARDING FACULTY POSI-
15 TIONS.—

16 “(1) IN GENERAL.—The Secretary may enter
17 into a contract under subsection (a) only if the indi-
18 vidual involved has entered into a contract with a
19 school of nursing to serve as a member of the fac-
20 ulty of the school for two years, or for such longer
21 period as may be specified in the contract.

22 “(2) LOAN REPAYMENT PROGRAM.—

23 “(A) IN GENERAL.—The Secretary may
24 enter into a contract under subsection (a)(2)

1 only if the contract referred to in paragraph (1)
2 of this subsection provides that—

3 “(i) the school of nursing involved
4 will, for each year for which the individual
5 involved serves as a member of the faculty
6 under the contract with the school, make
7 payments of the principal and interest due
8 on the educational loans of the individual
9 for such year in an amount equal to the
10 amount of such payments made by the
11 Secretary for the year;

12 “(ii) the payments made by the school
13 pursuant to clause (i) on behalf of the indi-
14 vidual will be in addition to the pay that
15 the individual would otherwise receive for
16 serving as a member of such faculty; and

17 “(iii) the school, in making a deter-
18 mination of the amount of compensation to
19 be provided by the school to the individual
20 for serving as a member of the faculty, will
21 make the determination without regard to
22 the amount of payments made (or to be
23 made) to the individual by the Federal
24 Government under subsection (a)(2).

1 “(B) WAIVER REGARDING SCHOOL CON-
2 TRIBUTIONS.—The Secretary may waive the re-
3 quirement established in subparagraph (A) if
4 the Secretary determines that the requirement
5 will impose an undue financial hardship on the
6 school of nursing involved.

7 “(d) USE OF SCHOLARSHIP.—A scholarship under
8 subsection (a)(1) may be expended only for tuition ex-
9 penses, other reasonable educational expenses, and reason-
10 able living expenses incurred in attending the doctoral pro-
11 gram involved.

12 “(e) APPLICABILITY OF CERTAIN PROVISIONS.—
13 With respect to the National Health Service Corps Schol-
14 arship and Loan Repayment Programs established in sub-
15 part III of part D of title III, the provisions of such sub-
16 part shall, except as inconsistent with this section, apply
17 to the programs established in subsections (a)(1) and
18 (a)(2) of this section, respectively, in the same manner
19 and to the same extent as such provisions apply to such
20 Health Service Corps Scholarship and Loan Repayment
21 Programs.

22 **“SEC. 855. AUTHORIZATION OF APPROPRIATIONS.**

23 “For the purpose of carrying out this part, there is
24 authorized to be appropriated \$46,000,000 for fiscal year

1 2002. Amounts appropriated under the preceding sentence
2 shall remain available until expended.”.

3 (b) NATIONAL NURSING SERVICE CORPS SCHOLAR-
4 SHIP PROGRAM.—Title VIII of the Public Health Service
5 Act, as amended by subsection (a) of this section, is
6 amended by adding at the end the following:

7 **“PART I—NATIONAL NURSING SERVICE CORPS**
8 **SCHOLARSHIP PROGRAM**

9 **“SEC. 871. NATIONAL NURSING SERVICE CORPS SCHOLAR-**
10 **SHIP PROGRAM.**

11 “(a) PROGRAM AUTHORIZED.—The Secretary shall
12 establish a National Nurse Service Corps Scholarship pro-
13 gram (referred to in this section as the ‘program’) that
14 provides scholarships to individuals seeking nursing edu-
15 cation in exchange for service by such individuals in areas
16 with nursing shortages.

17 “(b) PREFERENCE.—In awarding scholarships under
18 this section, the Secretary shall give preference to appli-
19 cants with the greatest financial need, and applicants who
20 agree to serve in health facilities located in areas with
21 nursing shortages.

22 “(c) REQUIREMENTS.—To be eligible to participate
23 in the program, an individual must—

24 “(1) be accepted for enrollment, or be enrolled,
25 in a school of nursing, to take courses leading to a

1 baccalaureate or associate degree in nursing (or an
2 equivalent degree), or a diploma in nursing;

3 “(2) submit an application to participate in the
4 program; and

5 “(3) enter into an agreement with the Sec-
6 retary, at the time of submittal of such application,
7 to—

8 “(A) accept payment of a scholarship and
9 remain enrolled in a nursing school;

10 “(B) maintain an acceptable level of aca-
11 demic standing; and

12 “(C) serve as a nurse for a period of not
13 less than 2 years in an Indian Health Service
14 health center, a Native Hawaiian health center,
15 tribal health center, urban Indian health center,
16 a public or nonprofit private hospital, a health
17 center under section 330, a rural health clinic,
18 a public or nonprofit private nursing home,
19 home health agency, or hospice facility (includ-
20 ing a home setting), or a public or nonprofit
21 private health facility determined by the Sec-
22 retary to have a critical shortage of nurses.

23 “(d) APPLICATIONS.—

24 “(1) IN GENERAL.—The application forms for
25 the programs shall include—

1 “(A) a fair summary of the rights and li-
2 abilities of an individual whose application is
3 approved by the Secretary; and

4 “(B) information respecting meeting a
5 service obligation and such other information as
6 may be necessary for the individual to under-
7 stand the program.

8 “(2) ACCESSIBILITY.—The application form
9 and all other information furnished by the Secretary
10 shall be written so that it may be understood by the
11 average individual applying to participate in the pro-
12 gram. The Secretary shall make such application
13 forms, and other information available to individuals
14 desiring to participate in the program, on a date
15 sufficiently early to ensure that such individuals
16 have adequate time to carefully review and evaluate
17 such forms and information.

18 “(3) DISTRIBUTION.—The Secretary shall dis-
19 tribute to nursing schools materials providing infor-
20 mation on the program and shall encourage the
21 schools to disseminate the materials to students of
22 the schools.

23 “(e) SCHOLARSHIP.—

1 “(1) IN GENERAL.—A scholarship provided to a
2 student for a school year under a written contract
3 under the program shall consist of—

4 “(A) payment to, or (in accordance with
5 paragraph (2)) on behalf of the student of—

6 “(i) the tuition of the student in such
7 school year; and

8 “(ii) all other reasonable educational
9 expenses, including fees, books, laboratory
10 expenses, and living expenses incurred by
11 the student in such school year; and

12 “(B) payment to the student of a stipend
13 of \$400 per month for each 12 consecutive
14 months beginning with the first month of the
15 school year.

16 “(2) CONTRACT.—The Secretary may contract
17 with a nursing school, in which a participant in the
18 program is enrolled, for the payment to the nursing
19 school of the amounts of tuition and other reason-
20 able educational expenses described in paragraph
21 (1)(A).

22 “(f) BREACH OF AGREEMENT.—

23 “(1) IN GENERAL.—In the case of an individual
24 who enters into an agreement under this section to
25 provide service as a nurse in consideration for re-

1 ceiving a scholarship, such individual is liable to the
2 Federal Government for the amount of such scholar-
3 ship, and for interest on such scholarship at the
4 maximum legal prevailing rate, if the individual—

5 “(A) fails to maintain an acceptable level
6 of academic standing in the nursing program;

7 “(B) is dismissed from the nursing pro-
8 gram for disciplinary reasons;

9 “(C) voluntarily terminates the nursing
10 program; or

11 “(D) fails to provide services in accordance
12 with the program under this section for the pe-
13 riod of time applicable under the program.

14 “(2) WAIVER OR SUSPENSION OF LIABILITY.—

15 The Secretary shall provide for the waiver or sus-
16 pension of liability under this section if compliance
17 by the individual with the agreement is impossible,
18 or would involve extreme hardship to the individual,
19 or if enforcement of the agreement with respect to
20 the individual would be unconscionable.

21 “(3) DATE CERTAIN FOR RECOVERY.—Subject
22 to paragraph (2), any amount that the Federal Gov-
23 ernment is entitled to recover under paragraph (1)
24 shall be paid to the United States not later than the

1 expiration of the 3-year period beginning on the date
2 the United States becomes so entitled.

3 “(4) AVAILABILITY.—Amounts recovered under
4 paragraph (1) with respect to a program under this
5 section shall be available for the purposes of such
6 program, and shall remain available for such pur-
7 poses until expended.

8 “(g) DEFINITIONS.—In this section:

9 “(1) COMMUNITY HEALTH CENTER.—The term
10 ‘community health center’ has the meaning given
11 such term in section 330(a).

12 “(2) RURAL HEALTH CLINIC.—The term ‘rural
13 health clinic’ has the meaning given such term in
14 section 1861(aa)(2) of the Social Security Act.

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the
16 purpose of payments under agreements entered into under
17 subsection (a), there is authorized to be appropriated
18 \$50,000,000 for fiscal year 2002. Amounts appropriated
19 under the preceding sentence shall remain available until
20 expended.”.

21 (c) RESPONSE TO SHORTAGE OF MEDICAL LABORA-
22 TORY PERSONNEL.—

23 (1) SCHOLARSHIP PROGRAM.—Section
24 338A(a)(1) of the Public Health Service Act (42
25 U.S.C. 254l(a)(1)) is amended—

1 (A) by striking “and” after “practi-
2 tioners,”; and

3 (B) by inserting before the semicolon the
4 following: “, and (within the meaning of section
5 799B(12)) medical technologists and medical
6 laboratory technicians”.

7 (2) LOAN REPAYMENT PROGRAM.—Section
8 338B(a)(1) of the Public Health Service Act (42
9 U.S.C. 254~~l~~-1(a)(1)) is amended—

10 (A) by striking “and” after “practi-
11 tioners,”; and

12 (B) by inserting before the semicolon the
13 following: “, and (within the meaning of section
14 799B(12)) medical technologists and medical
15 laboratory technicians”.

16 (3) PROGRAMS UNDER TITLE VII.—

17 (A) ALLIED HEALTH AND OTHER DIS-
18 CIPLINES; PREFERENCE IN MAKING AWARDS.—
19 Section 755 of the Public Health Service Act
20 (42 U.S.C. 294e)) is amended by adding at the
21 end the following subsection:

22 “(c) PREFERENCE IN MAKING AWARDS.—In making
23 awards of grants and contracts under subsection (a), the
24 Secretary shall give preference to making awards to assist
25 entities in meeting the costs associated with expanding or

1 establishing programs that will increase the number of in-
2 dividuals trained as medical laboratory personnel.”.

3 (B) AUTHORIZATION OF APPROPRIA-
4 TIONS.—Section 757 of the Public Health Serv-
5 ice Act (42 U.S.C. 294g(a)) is amended by add-
6 ing at the end the following subsection:

7 “(d) ALLIED HEALTH AND OTHER DISCIPLINES.—
8 For the purpose of carrying out section 755, there is au-
9 thorized to be appropriated \$100,000,000 for fiscal year
10 2002. Amounts appropriated under the preceding sentence
11 shall remain available until expended. Such authorization
12 is in addition to the authorizations of appropriations
13 under subsection (a) that are available for such purpose.”.

14 (4) OTHER TITLE VII PROGRAMS.—Section 740
15 of the Public Health Service Act (42 U.S.C. 293d)
16 is amended—

17 (A) by redesignating subsection (d) as sub-
18 section (e); and

19 (B) by inserting after subsection (c) the
20 following subsection:

21 “(d) MEDICAL LABORATORY PERSONNEL.—For the
22 purpose of increasing the number of individuals trained
23 as medical laboratory personnel through making awards
24 of grants or contracts under sections 737 through 739 for
25 appropriate schools of allied health, there are authorized

1 to be appropriated, in addition to authorizations of appro-
2 priations under subsections (a) through (c) that are avail-
3 able for such purpose, the following:

4 “(1) For awards under section 737 to such
5 schools, \$11,193,000 for fiscal year 2002. Amounts
6 appropriated under this paragraph shall remain
7 available until expended.

8 “(2) For awards under section 738 to serve as
9 members of the faculty of such schools, \$332,500 for
10 fiscal year 2002. Amounts appropriated under this
11 paragraph shall remain available until expended.
12 Amounts appropriated under this paragraph shall
13 remain available until expended.

14 “(3) For awards under section 739 to such
15 schools, \$8,200,000 for fiscal year 2002. Amounts
16 appropriated under this paragraph shall remain
17 available until expended.”.

18 (5) PUBLIC HEALTH EMERGENCIES.—

19 (A) COMBATING ANTIMICROBIAL RESIST-
20 ANCE.—Section 319E of the Public Health
21 Service Act (42 U.S.C. 247d-5), as added by
22 section 102 of Public Law 106-505 (114 Stat.
23 2315), is amended—

24 (i) in subsection (c)(3), by inserting
25 before the period the following: “, and sup-

1 port programs that train medical labora-
2 tory personnel (as defined in section 799B)
3 in disciplines that recognize or identify the
4 resistance of pathogens”; and

5 (ii) in subsection (e)(2), by inserting
6 after “societies,” the following: “schools or
7 programs that train medical laboratory
8 personnel (as defined in section 799B),”.

