

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5498

To enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2010

Mr. PASCARELL (for himself, Mr. KING of New York, Mr. THOMPSON of Mississippi, Ms. CLARKE, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Agriculture, Transportation and Infrastructure, Foreign Affairs, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “WMD Prevention and Preparedness Act of 2010”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

TITLE I—INTELLIGENCE MATTERS

- Sec. 101. National intelligence strategy for countering the threat from weapons of mass destruction.  
 Sec. 102. National intelligence strategy for countering biological threats.

TITLE II—HOMELAND SECURITY MATTERS

- Sec. 201. Weapons of mass destruction prevention and preparedness.  
 Sec. 202. Definitions.  
 Sec. 203. Dual-use terrorist risks from synthetic genomics.  
 Sec. 204. Dissemination of information analyzed by the Department to State, local, tribal, and private entities with responsibilities relating to homeland security.  
 Sec. 205. National Biosurveillance Integration Center (NBIC).  
 Sec. 206. Deadline for completion of methods to rapidly screen travelers at ports of entry.  
 Sec. 207. Report on establishment of the system assessment and validation for emergency responders (SAVER) program.  
 Sec. 208. National Academy of Sciences study of forensic science in homeland security.  
 Sec. 209. Harmonization of regulations.  
 Sec. 210. Communications planning for weapons of mass destruction information dissemination.  
 Sec. 211. Report on recovery from chemical, biological, radiological, and nuclear attacks.

TITLE III—PUBLIC HEALTH MATTERS

- Sec. 301. National medical countermeasure dispensing strategy.  
 Sec. 302. Material threat assessments and determinations.  
 Sec. 303. National pre-event vaccination and antimicrobial dispensing policy review.  
 Sec. 304. Designation of tier I material threat agents.  
 Sec. 305. Background checks.  
 Sec. 306. Biotechnology research, development, and procurement.

TITLE IV—FOREIGN RELATIONS MATTERS

- Sec. 401. International collaboration and information sharing relating to biosecurity.  
 Sec. 402. International engagement to enhance biodefense and biosecurity.  
 Sec. 403. Interagency task force on best practices for global biopreparedness.  
 Sec. 404. Biological and Toxin Weapons Convention.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

1           (1) The term “appropriate congressional com-  
2           mittees” means the Committee on Homeland Secu-  
3           rity of the House of Representatives and any com-  
4           mittee of the House of Representatives or the Senate  
5           having legislative jurisdiction under the rules of the  
6           House of Representatives or Senate, respectively,  
7           over the matter concerned.

8           (2) The term “weapon of mass destruction” has  
9           the meaning given that term in section 1403(1) of  
10          the Defense Against Weapons of Mass Destruction  
11          Act of 1996 (50 U.S.C. 2302).

12          (3) The term “Intelligence Community” has the  
13          meaning given that term in section 3(4) of the Na-  
14          tional Security Act of 1947 (50 U.S.C. 401a(4)).

15          (4) The term “national biosecurity and bio-  
16          defense stakeholders” means officials from the Fed-  
17          eral, State, local, and tribal authorities and individ-  
18          uals from the private sector who are involved in ef-  
19          forts to prevent, deter, prepare for, detect, attribute,  
20          respond, and recover from a biological attack or  
21          other phenomena that may have serious health con-  
22          sequences for the United States, including wide-scale  
23          fatalities or infectious disease outbreaks.

1                   **TITLE I—INTELLIGENCE**  
2                   **MATTERS**

3 **SEC. 101. NATIONAL INTELLIGENCE STRATEGY FOR COUN-**  
4                   **TERING THE THREAT FROM WEAPONS OF**  
5                   **MASS DESTRUCTION.**

6           (a) STRATEGY.—

7