9 (B) PUBLIC HEALTH COUNTERMEASURES
10 TO BIOTERRORIST ATTACK.—Section 319F of
11 the Public Health Service Act (42 U.S.C.
12 247d–6), as added by section 102 of Public
13 Law 106–505 (114 Stat. 2315), is amended—

14 (A) in subsection (c)(2)—

15 (i) by striking “or” after “clinic,”;

16 and

17 (ii) by inserting before the period the
18 following: “, or a school or program that
19 trains medical laboratory personnel (as de-
20 fined in section 799B)”; and

21 (B) in subsection (e)(2), by inserting be-
22 fore the period the following: “, and support
23 programs that train medical laboratory per-
24 sonnel (as defined in section 799B) in dis-

1 ciplines that recognize or identify a potential bi-
2 ological agent”.

3 (6) DEFINITION OF MEDICAL LABORATORY
4 PERSONNEL.—Section 799B of the Public Health
5 Service Act (42 U.S.C. 295p) is amended by adding
6 at the end the following:

7 “(12) The term ‘medical laboratory personnel’
8 means allied health professionals (as defined in
9 paragraph (5)) who are medical technologists,
10 cytotechnologists, histotechnologists, phlebotomists,
11 or medical laboratory technicians, or who are in
12 other fields that, within the meaning of section
13 353(a) (relating to the certification of clinical lab-
14 oratories), examine materials derived from the
15 human body for the purpose of providing informa-
16 tion for the diagnosis, prevention, or treatment of
17 any disease or impairment of, or the assessment of
18 the health of, human beings.”.

19 (d) EPIDEMIOLOGISTS AND BIOSTATISTICIANS.—For
20 the purpose of increasing the number of individuals
21 trained as epidemiologists and biostatisticians through
22 making awards of grants and contracts to accredited grad-
23 uate programs in the appropriate schools of public health
24 and medical schools with special emphasis on schools in
25 the CDC-designated areas of health disparity, there are

1 authorized to be appropriated, in addition to other author-
2 izations of appropriations available for such purpose, the
3 following:

4 (1) For awards to enhance existing programs to
5 meet the needs of bioterrorism in such schools,
6 \$50,000,000 for fiscal year 2002, to remain avail-
7 able until expended.

8 (2) For awards to increase the number of fac-
9 ulty in such schools (with special emphasis on fac-
10 ulty from CDC-designated areas of health disparity),
11 \$12,000,000 for fiscal year 2002, to remain avail-
12 able until expended.

13 (3) For scholarships to students in such schools
14 (with special emphasis on students from CDC-des-
15 igned areas of health disparity), \$90,896,000 for
16 fiscal year 2002, to remain available until expended.

17 **SEC. 102. HOSPITAL CAPACITY AND RESOURCES.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services (in this title referred to as the “Sec-
20 retary”) shall carry out a program to make awards of
21 grants or contracts to hospitals and other emergency pro-
22 viders to enhance their ability and increase their capacity
23 to treat victims of bioterrorism, including their ability to
24 detect and contain contagious diseases, expand bed capac-

1 ity in case of an emergency, and stockpile supplies to use
2 in an attack.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
4 purpose of carrying out subsection (a), there is authorized
5 to be appropriated \$295,000,000 for fiscal year 2002.
6 Amounts appropriated under the preceding sentence shall
7 remain available until expended.

8 **SEC. 103. PROVIDER TRAINING.**

9 (a) RECOGNIZING BIOTERRORISM VICTIMS; ASSUR-
10 ING ADEQUATE PERSONNEL.—

11 (1) IN GENERAL.—The Secretary, in consulta-
12 tion with State and local departments of public
13 health, shall carry out a program—

14 (A) to train health professionals to recog-
15 nize and treat victims of bioterrorism; and

16 (B) to assure adequate personnel to effec-
17 tively treat the increase in patients that would
18 result from a biological attack.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—For
20 the purpose of carrying out paragraph (1), there is
21 authorized to be appropriated \$200,000,000 for fis-
22 cal year 2002. Amounts appropriated under the pre-
23 ceding sentence shall remain available until ex-
24 pended.

1 (b) MANDATED TRAINING IN RESPONSE TO CHEM-
2 ICAL AND BIOLOGICAL TERRORISM.—

3 (1) IN GENERAL.—The Secretary shall carry
4 out a program to mandate training in chemical and
5 biological terrorism response for all medical per-
6 sonnel, including emergency personnel as well as
7 community primary care providers.

8 (2) RELATION TO REGISTRATION WITH DRUG
9 ENFORCEMENT ADMINISTRATION.—The Attorney
10 General may not register a health professional under
11 section 303(f) of the Controlled Substances Act un-
12 less the health professional has received the training
13 described in paragraph (1).

14 **Subtitle B—Ensuring an Adequate**
15 **Supply of Vaccines and Treat-**
16 **ments for All Americans**

17 **SEC. 111. SUPPLIES OF VACCINES AND ANTIBIOTICS.**

18 (a) TRAINING AND EQUIPPING PERSONNEL.—

19 (1) IN GENERAL.—The Secretary shall carry
20 out a program—

21 (A) to improve the ability of public health
22 agencies, hospitals, and other appropriate com-
23 munity providers to train and equip personnel
24 to provide antibiotics and vaccines to attack vic-
25 tims; and

1 (B) to improve communication networks so
2 health professionals can limit the spread of dis-
3 ease.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—For
5 the purpose of carrying out paragraph (1), there is
6 authorized to be appropriated \$200,000,000 for fis-
7 cal year 2002. Amounts appropriated under the pre-
8 ceding sentence shall remain available until ex-
9 pended.

10 (b) DEVELOPMENT AND PRODUCTION OF NEW AND
11 IMPROVED VACCINES; ANTIBIOTICS, VACCINES, THERA-
12 PIES, AND MEDICAL SUPPLIES.—

13 (1) IN GENERAL.—The Secretary shall carry
14 out a program—

15 (A) to invest in research to develop and
16 produce new and improved vaccines, thera-
17 peutics, and antibiotics to respond to chemical
18 and biological agents that may be used in ter-
19 rorist activities;

20 (B) to increase the stockpile of antibiotics,
21 vaccines, therapies, and medical supplies needed
22 to respond to potential biological attacks; and

23 (C) to develop an appropriate rotation sys-
24 tem for drugs in the stockpile.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—For
2 the purpose of carrying out paragraph (1), there is
3 authorized to be appropriated \$1,152,000,000 for
4 fiscal year 2002. Amounts appropriated under the
5 preceding sentence shall remain available until ex-
6 pended.

7 (c) FOOD AND DRUG ADMINISTRATION.—

8 (1) FAST TRACK APPROVAL; EXPEDITED EMER-
9 GENCY APPROVALS.—In carrying out the Federal
10 Food, Drug, and Cosmetic Act, the Secretary may—

11 (A) provide for fast track approval of bio-
12 terrorism vaccines and antibiotics; and

13 (B) in emergency situations, approve bio-
14 terrorism products based on the results of ani-
15 mal testing.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—For
17 the purpose of carrying out paragraph (1), there is
18 authorized to be appropriated \$50,000,000 for fiscal
19 year 2002. Amounts appropriated under the pre-
20 ceding sentence shall remain available until ex-
21 pended.

22 (d) DIALOGUE WITH ALLIED COUNTRIES.—The Sec-
23 retary, in collaboration with the Secretary of State, shall
24 open a dialogue with foreign countries that are allies of
25 the United States in order to secure their cooperation in

1 the event that additional stockpiles of bioterrorism vac-
2 cines and antibiotics or other resources are needed.

3 (e) SENSE OF CONGRESS REGARDING FIRST RE-
4 SPONDERS AND SMALLPOX.—It is the sense of the Con-
5 gress that the Secretary should evaluate the need to im-
6 munize first responders against smallpox.

7 **Subtitle C—Enhancing Community**
8 **Planning and Intergovern-**
9 **mental Coordination**

10 **SEC. 121. LOCAL PLANNING GRANTS FOR HEALTH CARE**
11 **PROVIDERS.**

12 (a) IN GENERAL.—The Secretary shall carry out a
13 program to make planning grants directly to community
14 health care providers to coordinate bioterrorism emer-
15 gency response procedures within community planning
16 and response activities. A condition for receiving such
17 grants is that community health care providers develop a
18 bioterrorism plan and incorporate that into the local com-
19 munity-wide bioterrorism response plan.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
21 purpose of carrying out subsection (a), there is authorized
22 to be appropriated \$100,000,000 for fiscal year 2002.
23 Amounts appropriated under the preceding sentence shall
24 remain available until expended.

1 **SEC. 122. PLANNING, TRAINING AND EQUIPMENT FOR**
2 **LOCAL GOVERNMENT AND FIRST RESPOND-**
3 **ERS.**

4 (a) **EXPANSION OF METROPOLITAN MEDICAL RE-**
5 **SPONSE SYSTEM.—**

6 (1) **IN GENERAL.—**The Secretary shall carry
7 out a program to expand the number of political
8 subdivisions participating in the Metropolitan Med-
9 ical Response System that is coordinated by the Of-
10 fice of Emergency Preparedness.

11 (2) **AUTHORIZATION OF APPROPRIATIONS.—**For
12 the purpose of carrying out paragraph (1), there is
13 authorized to be appropriated \$50,000,000 for fiscal
14 year 2002. Amounts appropriated under the pre-
15 ceding sentence shall remain available until ex-
16 pended.

17 (b) **FEDERAL EMERGENCY MANAGEMENT AGEN-**
18 **CY.—**

19 (1) **GRANT PROGRAM.—**

20 (A) **IN GENERAL.—**The Director of the
21 Federal Emergency Management Agency shall
22 make grants on a competitive basis to units of
23 local government and emergency response units.

24 (B) **USE OF GRANTS.—**Grants made under
25 this paragraph shall be used to—

1 (i) develop strategic response plans
2 that—

3 (I) provide for a clearly defined
4 and unified response to a terrorist at-
5 tack or other catastrophe;

6 (II) coordinate the activities and
7 procedures of various emergency re-
8 sponse units;

9 (III) define the relationship,
10 roles, responsibilities, jurisdictions,
11 command structures, and communica-
12 tion protocols of emergency response
13 units;

14 (IV) coordinate response proce-
15 dures with similar emergency response
16 units in neighboring units of local
17 government as well as with State and
18 Federal agencies;

19 (V) identify potential local tar-
20 gets of terrorism and include specific
21 response procedures for each potential
22 target;

23 (VI) assess and address threats
24 and outline coordinated response pro-
25 cedures; and

1 (VII) identify areas where addi-
2 tional training, equipment, or other
3 assistance is needed to implement
4 such procedures;

5 (ii) prepare and issue reports to units
6 of local government, State legislatures, and
7 Congress that include recommendations for
8 specific legislative action; and

9 (iii) conduct public forums or other
10 appropriate activities to educate the public
11 about—

12 (I) potential threats and steps
13 the public can take to prepare for
14 them;

15 (II) the contents of the strategic
16 response plans;

17 (III) how to communicate with
18 authorities in the event of an emer-
19 gency;

20 (IV) the location of safe public
21 assembly areas or other emergency
22 shelters; and

23 (V) other appropriate informa-
24 tion, including how to access medical
25 care in response to a biological attack

1 despite one's insurance status or cov-
2 erage.

3 (C) AUTHORIZATION OF APPROPRIA-
4 TIONS.—For the purpose of making grants
5 under subparagraph (A), there is authorized to
6 be appropriated \$500,000,000 for fiscal year
7 2002. Amounts appropriated under the pre-
8 ceding sentence shall remain available until ex-
9 pended.

10 (2) STATE EMERGENCY MANAGEMENT COORDI-
11 NATORS.—The Director of the Federal Emergency
12 Management Agency shall designate for each State
13 a representative of the Federal Emergency Manage-
14 ment Agency to—

15 (A) advise and assist units of local govern-
16 ment of the State with the development of stra-
17 tegic response plans;

18 (B) act as a liaison between units of local
19 government of the State and the Federal Gov-
20 ernment; and

21 (C) coordinate the sharing of information
22 about Federal Government initiatives and pro-
23 tocol.

1 **SEC. 123. STATE MEDICAL DISASTER RESPONSE PLANS RE-**
2 **GARDING TERRORIST ATTACKS.**

3 (a) IN GENERAL.—

4 (1) STATE PLANS.—The Secretary, acting
5 through the Director of the Centers for Disease
6 Control and Prevention, shall cooperate with the
7 States toward the goal of ensuring that each State
8 develops a medical disaster response plan regarding
9 terrorist attacks that use biological or chemical
10 weapons.

11 (2) COLLABORATION.—The Secretary shall
12 carry out this section in collaboration with the As-
13 sistant to the President for Homeland Security, the
14 Director of the Federal Emergency Management
15 Agency, and the Attorney General.

16 (b) FEDERAL CRITERIA.—The Secretary shall estab-
17 lish criteria that provide recommendations to the States
18 for response plans under subsection (a). Such criteria shall
19 provide that a response plan of a State should, with re-
20 spect to terrorist attacks described in such subsection,
21 include—

22 (1) provisions for a comprehensive assessment
23 of the response capabilities of the State, including
24 the capabilities of local governments;

25 (2) provisions for the storage and distribution
26 of pharmaceuticals in coordination with the Office of

1 Emergency Preparedness and the Centers for Dis-
2 ease Control and Prevention, which provisions
3 should be designed to meet a standard of providing
4 supplies for every diagnosed victim within 24 hours
5 of diagnosis;

6 (3) provisions for training medical personnel;
7 and

8 (4) provisions for hospitals and medical per-
9 sonnel to conduct emergency drills.

10 (c) FEDERAL EVALUATION OF PLANS; COORDINA-
11 TION THROUGH OFFICE OF HOMELAND SECURITY.—The
12 Secretary shall request that the States submit proposed
13 response plans under subsection (a) to the Assistant to
14 the President for Homeland Security. Such Assistant to
15 the President shall coordinate—

16 (1) the evaluation of the response plans by the
17 Secretary, the Director of the Federal Emergency
18 Management Agency, and the Attorney General; and

19 (2) the provision to the States of recommenda-
20 tions regarding modifications to the response plans.

21 (d) REPORT TO CONGRESS; COORDINATION
22 THROUGH OFFICE OF HOMELAND SECURITY.—

23 (1) IN GENERAL.—A report shall be submitted
24 to the Congress that, on the basis of evaluations
25 under subsection (c) and of State actions in response

1 to the evaluations, describes the extent to which the
2 States are prepared to respond to terrorist attacks
3 that use biological or chemical weapons.

4 (2) PREPARATION OF REPORT.—The report
5 under paragraph (1) shall be prepared by the Sec-
6 retary, the Director of the Federal Emergency Man-
7 agement Agency, and the Attorney General, and the
8 Assistant to the President for Homeland Security
9 shall coordinate the preparation of the report.

10 **SEC. 124. STATE TRAUMA CARE SYSTEMS.**

11 (a) IN GENERAL.—Through trauma-care programs
12 under title XII of the Public Health Service Act, the Sec-
13 retary shall carry out activities to assist States and terri-
14 tories in coordinating their trauma care systems and even-
15 tually ensuring that such systems can respond to large-
16 scale bioterrorist attacks.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
18 purpose of carrying out subsection (a), there is authorized
19 to be appropriated \$60,000,000 for fiscal year 2002.
20 Amounts appropriated under the preceding sentence shall
21 remain available until expended.

22 **SEC. 125. INTERGOVERNMENTAL COORDINATION.**

23 The President shall direct the appropriate Federal of-
24 ficials to carry out a program to strengthen intergovern-
25 mental coordination through formal arrangements be-

1 tween jurisdictions, including mutual aid plans. The pro-
2 gram shall include provisions for additional personnel in
3 order to authorize the timely purchase of necessary sup-
4 plies, arrange for authorization of travel, and other gen-
5 eral coordination of the teams of local firefighters and
6 other emergency personnel.

7 **SEC. 126. COMMUNICATION BETWEEN FAA AND FEMA.**

8 With respect to airspace that is restricted or closed
9 in response to a bioterrorist attack, the Administrator of
10 the Federal Aviation Administration and the Director of
11 the Federal Emergency Management Agency shall collabo-
12 rate to develop a plan that provides immediate authority
13 for personnel of such Agency to travel by aircraft to the
14 geographic areas affected by the attack, notwithstanding
15 such restriction or closure of the airspace.

16 **SEC. 127. PUBLIC HEALTH REPRESENTATION ON NSC.**

17 It is the sense of the Congress that the Surgeon Gen-
18 eral of the Public Health Service should serve as a member
19 of the National Security Council.

20 **SEC. 128. USE OF COUNTERTERRORISM TECHNOLOGY OF**
21 **THE LABORATORIES OF THE NATIONAL NU-**
22 **CLEAR SECURITY ADMINISTRATION.**

23 Section 3264 of the National Nuclear Security Ad-
24 ministration Act (50 U.S.C. 2464) is amended—

1 (1) by inserting “(a) IN GENERAL.—” before
2 “‘The Secretary’”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(b) COUNTERTERRORISM COORDINATOR.—

6 “(1) IN GENERAL.—There is within the Admin-
7 istration a counterterrorism coordinator. The
8 counterterrorism coordinator shall, in accordance
9 with this section—

10 “(A) coordinate the counterterrorism tech-
11 nology and expertise of the national security
12 laboratories;

13 “(B) make such technology and expertise
14 available to the Director of the Office of Home-
15 land Security in a timely and efficient manner;
16 and

17 “(C) act as a liaison between such labora-
18 tories and the Office of Homeland Security.

19 “(2) AUTHORIZATION OF APPROPRIATIONS.—
20 For the purpose of providing for the salary of the
21 counterterrorism coordinator under paragraph (1),
22 there is authorized to be appropriated \$100,000 for
23 fiscal year 2002. Amounts appropriated under the
24 preceding sentence shall remain available until ex-
25 pended.”.

1 **Subtitle D—Enhancing Surveil-**
2 **lance, Improving Communica-**
3 **tions, and Strengthening**

4 **SEC. 131. SURVEILLANCE AND TECHNOLOGY INFRASTRUC-**
5 **TURE.**

6 (a) ENHANCED STATE AND LOCAL SURVEIL-
7 LANCE.—

8 (1) IN GENERAL.—The Secretary shall carry
9 out a program to improve detection through en-
10 hanced State and local surveillance, train health care
11 personnel in the detection of illnesses associated with
12 a biological attack, and upgrade laboratories for im-
13 proved identification of biological attacks. In car-
14 rying out the program, the Secretary shall ensure a
15 seamless public health system by providing for in-
16 creased staff resources to expand hours that public
17 health contacts are accessible to local providers.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—For
19 the purpose of carrying out paragraph (1), there is
20 authorized to be appropriated \$235,000,000 for fis-
21 cal year 2002. Amounts appropriated under the pre-
22 ceding sentence shall remain available until ex-
23 pended.

24 (b) ENHANCED CDC SURVEILLANCE.—For the pur-
25 pose of improving and expanding surveillance capabilities

1 of the Centers for Disease Control and Prevention, there
2 is authorized to be appropriated \$140,000,000 for fiscal
3 year 2002. Amounts appropriated under the preceding
4 sentence shall remain available until expended.

5 (c) CDC LAB FOR EMERGING INFECTIOUS DIS-
6 EASES.—For the purpose of completing the laboratory of
7 the Centers for Disease Control and Prevention that is
8 concerned with emerging infectious diseases, there is au-
9 thorized to be appropriated \$12,200,000 for fiscal year
10 2002. Amounts appropriated under the preceding sentence
11 shall remain available until expended.

12 **SEC. 132. COMMUNICATIONS AND TECHNOLOGY RE-**
13 **SOURCES AND COORDINATION.**

14 (a) IN GENERAL.—The Secretary shall carry out a
15 program to invest in building technology and communica-
16 tion capacities of local health care providers, other health
17 care professionals, and public health agencies, such as the
18 Health Alert Network and linkages through the Internet,
19 to detect unique illness patterns. Such systems shall be
20 built at the local level, utilizing all available resources
21 (such as health care facilities, private physicians, infec-
22 tious disease specialists, and other health professionals, in-
23 cluding veterinarians) and in coordination with State and
24 Federal health and emergency response agencies.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
 2 purpose of carrying out subsection (a), there is authorized
 3 to be appropriated \$100,000,000 for fiscal year 2002.
 4 Amounts appropriated under the preceding sentence shall
 5 remain available until expended.

6 **SEC. 133. INFORMATION FOR FIRST RESPONDERS.**

7 The Secretary shall require State, territory, and Fed-
 8 eral agencies to coordinate with and provide information
 9 to local firefighters and emergency responders to ensure
 10 that they are aware of chemical stockpiles, gas pipelines,
 11 and other dangers in the vicinity of an emergency site.

12 **TITLE II—PROTECTING AGRICULTURAL PRODUCTION AC-**
 13 **TIVITIES AND FOOD AND**
 14 **WATER SUPPLIES**

16 **Subtitle A—Keeping Food Sources**
 17 **and Supplies Safe**

18 **SEC. 201. DEPARTMENT OF AGRICULTURE ACTIVITIES TO**
 19 **REDUCE THREATS FROM AGRICULTURAL**
 20 **PATHOGENS AND INSECT PESTS AND IN-**
 21 **CREASE SECURITY OF DEPARTMENT INFOR-**
 22 **MATION SYSTEMS.**

23 (a) THREAT-REDUCTION ACTIVITIES.—There is au-
 24 thorized to be appropriated \$220,000,000 to the Secretary
 25 of Agriculture—

1 (1) to enhance the ability of the Animal and
2 Plant Health Inspection Service to prevent and re-
3 spond to the introduction of viral, bacterial, and
4 fungal pathogens and insect pests that can harm
5 crops or livestock and endanger human health;

6 (2) to improve contacts between the Animal and
7 Plant Health Inspection Service and local resources,
8 such as veterinarians and university personnel, to le-
9 verage Animal and Plant Health Inspection Service
10 funds and activities;

11 (3) to increase vaccine research and the produc-
12 tion of vaccines as a defense against high-threat
13 plant and animal pathogens; and

14 (4) to enhance protections against accessible
15 and internal Department of Agriculture information
16 systems.

17 (b) **AUTOMATED RECORDKEEPING SYSTEM.**—The
18 Administrator of the Animal and Plant Health Inspection
19 Service shall implement a central automated record-
20 keeping system to provide for the reliable tracking of the
21 status of animal and plant shipments, including those
22 shipments on hold at ports of entry and customs. The Sec-
23 retary of Agriculture shall ensure that such a system shall
24 be fully accessible to or fully integrated with the Food
25 Safety Inspection Service.

1 **SEC. 202. COORDINATION BETWEEN DEPARTMENT OF AG-**
2 **RICULTURE AND FOOD AND DRUG ADMINIS-**
3 **TRATION.**

4 (a) **IN GENERAL.**—The Secretary of Agriculture and
5 the Secretary of Health and Human Services shall expand
6 consultation and cooperation between the Department of
7 Agriculture and the Food and Drug Administration to
8 provide a coordinated response to deliberate food contami-
9 nation with a biological agent.

10 (b) **EVALUATION OF RESPONSE PLANS.**—As part of
11 the requirement imposed by subsection (a), the Food and
12 Drug Administration and the Department of Agriculture
13 shall test, within six months, their emergency response
14 plans and procedures using simulated exercises to evaluate
15 the effectiveness of responses from Federal, State, and
16 local governments and private industry.

17 **SEC. 203. SUPPORT FOR STATE EFFORTS TO TRACK**
18 **FOODBORNE PATHOGENS.**

19 (a) **GRANT AUTHORITY.**—The Director of the Cen-
20 ters for Disease Control and Prevention shall increase
21 grants to States to track foodborne pathogens.

22 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
23 authorized to be appropriated \$100,000,000 for State
24 grants for the purpose specified in subsection (a).

1 **SEC. 204. EXPANSION OF FOOD AND DRUG ADMINISTRA-**
2 **TION ACTIVITIES.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services shall expand the capacity of the Food and
5 Drug Administration through the conduct of activities
6 to—

7 (1) enhance the ability of the Administration to
8 inspect and ensure the safety and wholesomeness of,
9 and to ensure the safety of, the food supply;

10 (2) expand the capacity of the Administration
11 to inspect and ensure the safety of products of inter-
12 national origin;

13 (3) improve linkages between the Administra-
14 tion and other regulatory agencies of the Federal
15 Government, the States, the territories, and Indian
16 tribes with shared responsibilities;

17 (4) establish a network of agencies to plan, pre-
18 vent, and mitigate outbreaks of disease related to
19 terrorist activities; and

20 (5) otherwise expand the capacity of the Ad-
21 ministration to protect against the threat of bioter-
22 rorism.

23 (b) STATE DEFINED.—In this section, the term
24 “State” has the meaning given such term in section
25 201(a) of the Federal Food, Drug, and Cosmetic Act (21
26 U.S.C. 321(a)).

1 **SEC. 205. EXPANSION IN NUMBER OF FDA INSPECTORS FOR**
2 **DOMESTIC FOOD SHIPMENTS AND DOMESTIC**
3 **PRODUCTION FACILITIES.**

4 There is authorized to be appropriated \$135,000,000
5 to the Secretary of Health and Human Services to in-
6 crease the number of inspectors with the Food and Drug
7 Administration responsible for the inspection of domestic
8 food shipments and domestic production facilities.

9 **SEC. 206. ADDITIONAL AUTHORITIES OF FOOD AND DRUG**
10 **ADMINISTRATION REGARDING IMPORTED**
11 **FOOD SAFETY.**

12 (a) FDA INSPECTIONS.—Section 801 of the Federal
13 Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amend-
14 ed by adding at the end the following subsection:

15 “(h) No food offered for import into the United
16 States may enter domestic commerce unless an inspector
17 of the Food and Drug Administration is present and au-
18 thorizes such entry.”.

19 (b) AUTHORITY TO LIMIT PORTS OF ENTRY AND IM-
20 PORTS FROM COUNTRIES THAT SUPPORT TERRORISM.—
21 Section 801 of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 381) is amended—

23 (1) by striking “(b) Pending decision” and in-
24 serting “(b)(1) Pending decision”, and by redesignig-
25 nating subsection (c) as paragraph (2) of subsection
26 (b); and

1 (2) by inserting after subsection (b) the fol-
2 lowing subsection:

3 “(c)(1) The Secretary may limit the ports of entry
4 into the United States through which food, or particular
5 foods or food products, or food from particular points of
6 origin or with particular chains of distribution, is author-
7 ized to be imported or offered for import if the Secretary
8 determines that such action is necessary for the Secretary
9 to carry out this subsection effectively.

10 “(2) If the Secretary of State determines that the
11 government of a foreign country has supported or other-
12 wise aided or abetted one or more acts of international
13 terrorism, the Secretary of Health and Human Services
14 shall deny approval for the entry into the United States
15 for all food prepared, packed, held, manufactured, or proc-
16 essed in the foreign country.”.

17 (c) PRIOR NOTICE OF IMPORTED FOOD SHIP-
18 MENTS.—Section 801 of the Federal Food, Drug, and
19 Cosmetic Act (21 U.S.C. 381) is amended by adding at
20 the end the following subsection:

21 “(j) PRIOR NOTICE OF IMPORTED FOOD SHIP-
22 MENTS.—

23 “(1) IN GENERAL.—At least 4 hours before a
24 food is imported or offered for importation into the
25 United States, the producer, manufacturer, or ship-

1 per of the food shall provide documentation to the
2 Secretary of the Treasury and the Secretary of
3 Health and Human Services that—

4 “(A) identifies—

5 “(i) the food;

6 “(ii) the countries of origin of the
7 food; and

8 “(iii) the quantity to be imported; and

9 “(B) includes such other information as
10 the Secretary may require by regulation.

11 “(2) REFUSAL OF ADMISSION.—If documenta-
12 tion is not provided as required by paragraph (1) at
13 least 4 hours before the food is imported or offered
14 for importation, the food may be refused admission.

15 “(3) LIMITATION.—Nothing in this subsection
16 shall be construed to authorize the Secretary to im-
17 pose any requirements with respect to a food to the
18 extent that it is within the exclusive jurisdiction of
19 the Secretary of Agriculture pursuant to the Federal
20 Meat Inspection Act (21 U.S.C. 601 et seq.), the
21 Poultry Products Inspection Act (21 U.S.C. 451 et
22 seq.), or the Egg Products Inspection Act (21
23 U.S.C. 1031 et seq.).”

24 (d) RECALL AUTHORITY REGARDING IMPORTED
25 FOOD.—Chapter VIII of the Federal Food, Drug, and

1 Cosmetic Act (21 U.S.C. 381 et seq.) is amended by in-
2 serting after section 801 the following section:

3 “RECALL AUTHORITY REGARDING IMPORTED FOOD

4 “SEC. 801A. (a) IN GENERAL.—If the Secretary de-
5 termines that there is a reasonable basis for believing that
6 food imported into the United States has been inten-
7 tionally adulterated, the following applies:

8 “(1) The Secretary shall issue an order requir-
9 ing the appropriate persons (including importers,
10 distributors, or retailers) to immediately cease dis-
11 tribution of the food.

12 “(2) In the case of a food to which an order
13 under subparagraph (A) applies, the provisions of
14 paragraphs (1) and (2)(A) of section 518(e) regard-
15 ing an informal hearing, and amending an order of
16 the Secretary to require a recall, apply with respect
17 to the food to the same extent and in the same man-
18 ner as such provisions apply with respect to devices.

19 “(b) INFANT FORMULA.—With respect to the recall
20 of infant formula, section 412(e) applies in lieu of sub-
21 section (a) of this section.”

22 (e) DEVELOPMENT OF RAPID TEST TECHNOLOGY.—
23 Section 801 of the Federal Food, Drug, and Cosmetic Act,
24 as amended by subsection (c), is amended by adding at
25 the end the following subsection:

1 “(k) DEVELOPMENT OF RAPID TEST TECH-
2 NOLOGY.—(1) The Secretary shall (directly or through
3 grants or contracts) provide for research on the develop-
4 ment of tests and sampling methodologies, for use in in-
5 spections of food under this section—

6 “(A) whose purpose is to determine whether
7 food is adulterated by reason of being contaminated
8 with microorganisms or pesticide chemicals or re-
9 lated residues; and

10 “(B) whose results are available not later than
11 approximately 60 minutes after the administration
12 of the tests.

13 “(2) In providing for research under paragraph (1),
14 the Secretary shall give priority to conducting research on
15 the development of tests that are suitable for inspections
16 of food at ports of entry into the United States, with the
17 greatest priority given to the development of such tests
18 that the Secretary determines would be useful in detecting
19 the intentional adulteration of food.

20 “(3) In providing for research under paragraph (1),
21 the Secretary shall give priority to conducting research on
22 the development of tests for detecting the presence in food
23 of the pathogens *E. coli*, *salmonella*, *cyclospora*,
24 *cryptosporidium*, *hepatitis A*, or *listeria*, the presence in
25 or on food of pesticide chemicals and related residues, and

1 the presence in or on food of such other pathogens or sub-
2 stances as the Secretary determines to be appropriate, in-
3 cluding any pathogen or substance that the Secretary de-
4 termines is a candidate for use to intentionally adulterate
5 food. The Secretary shall establish the goal of developing,
6 by the expiration of the three-year period beginning on
7 the date of the enactment of this subsection, tests under
8 paragraph (1) for each of the pathogens and substances
9 receiving priority under the preceding sentence.”.

10 (f) EXPANDED DETENTION AUTHORITY.—Section
11 304 of the Federal Food, Drug and Cosmetic Act (21
12 U.S.C. 334) is amended by adding at the end the following
13 subsection:

14 “(h) ADMINISTRATIVE DETENTION OF FOODS.—

15 “(1) AUTHORITY.—Any officer or employee of
16 the Food and Drug Administration may order the
17 detention, in accordance with this subsection, of any
18 article of food that is found during an inspection, ex-
19 amination, or investigation under this Act conducted
20 by such officer or employee, if the officer or em-
21 ployee has credible epidemiologic evidence or infor-
22 mation indicating that the article is in violation of
23 this Act and poses a risk to human or animal health.

24 “(2) PERIOD OF DETENTION; APPROVAL BY
25 SECRETARY OR SECRETARY’S DESIGNEE.—

1 “(A) DURATION.—An article of food may
2 be detained under this subsection for a reason-
3 able period, not to exceed 20 days, sufficient to
4 enable the Secretary to institute an action
5 under subsection (a) or section 302.

6 “(B) SECRETARY’S APPROVAL.—Before an
7 article of food may be ordered detained under
8 this subsection, the Secretary or an officer or
9 employee designated by the Secretary must ap-
10 prove such order, after determining that the
11 distribution of the food would threaten human
12 or animal health.

13 “(3) SECURITY OF DETAINED ARTICLE.—A de-
14 tention order under this subsection with respect to
15 an article of food may require that the article be la-
16 beled or marked as detained, and may require that
17 the article be removed to a secure facility. An article
18 subject to a detention order under this subsection
19 shall not be moved by any person from the place at
20 which it is ordered detained until release by the Sec-
21 retary, or the expiration of the detention period ap-
22 plicable to such order, whichever occurs first.

23 “(4) APPEAL OF DETENTION ORDER.—Any per-
24 son who would be entitled to claim a detained article
25 if it were seized under subsection (a) may appeal to

1 the Secretary the detention order under this sub-
2 section. Within 15 days after such an appeal is filed,
3 the Secretary, after affording opportunity for an in-
4 formal hearing, shall by order confirm the detention
5 order or revoke it.

6 “(5) PERISHABLE FOODS.—The Secretary may
7 provide in regulation or in guidance for procedures
8 for instituting and appealing on an expedited basis
9 administrative detention of perishable foods.”.

10 (g) DEBARMENT FOR REPEATED OR SERIOUS FOOD
11 IMPORT VIOLATIONS.—

12 (1) PERMISSIVE DEBARMENT.—Section
13 306(b)(1) of the Federal Food, Drug, and Cosmetic
14 Act (21 U.S.C. 335a(b)(1)) is amended—

15 (A) by striking the period at the end of
16 subparagraph (B) and inserting “; or”; and

17 (B) by adding at the end the following:

18 “(C) a person from importing a food or of-
19 fering a food for import into the United States
20 if—

21 “(i) the person has been convicted of
22 a felony for conduct relating to the impor-
23 tation into the United States of any food;
24 or

1 “(ii) the person has repeatedly or de-
2 liberately imported or offered for import
3 adulterated or misbranded food.”.

4 (2) CONFORMING AMENDMENT.—Section
5 306(b)(2) of the Federal Food, Drug, and Cosmetic
6 Act (21 U.S.C. 335a(b)(2)) is amended—

7 (A) in the paragraph heading, by inserting
8 “RELATING TO DRUG APPLICATIONS” after
9 “DEBARMENT”; and

10 (B) in the matter preceding subparagraph
11 (A), by striking “paragraph (1)” and inserting
12 “subparagraphs (A) and (B) of paragraph (1)”.

13 (3) DEBARMENT PERIOD.—Section
14 306(c)(2)(A)(iii) of the Federal Food, Drug, and
15 Cosmetic Act (21 U.S.C. 335a(c)(2)(A)(iii)) is
16 amended by striking “subsection (b)(2)” and insert-
17 ing “subsection (b)(1)(C) or (b)(2)”.

18 (4) TERMINATION OF DEBARMENT.—Section
19 306(d)(3) of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 335a(d)(3)) is amended—

21 (A) in subparagraph (A)(i), by striking “or
22 (b)(2)(A)” and inserting “, or (b)(2)(A), or
23 (b)(1)(C)”;

1 (B) in subparagraph (A)(ii)(II), by insert-
2 ing “in applicable cases,” before “sufficient au-
3 dits”; and

4 (C) in subparagraph (B), in each of
5 clauses (i) and (ii), by inserting “or (b)(1)(C)”
6 after “(b)(2)(B)”.

7 (5) EFFECTIVE DATES.—Section 306(l)(2) of
8 the Federal Food, Drug, and Cosmetic Act (21
9 U.S.C. 335a(l)(2)) is amended—

10 (A) in the first sentence, by inserting “and
11 subsection (b)(1)(C)” after “subsection
12 (b)(2)(B)”; and

13 (B) in the second sentence, by striking
14 “and subsections (f) and (g) of this section”
15 and inserting “subsections (f) and (g), and sub-
16 section (b)(1)(C)”.

17 (h) FAILURE TO PROVIDE COUNTRY-OF-ORIGIN LA-
18 BELING FOR CERTAIN FOODS.—Section 403 of the Fed-
19 eral Food, Drug, and Cosmetic Act (21 U.S.C. 343) is
20 amended by adding at the end the following:

21 “(t) If it is a food intended for human consumption,
22 it is grown, prepared, packed, manufactured, or processed
23 in a foreign country, and it fails, at the time the food is
24 offered for retail sale, to bear or be accompanied by label-
25 ing that identifies the country or countries in which the

1 food was grown, prepared, packed, manufactured, or pro-
2 cessed, except that this paragraph does not apply to food
3 offered for retail sale by restaurants or other eating estab-
4 lishments.”.

5 (i) PROHIBITED ACTS.—Section 301 of the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
7 ed by inserting after subsection (aa) the following:

8 “(bb) Knowingly making a false statement in docu-
9 mentation required under section 801(j).

10 “(cc) The movement of an article of food in violation
11 of an order under section 304(h), or the removal or alter-
12 ation of any mark or label required by the order in order
13 to identify the article as detained.”.

14 (j) CONFORMING AMENDMENTS.—(1) Section 801 of
15 the Federal Food, Drug, and Cosmetic Act, as amended
16 by subsection (b), is amended in subsection (b)(2) by
17 striking “subsection (b)” and inserting “paragraph (1)”.

18 (2) Section 402 of the Federal Food, Drug, and Cos-
19 metic Act (21 U.S.C. 342) is amended by adding at the
20 end the following:

21 “(h) If it is an article of food imported or offered
22 for import into the United States by, with the assistance
23 of, or at the direction of, a person debarred under section
24 306(b)(1)(C).”.

1 (k) INCREASE IN NUMBER OF INSPECTORS AT
2 UNITED STATES PORTS OF ENTRY.—Using funds appro-
3 priated pursuant to the authorization of appropriations in
4 subsection (l), the Secretary of Health and Human Serv-
5 ices shall increase the number of inspectors with the Food
6 and Drug Administration responsible for the inspection at
7 ports of entry into the United States.

8 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated \$270,000,000 to carry out
10 subsection (k) and the amendments made by this section.

11 **SEC. 207. MAINTENANCE AND INSPECTION OF RECORDS**
12 **FOR FOODS.**

13 (a) IN GENERAL.—Chapter IV of the Federal Food,
14 Drug and Cosmetic Act (21 U.S.C. 341 et seq.) is amend-
15 ed by adding at the end the following:

16 **“SEC. 414. MAINTENANCE AND INSPECTION OF RECORDS.**

17 **“(a) IN GENERAL.—**If the Secretary has reason to
18 believe that an article of food is in violation of this Act,
19 each person that manufactures, processes, packs, distrib-
20 utes, receives, holds, or imports such food shall, at the
21 request of an officer or employee duly designated by the
22 Secretary, permit such officer or employee, upon presen-
23 tation of appropriate credentials and a written notice to
24 such person, at reasonable times and within reasonable
25 limits and in a reasonable manner, to have access to and

1 to copy all records that may assist the Secretary to deter-
2 mine the cause and scope of the violation. This require-
3 ment applies to all records relating to such manufacture,
4 processing, packing, distribution, receipt, holding, or im-
5 portation maintained by or on behalf of such person in
6 any format (including paper and electronic formats) and
7 at any location. However, this authority does not extend
8 to the recipe of any food.

9 “(b) REGULATIONS CONCERNING RECORD-
10 KEEPING.—The Secretary may promulgate regulations re-
11 garding the maintenance of records by persons such as
12 those that manufacture, process, pack, transport, dis-
13 tribute, receive, hold, or import food, as may be needed
14 to allow the Secretary—

15 “(1) to promptly trace the source and chain of
16 distribution of food, its components and ingredients,
17 and its packaging to address threats of serious ad-
18 verse health consequences to humans and animals;
19 or

20 “(2) to determine whether food manufactured,
21 processed, packed, or held by the person may be
22 adulterated, or misbranded, to the extent that it
23 poses a risk to public health, under this Act.

24 The Secretary may impose reduced requirements under
25 such regulations for small businesses with 50 or fewer em-

1 ployees. The regulations shall not extend to the recipe of
2 any food.

3 “(c) LIMITATIONS.—Nothing in this section shall be
4 construed—

5 “(1) to limit the authority of the Secretary to
6 inspect records or to require maintenance of records
7 under any other provision of or regulations issued
8 under this Act;

9 “(2) to authorize the Secretary to impose any
10 requirements with respect to a food to the extent
11 that it is within the exclusive jurisdiction of the Sec-
12 retary of Agriculture pursuant to the Federal Meat
13 Inspection Act (21 U.S.C. 601 et seq.), the Poultry
14 Products Inspection Act (21 U.S.C. 451 et seq.), or
15 the Egg Products Inspection Act (21 U.S.C. 1031 et
16 seq.), or

17 “(3) to alter or amend in any way section 552
18 of title 5 or section 1995 of title 18, United States
19 Code.

20 “(d) INTERIM FINAL REGULATION.—A proposed reg-
21 ulation establishing record requirements under subsection
22 (b)(1) shall be effective upon publication pending consider-
23 ation of public comment and publication of a final regula-
24 tion, and it shall be considered final agency action for pur-
25 poses of judicial review.”.

1 (b) FACTORY INSPECTION.—Section 704(a) of the
2 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a))
3 is amended—

4 (1) in paragraph (1), by adding after the first
5 sentence the following: “In the case of any person
6 that manufactures, processes, packs, transports, dis-
7 tributes, receives, holds, or imports foods, the in-
8 spection shall extend to all records and other infor-
9 mation described in section 414(a), or required to be
10 maintained pursuant to section 414(b).”; and

11 (2) in paragraph (2), in the matter preceding
12 subparagraph (A), by striking “second sentence”
13 and inserting “third sentence”.

14 (c) PROHIBITED ACT.—Section 301 of the Federal
15 Food, Drug and Cosmetic Act (21 U.S.C. 331) is
16 amended—

17 (1) in subsection (e)—

18 (A) by striking “by section 412, 504, or
19 703” and inserting “by section 412, 414, 504,
20 703, or 704(a)”; and

21 (B) by striking “under section 412” and
22 inserting “under section 412, 414(b)”; and

23 (2) in section (j), by inserting “414,” after
24 “412,”.

1 **SEC. 208. REGISTRATION OF FOOD MANUFACTURING,**
2 **PROCESSING, AND HANDLING FACILITIES.**

3 (a) IN GENERAL.—Chapter IV of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as
5 amended by section 207, is further amended by adding
6 at the end the following:

7 **“SEC. 415. REGISTRATION OF FOOD MANUFACTURING,**
8 **PROCESSING, AND HANDLING FACILITIES.**

9 “(a) REGISTRATION.—

10 “(1) IN GENERAL.—Any facility engaged in
11 manufacturing, processing, or handling food for con-
12 sumption in the United States, including any facility
13 of an importer, shall be registered with the Sec-
14 retary.

15 “(2) SUBMISSION OF REGISTRATION.—In order
16 to be registered—

17 “(A) for a domestic facility not described
18 in subparagraph (B), the owner, operator, or
19 agent in charge of the facility shall submit a
20 registration to the Secretary; and

21 “(B) for a facility of an importer, or for a
22 foreign facility, the importer seeking to import
23 the food product manufactured, processed, or
24 handled in the facility shall submit the registra-
25 tion.

26 “(3) REGISTRATION.—

1 “(A) IN GENERAL.—An entity (referred to
2 in this section as the ‘registrant’) shall submit
3 the registration under this subsection to the
4 Secretary in such manner and containing such
5 information as the Secretary shall prescribe.
6 The person described in paragraph (2) shall
7 submit the application as provided for by the
8 Secretary.

9 “(B) CONTENTS.—In the case of a reg-
10 istration submitted for a foreign facility, the
11 registration shall contain, at a minimum, such
12 information as the Secretary may require dem-
13 onstrating that the facility, and the foreign na-
14 tion involved, will permit inspections by duly
15 commissioned officers or employees of the Sec-
16 retary.

17 “(4) PROCEDURE.—Upon receipt and review of
18 a completed registration described in paragraph (1),
19 the Secretary shall issue to the registrant a certifi-
20 cate of registration.

21 “(b) LIST OF REGISTERED FACILITIES.—The Sec-
22 retary shall compile and maintain an up-to-date list of fa-
23 cilities that are registered under this section. Such list
24 shall not be subject to the disclosure requirements of sec-
25 tion 552 of title 5, United States Code.

1 “(c) EXEMPTION AUTHORITY.—The Secretary may
2 by regulation exempt types of retail establishments or
3 farms from the requirements of subsection (a) if the Sec-
4 retary determines that the registration of such facilities
5 is not needed for effective enforcement of chapter IV and
6 any regulations issued under such chapter.

7 “(d) FACILITY.—In this section, the term ‘facility’ in-
8 cludes any factory, warehouse, or establishment (including
9 a factory, warehouse, or establishment of an importer),
10 that manufactures, handles, or processes food. The term
11 does not include a restaurant or other food service facility
12 that serves food to consumers.”.

13 (b) ADULTERATED FOODS.—Section 402 of the Fed-
14 eral Food, Drug, and Cosmetic Act (21 U.S.C. 342) is
15 amended by adding at the end the following:

16 “(h) If it is a food from a facility for which a registra-
17 tion has not been submitted to the Secretary under section
18 415(a).”.

19 (c) EFFECTIVE DATE.—The amendment made by
20 subsection (b) shall take effect 60 days after the date of
21 enactment of this Act.

22 **SEC. 209. RELATIONSHIP TO TREATY OBLIGATIONS.**

23 The Secretary of Agriculture and the Secretary of
24 Health and Human Services shall carry out this subtitle

1 and the amendments made by this subtitle consistent with
2 international trade agreements.

3 **Subtitle B—Safe Water Supply**

4 **SEC. 211. VULNERABILITY ASSESSMENTS AND EMERGENCY** 5 **RESPONSE PLANS.**

6 (a) VULNERABILITY ASSESSMENTS.—The Adminis-
7 trator of the Environmental Protection Agency shall, by
8 contract or otherwise, undertake vulnerability assessments
9 for public water systems to take into account possible
10 chemical, biological or radiological attacks water and
11 wastewater infrastructure facilities, including but not lim-
12 ited to storage, collection, treatment, and distribution sys-
13 tems. There is authorized to be appropriated \$66,000,000
14 for fiscal year 2002 to carry out this subsection; such
15 amount shall remain available until expended.

16 (b) EMERGENCY RESPONSE PLANS.—The Adminis-
17 trator of the Environmental Protection Agency shall re-
18 view emergency response plans and operations of public
19 water systems to ensure that such plans take into account
20 possible chemical, biological or radiological attacks on
21 drinking water storage, treatment and distribution sys-
22 tems and other drinking water system infrastructure fa-
23 cilities. The Administrator shall provide financial and
24 technical assistance to public water systems which do not
25 have emergency response plans adequate to address such

1 threats. There is authorized to be appropriated
2 \$55,000,000 for fiscal year 2002 to carry out this sub-
3 section; such amount shall remain available until ex-
4 pended.

5 **SEC. 212. RESEARCH AND DEVELOPMENT.**

6 The Administrator of the Environmental Protection
7 Agency, acting through the Assistant Administrator for
8 Water, in consultation with the Secretary of Energy, shall
9 conduct research and development of technology to mon-
10 itor and detect chemical, biological and radiological con-
11 tamination of public water systems providing drinking
12 water. There is authorized to be appropriated \$3,000,000
13 for fiscal year 2002 to carry out this subsection; such
14 amount shall remain available until expended.

15 **SEC. 213. BASIC SECURITY ENHANCEMENTS.**

16 The Administrator of the Environmental Protection
17 Agency, in coordination with the Assistant to the Presi-
18 dent for Homeland Security shall provide assistance to
19 public water systems providing drinking water to make
20 basic security enhancements of critical importance at pub-
21 lic water system facilities (including security personnel,
22 management systems, operating procedures re-keying
23 locks, cameras, fencing, and intrusion alert systems).
24 There is authorized to be appropriated \$60,000,000 for

1 fiscal year 2002 to carry out this subsection; such amount
2 shall remain available until expended.

3 **SEC. 214. ELECTRONIC SECURITY.**

4 The Administrator of the Environmental Protection
5 Agency shall assist public water systems that provide
6 drinking water to prevent and defeat electronic attacks on
7 the information systems of such systems at water infra-
8 structure facilities and to provide additional funding for
9 the agency's Supervisory Control and Data Acquisition
10 Program. There is authorized to be appropriated
11 \$80,000,000 for fiscal year 2002 to carry out this sub-
12 section; such amount shall remain available until ex-
13 pended.

14 **SEC. 215. DEFINITION.**

15 As used in this subtitle, the term "water and waste-
16 water infrastructure facility" means either of the fol-
17 lowing:

18 (1) A public water system, as defined in section
19 1401(4) of the Safe Drinking Water Act (42 U.S.C.
20 300f(4)).

21 (2) A treatment works, as defined in section
22 212 of the Clean Water Act (33 U.S.C. 1292), that
23 is publicly owned or principally treating municipal
24 waste water of domestic sewage.

1 **TITLE III—ENHANCING LAW EN-**
2 **FORCEMENT’S ABILITY TO**
3 **PROTECT THE NATION**

4 **Subtitle A—Providing the Right**
5 **Tools to Law Enforcement Agen-**
6 **cies**

7 **SEC. 301. EXPANSION OF BIOLOGICAL WEAPONS STATUTE.**

8 (a) SELECT AGENTS.—

9 (1) IN GENERAL.—Section 175 of title 18,
10 United States Code, as amended by section 817 of
11 Public Law 107–56, is amended by adding at the
12 end the following subsection:

13 “(d) ADDITIONAL PROVISIONS REGARDING SELECT
14 AGENTS.—

15 “(1) UNSAFE HANDLING.—

16 “(A) IN GENERAL.—Whoever possesses,
17 uses, or exercises control over a select agent in
18 a manner constituting reckless disregard for the
19 public health and safety, knowing the select
20 agent to be a biological agent or toxin, shall be
21 fined under this title, imprisoned for not more
22 than one year, or both.

23 “(B) AGGRAVATED OFFENSE.—Whoever,
24 in the course of a violation of subparagraph
25 (A), causes bodily injury to another shall be

1 fined under this title, or imprisoned for not
2 more than 10 years, or both; except that if
3 death results from such violation, the person
4 committing the violation shall be fined under
5 this title, or imprisoned for any term of years
6 or for life, or both.

7 “(2) UNREGISTERED FOR POSSESSION.—Who-
8 ever knowingly possesses a biological agent or toxin
9 where such agent or toxin is a select agent for which
10 such person has not obtained a registration under
11 section 511(f) of the Antiterrorism and Effective
12 Death Penalty Act of 1996 shall be fined under this
13 title, or imprisoned for not more than 5 years, or
14 both.

15 “(3) TRANSFER TO UNREGISTERED PERSON.—
16 Whoever knowingly transfers a select agent to a per-
17 son who has not obtained a registration under sec-
18 tion 511(e) of the Antiterrorism and Effective Death
19 Penalty Act of 1996 shall be fined under this title,
20 or imprisoned for not more than 5 years, or both.

21 “(4) DEFINITIONS.—As used in this section:

22 “(A) The term ‘bodily injury’ has the
23 meaning given such term in section 1365.

24 “(B) The term ‘select agent’ has the mean-
25 ing applicable under section 175b.”.

1 (2) RESTRICTED PERSONS.—Section 175b of
2 title 18, United States Code, as added by section
3 817 of Public Law 107–56, is amended in subsection
4 (b)(2)—

5 (A) by striking subparagraphs (E) and
6 (G);

7 (B) by redesignating subparagraphs (A)
8 through (D), and subparagraphs (F) and (H),
9 as clauses (i) through (vi), respectively;

10 (C) in clause (vi) (as so redesignated), by
11 striking the period and inserting a semicolon;

12 (D) by adding at the end the following
13 clauses:

14 “(vii) is an alien illegally or unlawfully in
15 the United States; or

16 “(viii) is any other alien, other than an
17 alien lawfully admitted for permanent residence
18 or an alien who under subparagraph (B) is con-
19 sidered not to be a restricted person.”;

20 (E) by inserting “(A)” after “(2)”; and

21 (F) by adding at the end the following sub-
22 paragraph:

23 “(B) For purposes of subparagraph (A)(viii):

24 “(i) An alien is considered not to be a re-
25 stricted person if the alien is within a category

1 designated under clause (ii) of this subpara-
2 graph.

3 “(ii) The Secretary of Health and Human
4 Services, in consultation with the Attorney Gen-
5 eral, may designate categories of individuals
6 who have—

7 “(I) nonimmigrant visas as defined in
8 section 101(a)(26) of the Immigration and
9 Nationality Act; and

10 “(II) expertise valuable to the United
11 States regarding select agents.

12 “(iii) In designating categories under
13 clause (ii), the Secretary, in consultation with
14 the Attorney General, shall take into account
15 whether aliens are nationals of a country as to
16 which the Secretary of State, pursuant to sec-
17 tion 6(j) of the Export Administration Act of
18 1979 (50 U.S.C. App. 2405(j)), section 620A of
19 chapter 1 of part M of the Foreign Assistance
20 Act of 1961 (22 U.S.C. 2371), or section 40(d)
21 of chapter 3 of the Arms Export Control Act
22 (22 U.S.C. 2780(d)), has made a determination
23 (that remains in effect) that such country has
24 repeatedly provided support for acts of inter-
25 national terrorism.”.

1 (3) CONFORMING AMENDMENT.—Section
2 175(a) of title 18, United States Code, is amended
3 in the second sentence by striking “under this sec-
4 tion” and inserting “under this subsection”.

5 (b) AMENDMENTS TO ANTITERRORISM AND EFFEC-
6 TIVE DEATH PENALTY ACT OF 1996.—

7 (1) POSSESSION AND USE.—

8 (A) IN GENERAL.—Section 511 of the
9 Antiterrorism and Effective Death Penalty Act
10 of 1996 (Public Law 104–132) is amended—

11 (i) by striking subsection (f);

12 (ii) by redesignating subsection (g) as
13 subsection (i); and

14 (iii) by inserting after subsection (e)
15 the following subsection:

16 “(f) POSSESSION AND USE OF LISTED BIOLOGICAL
17 AGENTS AND TOXINS.—

18 “(1) IN GENERAL.—The Secretary shall by reg-
19 ulation provide for the establishment and enforce-
20 ment of standards and procedures governing the
21 possession and use of biological agents and toxins
22 listed pursuant to subsection (d)(1) in order to pro-
23 tect the public health and safety, including safe-
24 guards to prevent access to such agents and toxins

1 for use in domestic or international terrorism or for
2 any other criminal purpose.

3 “(2) REGISTRATION.—Regulations under para-
4 graph (1) shall provide for registration requirements
5 regarding the possession and use of biological agents
6 and toxins listed pursuant to subsection (d)(1).”.

7 (B) REGULATIONS.—

8 (i) DATE CERTAIN FOR PROMULGA-
9 TION; EFFECTIVE DATE REGARDING CRIMI-
10 NAL AND CIVIL PENALTIES.—Not later
11 than 30 days after the date of the enact-
12 ment of this Act, the Secretary of Health
13 and Human Services shall promulgate an
14 interim final rule for carrying out section
15 511(f) of the Antiterrorism and Effective
16 Death Penalty Act of 1996, as added by
17 subparagraph (A) of this paragraph. Such
18 interim final rule takes effect 60 days after
19 the date on which such rule is promul-
20 gated, including for purposes of—

21 (I) section 175(b)(2) of title 18,
22 United States Code (relating to crimi-
23 nal penalties), as added by subsection
24 (a)(1)(B) of this section; and

1 (II) section 511(h) of the
2 Antiterrorism and Effective Death
3 Penalty Act of 1996 (relating to civil
4 penalties), as added by paragraph (3)
5 of this subsection.

6 (ii) SUBMISSION OF REGISTRATION
7 APPLICATIONS.—In the case of a person
8 who, as of the date of the enactment of
9 this Act, is in possession of a biological
10 agent or toxin that is listed pursuant to
11 section 511(d)(1) of the Antiterrorism and
12 Effective Death Penalty Act of 1996, such
13 person shall, in accordance with the in-
14 terim final rule promulgated under clause
15 (i), submit an application for a registration
16 to possess such agent or toxin not later
17 than 30 days after the date on which such
18 rule is promulgated.

19 (2) DISCLOSURES OF INFORMATION.—

20 (A) IN GENERAL.—Section 511 of the
21 Antiterrorism and Effective Death Penalty Act
22 of 1996, as amended by paragraph (1) of this
23 subsection, is amended by inserting after sub-
24 section (f) the following subsection:

25 “(g) DISCLOSURE OF INFORMATION.—

1 “(1) IN GENERAL.—Any information in the
2 possession of any Federal agency that identifies a
3 person, or the geographic location of a person, who
4 is registered pursuant to regulations under this sec-
5 tion (including regulations promulgated before the
6 effective date of this subsection), and any site-spe-
7 cific information relating to the type, quantity, or
8 identity of a biological agent or toxin listed pursuant
9 to subsection (d)(1) or the site-specific security
10 mechanisms in place to protect such agents and tox-
11 ins, shall not be disclosed under section 552(a) of
12 title 5, United States Code.

13 “(2) DISCLOSURES FOR PUBLIC HEALTH AND
14 SAFETY; CONGRESS.—Nothing in this section may be
15 construed as preventing the head of any Federal
16 agency—

17 “(A) from making disclosures of informa-
18 tion described in paragraph (1) for purposes of
19 protecting the public health and safety; or

20 “(B) from making disclosures of such in-
21 formation to any committee or subcommittee of
22 the Congress with appropriate jurisdiction,
23 upon request.”.

24 (B) EFFECTIVE DATE.—The effective date
25 for the amendment made by subparagraph (A)

1 shall be the same as the effective date for the
2 final rule issued pursuant to section 511(d)(1)
3 of the Antiterrorism and Effective Death Pen-
4 alty Act of 1996 (Public Law 104–132).

5 (3) CIVIL PENALTIES.—Section 511 of the
6 Antiterrorism and Effective Death Penalty Act of
7 1996, as amended by paragraphs (1) and (2) of this
8 subsection, is amended by inserting after subsection
9 (g) the following subsection:

10 “(h) CIVIL PENALTY.—Any person who violates a
11 regulation under subsection (e) or (f) shall be subject to
12 the United States for a civil penalty in an amount not
13 exceeding \$250,000 in the case of an individual and
14 \$500,000 in the case of any other person.”

15 (4) CLARIFICATION OF SCOPE OF SELECT
16 AGENT RULE; TERRORISM; RESPONSIBILITIES OF
17 SECRETARY OF HEALTH AND HUMAN SERVICES.—

18 (A) IN GENERAL.—Section 511 of the
19 Antiterrorism and Effective Death Penalty Act
20 of 1996 (Public Law 104–132) is amended—

21 (i) in each of subsections (d) and

22 (e)—

23 (I) by inserting “and toxins”
24 after “agents” each place such term
25 appears; and

1 (II) by inserting “or toxin” after
2 “agent” each place such term ap-
3 pears; and

4 (ii) in subsection (i) (as redesignated
5 by paragraph (1) of this subsection), in
6 paragraph (1), by striking “the term ‘bio-
7 logical agent’ has” and inserting “the
8 terms ‘biological agent’ and ‘toxin’ have”.

9 (B) EFFECTIVE DATE.—The effective date
10 for the amendments made by subparagraph (A)
11 shall be as if the amendments had been in-
12 cluded in the enactment of section 511 of the
13 Antiterrorism and Effective Death Penalty Act
14 of 1996 (Public Law 104–132).

15 (5) CONFORMING AMENDMENTS.—Section 511
16 of the Antiterrorism and Effective Death Penalty
17 Act of 1996 (Public Law 104–132) is amended—

18 (A) in subsection (d)(1)(A), by striking
19 “shall, through regulations promulgated under
20 subsection (f),” and inserting “shall by regula-
21 tion”;

22 (B) in subsection (e), in the matter pre-
23 ceding paragraph (1), by striking “shall,
24 through regulations promulgated under sub-

1 section (f),” and inserting “shall by regula-
2 tion”;

3 (C) in subsection (d)—

4 (i) in the heading for the subsection,
5 by striking “AGENTS” and inserting
6 “AGENTS AND TOXINS”; and

7 (ii) in the heading for paragraph (1),
8 by striking “AGENTS” and inserting
9 “AGENTS AND TOXINS”; and

10 (D) in the heading for subsection (e), by
11 striking “AGENTS” and inserting “AGENTS AND
12 TOXINS”.

13 (c) REPORT TO CONGRESS.—Not later than one year
14 after the date of the enactment of this Act, the Secretary
15 of Health and Human Services, after consultation with
16 other appropriate Federal agencies, shall submit to the
17 Congress a report that—

18 (1) describes the extent to which there has been
19 compliance by governmental and private entities
20 with applicable regulations under section 511 of the
21 Antiterrorism and Effective Death Penalty Act of
22 1996 (Public Law 104–132), including the extent of
23 compliance before the date of the enactment of this
24 Act, and including the extent of compliance with

1 regulations promulgated after such date of enact-
2 ment;

3 (2) describes the future plans of the Secretary
4 for determining compliance with regulations under
5 such section 511 and for taking appropriate enforce-
6 ment actions; and

7 (3) provides any recommendations of the Sec-
8 retary for administrative or legislative initiatives re-
9 garding such section 511.

10 **SEC. 302. IDENTIFYING LOCATION OF TRANSPORT VEHI-**
11 **CLES.**

12 (a) GPS AND WIRELESS IDENTIFICATION SYS-
13 TEMS.—To assist in preventing or responding to bioter-
14 rorist attacks, the Attorney General shall carry out a pro-
15 gram to use global positioning satellites and wireless iden-
16 tification systems to monitor commercial traffic in high-
17 risk areas and border areas.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
19 purpose of carrying out subsection (a), there is authorized
20 to be appropriated \$10,000,000 for fiscal year 2002.
21 Amounts appropriated under the preceding sentence shall
22 remain available until expended.

23 **SEC. 303. TRAINING FOR FIRST RESPONDERS.**

24 (a) FIREFIGHTER COUNTERTERRORISM GRANTS.—

1 (1) GRANTS FOR COUNTERTERRORISM TRAIN-
2 ING.—Section 33(b)(3) of the Federal Fire Preven-
3 tion and Control Act of 1974 (15 U.S.C.
4 2229(b)(3)) is amended—

5 (A) in subparagraph (M) by striking “or”
6 at the end;

7 (B) in subparagraph (N) by striking the
8 period at the end and inserting “; or”; and

9 (C) by adding at the end the following new
10 subparagraph:

11 “(O) to fund counterterrorism training and
12 provide related equipment.”.

13 (2) SPECIAL RULE.—Section 33(b)(6) of such
14 Act (15 U.S.C. 2229(b)(6)) is amended by adding at
15 the end the following new subparagraph:

16 “(C) EXEMPTION.—This paragraph shall
17 not apply to grants that are made exclusively
18 for the purposes described in paragraph
19 (3)(O).”.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—
21 Section 33 of such Act (15 U.S.C. 2229) is amended
22 by adding at the end the following new subsection:

23 “(f) AUTHORIZATION FOR COUNTERTERRORISM PRO-
24 GRAMS.—In addition to amounts authorized under sub-
25 section (e), there is authorized to be appropriated for fis-

1 cal year 2002 \$250,000,000 for grants to be used exclu-
2 sively for the purposes described in subsection (b)(3)(O).
3 Amounts appropriated under the preceding sentence shall
4 remain available until expended.”.

5 (b) LAW ENFORCEMENT COUNTERTERRORISM
6 GRANTS.—

7 (1) GRANTS FOR COUNTERTERRORISM TRAIN-
8 ING.—Section 1701(b)(1) of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (42 U.S.C.
10 3796dd(b)(1)) is amended—

11 (A) in subparagraph (B) by striking “and”
12 at the end;

13 (B) in subparagraph (C) by striking the
14 period at the end and inserting “; and”; and

15 (C) by adding at the end the following new
16 subparagraph:

17 “(D) provide counterterrorism training and
18 related equipment.”.

19 (2) SPECIAL RULE.—Section 1701(i) of such
20 Act (42 U.S.C. 3796dd(i)) is amended by adding at
21 the end “This subsection shall not apply to grants
22 that are made exclusively for the purposes described
23 in subsection (b)(1)(D).”.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—
2 Section 1001(a)(11) of such Act (42 U.S.C.
3 3793(a)(11)) is amended—

4 (A) by redesignating subparagraph (B) as
5 subparagraph (C); and

6 (B) by inserting after subparagraph (A)
7 the following new subparagraph:

8 “(B) In addition to the amounts authorized under
9 subparagraph (A), there is authorized to be appropriated
10 for fiscal year 2002 \$250,000,000 for grants to be used
11 exclusively for the purposes described in section
12 1701(b)(1)(D). Amounts appropriated under the pre-
13 ceding sentence shall remain available until expended, and
14 subparagraph (C) shall not apply to such amounts.”.

15 (c) INCREASE IN FUNDING UNDER FIREFIGHTERS
16 GRANT PROGRAM.—

17 (1) IN GENERAL.—With appropriations under
18 paragraph (2), the Attorney General shall increase
19 the International Association of Firefighters’ special-
20 ized grant program so that 100,000 firefighters can
21 receive terrorist-response training. Training under
22 such grants may be provided for both paid and vol-
23 unteer firefighters.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—For
25 the purpose of carrying out paragraph (1), there is

1 authorized to be appropriated \$10,000,000 for fiscal
2 year 2002. Amounts appropriated under the pre-
3 ceding sentence shall remain available until ex-
4 pended.

5 **SEC. 304. AUTHORITY TO MAKE GRANTS TO FACILITATE**
6 **INTERFACING BETWEEN NATIONAL LAW EN-**
7 **FORCEMENT DATABASES AND PRIVATE**
8 **DATABASES.**

9 (a) **AUTHORITY TO MAKE GRANTS.**—From amounts
10 made available to carry out this section, the Attorney Gen-
11 eral may make grants to appropriate entities for use by
12 those entities for the purpose of making improvements to
13 their databases to enable those databases to interface with
14 national law enforcement databases.

15 (b) **USE OF GRANT AMOUNTS.**—Grant amounts
16 under this section shall be used only for the purpose speci-
17 fied in subsection (a).

18 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
19 authorized to be appropriated to carry out this section
20 \$15,000,000 for fiscal year 2002. Amounts appropriated
21 under the preceding sentence shall remain available until
22 expended.

1 **SEC. 305. ELIMINATION OF CONVICTED OFFENDER DNA**
2 **BACKLOG.**

3 (a) EXPEDITED PROGRAM TO ENTER DATA.—From
4 amounts made available to carry out this section, the At-
5 torney General shall carry out a program to accelerate the
6 incorporation of convicted offender DNA information into
7 the combined DNA Identification System (CODIS) of the
8 Federal Bureau of Investigation.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$30,000,000 for fiscal year 2002. Amounts appropriated
12 under the preceding sentence shall remain available until
13 expended.

14 **Subtitle B—Securing United States**
15 **Borders**

16 **SEC. 311. NEUTRON SCANNER TECHNOLOGY.**

17 There is authorized to appropriated for fiscal year
18 2002 \$105,000,000 for the development and deployment
19 of pulsed fast neutron analysis (PFNA) technology at the
20 20 largest ports in the United States for use by the Cus-
21 toms Service.

22 **SEC. 312. TECHNOLOGY TO DETECT BIOLOGICAL OR CHEM-**
23 **ICAL AGENTS.**

24 There is authorized to appropriated for fiscal year
25 2002 \$13,500,000 for the development of scanners, for
26 use by the Customs Service, that are capable of sensing

1 biological and chemical contaminants in microscopic air-
2 borne quantities.

3 **SEC. 313. IDENTIFICATION OF INDIVIDUALS CROSSING U.S.**
4 **BORDERS.**

5 (a) IDENTIFICATION.—

6 (1) IN GENERAL.—The Attorney General shall
7 develop a program to—

8 (A) encourage the use of biometrics to
9 identify in a racially and ethnically neutral
10 manner individuals crossing our Nation’s bor-
11 ders;

12 (B) provide for the use of better produc-
13 tion techniques, including holograms, magnetic
14 strips, and embedded chips, for official Federal,
15 State, and territory-issued forms of identifica-
16 tion;

17 (C) implement biometric scanning tech-
18 niques and “laser visas” to speed and automate
19 security scanning techniques at border check-
20 points (including airports) while increasing ac-
21 curacy; and

22 (D) improve the quality and increase the
23 numbers of Immigration and Naturalization
24 Service detention centers.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—For
2 the purpose of carrying out paragraph (1), there is
3 authorized to be appropriated \$30,000,000 for fiscal
4 year 2002. Amounts appropriated under the pre-
5 ceding sentence shall remain available until ex-
6 pended.

7 (b) BIOMETRIC TECHNOLOGY SUPPORT.—

8 (1) IN GENERAL.—The Attorney General shall
9 carry out a program to develop and deploy new
10 screening hardware, software, and computer infra-
11 structure to support biometric technology (including
12 fingerprinting, facial recognition, and voice recogni-
13 tion).

14 (2) AUTHORIZATION OF APPROPRIATIONS.—For
15 the purpose of carrying out paragraph (1), there is
16 authorized to be appropriated \$20,000,000 for fiscal
17 year 2002. Amounts appropriated under the pre-
18 ceding sentence shall remain available until ex-
19 pended.

20 **SEC. 314. INCREASED NUMBERS OF BORDER PATROL AND**
21 **IMMIGRATION OFFICERS.**

22 (a) IN GENERAL.—The Attorney General shall carry
23 out a program to increase the number of—

1 (1) United States Border Patrol personnel
2 (from the number authorized under current law) to
3 15,000 by fiscal year 2003; and

4 (2) immigration officers at ports of entry.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
6 purpose of carrying out subsection (a), there is authorized
7 to be appropriated \$80,000,000 for fiscal year 2002.
8 Amounts appropriated under the preceding sentence shall
9 remain available until expended.

10 **SEC. 315. INCREASED SECURITY IN ISSUING AND MONI-**
11 **TORING VISAS.**

12 (a) IN GENERAL.—The Attorney General shall carry
13 out a program for the purpose of increasing security in
14 the issuing of visas and monitoring of visa holders,
15 including—

16 (1) integrating Federal watch lists with the visa
17 granting process of the Department of State, par-
18 ticularly for student visas; and

19 (2) requiring colleges and universities to con-
20 firm the matriculation and attendance of foreign
21 students.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
23 purpose of carrying out subsection (a), there is authorized
24 to be appropriated \$36,000,000 for fiscal year 2002.

1 Amounts appropriated under the preceding sentence shall
2 remain available until expended.

3 **SEC. 316. INFORMATION SHARING BETWEEN THE IMMIGRA-**
4 **TION AND NATURALIZATION SERVICE AND**
5 **CONSULAR OFFICERS ABROAD.**

6 (a) IN GENERAL.—The Attorney General shall carry
7 out a program to develop and deploy technology, including
8 computer systems, to permit consular offices to assist in
9 immigration enforcement.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
11 purpose of carrying out subsection (a), there is authorized
12 to be appropriated \$20,000,000 for fiscal year 2002.
13 Amounts appropriated under the preceding sentence shall
14 remain available until expended.

15 **SEC. 317. PREVENTING PERSONS APPEARING ON LAW EN-**
16 **FORCEMENT “WATCH LISTS” FROM ENTER-**
17 **ING UNITED STATES.**

18 (a) IN GENERAL.—The Attorney General shall carry
19 out a program to deploy better techniques to identify those
20 individuals appearing on “watch lists” of law enforcement
21 agencies and prevent them from entering the United
22 States.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
24 purpose of carrying out subsection (a), there is authorized
25 to be appropriated \$30,000,000 for fiscal year 2002.

1 Amounts appropriated under the preceding sentence shall
2 remain available until expended.

3 **SEC. 318. TRACKING VISA OVERSTAYS AND INVESTIGATING**
4 **OFFENDERS.**

5 (a) IN GENERAL.—The Attorney General shall man-
6 date better tracking of visas by the Immigration and Nat-
7 uralization Service, using technologies similar to the track-
8 ing that is done by the SEVIS system, including—

9 (1) visas permitting study at vocational schools;

10 (2) tourist visas; and

11 (3) visas issued under section
12 101(a)(15)(H)(i)(b) of the Immigration and Nation-
13 ality Act.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
15 purpose of carrying out subsection (a), there is authorized
16 to be appropriated \$20,000,000 for fiscal year 2002.
17 Amounts appropriated under the preceding sentence shall
18 remain available until expended.

19 **SEC. 319. IMPROVING COAST GUARD BOARDING CAPA-**
20 **BILITY.**

21 (a) FUNDING FOR WEAPONS TRAINING AND ACQUI-
22 SITION.—To provide weapons training to members of the
23 Coast Guard Reserve and to acquire small arms to equip
24 Coast Guard boarding parties, there is authorized to be

1 appropriated to the Secretary of Transportation
2 \$10,000,000.

3 (b) AUTHORITY OF NATIONAL GUARD AND RESERVE
4 PERSONNEL TO ASSIST COAST GUARD.—Consistent with
5 chapter 18 of title 10, United States Code, and section
6 1385 of title 18, United States Code, the Secretary of De-
7 fense may assign a member of a reserve component of the
8 Armed Forces to duty with the Coast Guard to assist
9 Coast Guard personnel in carrying out their law enforce-
10 ment functions.

11 **TITLE IV—STRENGTHENING OUR**
12 **INTELLIGENCE COMMUNITY**
13 **THROUGH FULL COORDINA-**
14 **TION**

15 **Subtitle A—Improving Organiza-**
16 **tion and Coordination of the In-**
17 **telligence Community**

18 **SEC. 401. NEW THREAT ASSESSMENT AND RISK**
19 **PRIORITIZATION.**

20 (a) INITIAL ASSESSMENT.—(1) The Assistant to the
21 President for Homeland Security shall coordinate an as-
22 sessment of terrorist threats within the United States and
23 the territories, and shall include in that assessment a
24 prioritization of the risks against the United States and
25 a forecast of the costs and implications of possible re-

1 sponses to those threats. The initial assessment shall build
2 on available research and expertise in public, private, and
3 nonprofit sectors, to identify threats and prioritize risks
4 to United States citizens and to the United States and
5 the range of response activities.

6 (2) The Assistant to the President for Homeland Se-
7 curity may contract with government and private agencies
8 or persons to conduct the initial assessment under this
9 subsection, without regard to section 3709 of the Revised
10 Statutes.

11 (3) Not later than 45 days after the date of the enact-
12 ment of this Act, the Assistant to the President for Home-
13 land Security shall submit to Congress a report containing
14 the results of the initial assessment under paragraph (1).
15 The report shall be submitted in unclassified form with
16 a classified annex if appropriate.

17 (b) FINAL ASSESSMENT.—(1) The Assistant to the
18 President for Homeland Security shall coordinate a com-
19 plete assessment of terrorist threats referred to in sub-
20 section (a)(1). In conducting the complete assessment, the
21 heads of each element of the intelligence community (and
22 other departments and agencies of the United States relat-
23 ing to the national security as the Assistant to the Presi-
24 dent determines appropriate) shall be consulted.

1 (2) Not later than May 1, 2003, the Assistant to the
2 President for Homeland Security shall submit to Congress
3 a report containing the results of the complete assessment
4 under paragraph (1). The report shall be submitted in un-
5 classified form with a classified annex if appropriate.

6 **SEC. 402. INTELLIGENCE SHARING NEEDS.**

7 (a) IN GENERAL.—In order to ensure access to infor-
8 mation needed to prevent or investigate terrorist activity,
9 the President shall, in conjunction with the Director of
10 Central Intelligence, the Attorney General, and the Assist-
11 ant to the President for Homeland Security, establish a
12 database containing such information collected by the in-
13 telligence community, Federal and State law enforcement
14 agencies, and other departments and agencies of the
15 United States relating to the national security) to enable
16 data mining and correlation.

17 (b) ESTABLISHMENT OF INFORMATION INFRASTRUC-
18 TURE.—In conjunction with the establishment of the data-
19 base under subsection (a), the President shall establish an
20 information technology infrastructure and communica-
21 tions connectivity for such database and existing data-
22 bases of information collected by the departments and
23 agencies referred to in subsection (a) to improve interoper-
24 ability of those databases with the database established
25 under such subsection.

1 (c) PROTECTING CONFIDENTIALITY.—In establishing
2 and maintaining the database, the President shall ensure
3 that the information in the database is only provided to
4 individuals who are approved for access to the information
5 involved, and shall ensure that the database is operated
6 in compliance with requirements under law regarding pro-
7 tection against unauthorized disclosure of information for
8 reasons of national security.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated \$250,000,000 for fiscal year
11 2002 to carry out this section.

12 **SEC. 403. REDUCTION OF BARRIERS TO INFORMATION**
13 **SHARING AMONG AGENCIES.**

14 (a) INFORMATION SHARING BARRIERS.—The Presi-
15 dent shall ensure that sharing among Federal law enforce-
16 ment agencies and the elements of the intelligence commu-
17 nity of information collected and assembled by such agen-
18 cies and elements on international terrorism and other na-
19 tional security matters is facilitated, observing necessary
20 protection of civil liberties. The President, acting through
21 the Assistant to the President for Homeland Security,
22 shall coordinate improved transfer of information proce-
23 dures between the intelligence community and Federal law
24 enforcement agencies.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the President for fis-
3 cal year 2002 such sums as are necessary to carry out
4 this section. Amounts appropriated under the preceding
5 sentence shall remain available until expended.

6 **SEC. 404. IMPROVED PUBLIC EDUCATION.**

7 (a) IN GENERAL.—The Assistant to the President for
8 Homeland Security shall coordinate and oversee the imple-
9 mentation of a public education campaign conducted by
10 the Federal Emergency Management Agency, the Federal
11 Bureau of Investigation, the Department of Health and
12 Human Services, and other agencies involved, which shall
13 include media, public statements, and a continuing dia-
14 logue with the public to alert citizens to the nature and
15 appropriate response to a terrorist attack.

16 (b) COORDINATION OF ASSISTANCE.—The Assistant
17 to the President for Homeland Security shall coordinate
18 Federal assistance to States, territories, and political sub-
19 divisions to publicize public response plans to various ter-
20 rorist situations and create crisis communication plans to
21 assure nonduplication of activities or funding carried out
22 by each department or agency involved.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated for fiscal year 2002
25 such sums as are necessary to carry out this section.

1 Amounts appropriated under the preceding sentence shall
2 remain available until expended.

3 **Subtitle B—Improving Intelligence**
4 **Capabilities**

5 **SEC. 411. DETECTION.**

6 (a) IN GENERAL.—The Assistant to the President for
7 Homeland Security, shall coordinate the deployment of
8 chemical and biological detection capabilities for mobile
9 detection capabilities, portal screening detection at fixed
10 sites, remote detectors for determining the possession of
11 agents by foreign entities, and monitoring of ambient envi-
12 ronment in selected locations in the United States and
13 elsewhere.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated \$800,000,000 for fiscal year
16 2002 for the deployment of chemical and biological detec-
17 tion capabilities referred to in subsection (a). Amounts ap-
18 propriated under the preceding sentence shall remain
19 available until expended.

20 **SEC. 412. CATALOGUING OF BIOMATERIALS.**

21 Reporting requirements of the Director of the Cen-
22 ters of Disease Control and Prevention for sale or transfer
23 of etiological agents under section 511 of the
24 Antiterrorism and Effective Death Penalty Act of 1996
25 shall be expanded to include possession of biological agents

1 and theft or other unaccounted changes in biological
2 stocks.

3 **SEC. 413. ADDITIONAL TRANSLATION PERSONNEL AND IM-**
4 **PROVED TRANSLATION TECHNOLOGY.**

5 There is authorized to be appropriated to the Direc-
6 tor of Central Intelligence \$50,000,000 for fiscal year
7 2002, to remain available until expended, for—

8 (1) recruitment in the intelligence community of
9 additional linguists of Middle Eastern, South Asian,
10 and other needed backgrounds, and

11 (2) advanced translation technology for voice-
12 to-text conversion, text translation, and automated
13 summarization of data.

14 **SEC. 414. HUMAN INTELLIGENCE COLLECTION.**

15 The Director of Central Intelligence shall, as part of
16 the budget submission to Congress for intelligence and in-
17 telligence-related activities of the United States for fiscal
18 year 2003, and each subsequent fiscal year, request such
19 additional funding as is required to substantially increase
20 the number of foreign intelligence human assets.

1 **TITLE V—MILITARY RESPONSE**
2 **TO ATTACKS INVOLVING**
3 **CHEMICAL AND BIOLOGICAL**
4 **WEAPONS AND NON-**
5 **PROLIFERATION OF SUCH**
6 **WEAPONS**

7 **Subtitle A—Initial Crisis Re-**
8 **sponse and First Responder**
9 **Support**

10 **SEC. 501. INCREASING MILITARY CAPABILITY TO RESPOND**
11 **TO DOMESTIC CRISES.**

12 The Secretary of Defense shall—

13 (1) ensure that the Department of Defense has
14 adequate resources and is sufficiently prepared to
15 assist in responding to domestic crises involving
16 chemical or biological weapons; and

17 (2) improve the emergency response and assess-
18 ment capability of the Department of Defense re-
19 garding such crises.

20 **SEC. 502. IMPROVEMENTS REGARDING CONSEQUENCE**
21 **MANAGEMENT CAPABILITIES.**

22 The Secretary of Defense shall—

23 (1) provide for additional training exercises for
24 Civil Support Teams and local first responders to re-

1 spond to the domestic crises described in section
2 501;

3 (2) improve procedures, coordination, chain of
4 command relationships, and definition of areas of re-
5 sponsibility with respect to the response of such Civil
6 Support Teams during such crises; and

7 (3) assess the overall consequence management
8 capabilities of the Department of Defense, consider
9 whether additional Civil Support Teams should be
10 created, and provide to Congress not later than
11 March 1, 2002, a long-range plan for improving
12 those capabilities.

13 **SEC. 503. INTEROPERABILITY OF COMMUNICATIONS.**

14 The Secretary of Defense shall carry out a program
15 to ensure communications interoperability among military
16 crisis response and consequence management teams and
17 local first responders.

18 **SEC. 504. TRAINING EXERCISES FOR LOCAL FIRST RE-**
19 **SPONDERS.**

20 The Secretary of Defense shall establish a program
21 under which—

22 (1) local first responders may participate in do-
23 mestic crisis response training exercises at military
24 installations; and

1 (2) the Secretary pays the cost of participation
2 by such local first responders in such exercises.

3 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out
5 the provisions of this subtitle, in addition to any other
6 funds authorized for such purposes, \$420,000,000 for fis-
7 cal year 2002. Amounts appropriated under the preceding
8 sentence shall remain available until expended.

9 **Subtitle B—Interagency Crisis Re-**
10 **sponse and Consequence Man-**
11 **agement**

12 **SEC. 511. IMPROVEMENT OF INTERAGENCY COORDINA-**
13 **TION.**

14 The Secretary of Defense shall work with the heads
15 of other Federal agencies responsible for domestic con-
16 sequence management activities—

17 (1) to implement a Government-wide, uniform
18 evaluation system to ensure—

19 (A) the proficiency of the military in crisis
20 and consequence management; and

21 (B) coordination among such agencies with
22 the Department of Defense; and

23 (2) to increase the frequency and number of
24 multidepartment and multiagency short-notice field
25 exercises.

1 **SEC. 512. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 the provisions of this subtitle, in addition to any other
4 funds authorized for such purposes, \$100,000,000 for fis-
5 cal year 2002. Amounts appropriated under the preceding
6 sentence shall remain available until expended.

7 **Subtitle C—Research and**
8 **Development**

9 **SEC. 521. ACCELERATING TECHNOLOGY RESEARCH AND**
10 **DEVELOPMENT.**

11 The Secretary of Defense shall carry out a program
12 to accelerate research and development of technology in
13 various fields, such as prophylactic vaccination and treat-
14 ment, advanced sensors, and other promising technologies,
15 to improve capabilities to respond to biological and chem-
16 ical attacks.

17 **SEC. 522. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out
19 the provisions of this subtitle, in addition to any other
20 funds authorized for such purposes, \$100,000,000 for fis-
21 cal year 2002. Amounts appropriated under the preceding
22 sentence shall remain available until expended.

1 **Subtitle D—Nonproliferation of**
2 **Chemical and Biological Mate-**
3 **rials and Weapons**

4 **SEC. 531. VERIFICATION OF NONPROLIFERATION BY THE**
5 **SECRETARY OF ENERGY.**

6 (a) IN GENERAL.—The Secretary of Energy shall in-
7 crease research and development efforts with respect to
8 the verification of nonproliferation of chemical and biologi-
9 cal materials in countries other than the United States,
10 with a particular focus on preventing the sale, smuggling,
11 or theft of such chemical or biological materials.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out the provisions
14 of subsection (a), in addition to any other funds author-
15 ized for such purposes, \$80,000,000 for fiscal year 2002.
16 Amounts appropriated under the preceding sentence shall
17 remain available until expended.

18 **SEC. 532. PREVENTING AND DEFENDING AGAINST THE**
19 **PROLIFERATION OF BIOLOGICAL AND CHEM-**
20 **ICAL WEAPONS BY TERRORISTS.**

21 (a) U.S.-RUSSIAN FEDERATION BIOLOGICAL-CHEM-
22 ICAL TERRORISM DEFENSE WORKING GROUP.—(1) Con-
23 gress urges the President to immediately seek to enter into
24 an agreement with the Russian Federation to establish a
25 high-level United States-Russian Federation Biological-

1 Chemical Terrorism Defense Working Group, to be
2 chaired by the Vice President of the United States and
3 the Prime Minister of the Russian Federation.

4 (2) The Working Group should coordinate and facili-
5 tate all cooperative efforts between the United States and
6 the Russian Federation relating to—

7 (A) nonproliferation of biological and chemical
8 weapons;

9 (B) enhancement of material accounting, con-
10 trol, security, including improving export control and
11 border security pertaining to biological and chemical
12 weapons material, equipment, and technology;

13 (C) biological and chemical weapons detection,
14 defense, and countermeasures; and

15 (D) transparency and confidence-building meas-
16 ures regarding national biological and chemical
17 weapons and defense programs.

18 (b) DESTRUCTION OF RUSSIAN CHEMICAL WEAP-
19 ONS.—

20 (1) IN GENERAL.—Notwithstanding section
21 1305 of the National Defense Authorization Act for
22 Fiscal Year 2000 (22 U.S.C. 5952 note) or any
23 other provision of law, the President is authorized to
24 provide assistance to the Russian Federation for the
25 destruction of Russian chemical weapons from fiscal

1 year 2000 Cooperative Threat Reduction funds that
2 are remaining available for obligation or expendi-
3 ture.

4 (2) DEFINITION.—In this subsection, the term
5 “fiscal year 2000 Cooperative Threat Reduction
6 funds” has the meaning given the term in section
7 1301(b) of the National Defense Authorization Act
8 for Fiscal Year 2000 (22 U.S.C. 5952 note).

9 (c) COOPERATION WITH RUSSIA, UZBEKISTAN AND
10 KAZAKHSTAN IN BIOLOGICAL WEAPONS DEFENSE.—(1)
11 There is authorized to be appropriated to the Secretary
12 of State \$120,000,000 for fiscal year 2002 to be available
13 until expended for existing programs and to support the
14 establishment of additional programs to engage Russian,
15 Uzbek, and Kazakh current and former biological weapons
16 scientists and engineers in cooperative research and devel-
17 opment programs with agencies and departments of the
18 United States Government, national laboratories, United
19 States commercial and nongovernmental entities des-
20 ignated by the President, and with major NATO and non-
21 NATO allies, primarily to develop counter-measures to bi-
22 ological agents used as weapons or means of terror.

23 (2) Such counter-measures may include the creation
24 and production of vaccines and other biomedical measures
25 against basic, genetically-altered, and novel biological

1 agents, general- and specific-purpose biological agent de-
2 tectors, protective clothing, filters, and decontamination
3 equipment and materials for civil and military personnel,
4 and environmental neutralization of agents.

5 (d) COOPERATION AND SUPPORT OF BIOLOGICAL
6 WEAPONS CONVENTION.—(1) Congress commends and
7 supports the commitment of the President to work con-
8 structively with other countries to prevent the use and
9 transfer of biological weapons. Congress further declares
10 that it should be the policy of the United States to create
11 a comprehensive multilateral mechanism to verify that
12 parties to the Biological Weapons Convention of 1974 are
13 fully and completely in compliance with their obligations
14 under that Convention.

15 (2) The President shall cooperate with the organiza-
16 tion to be established to implement the Protocol to the
17 Biological Weapons Convention upon the request of that
18 organization to assist in its implementation of the Pro-
19 tocol. Such cooperation shall include, but is not limited
20 to, providing experts (at no cost), information (consistent
21 with the national security interests of the United States),
22 and voluntary financial assistance.

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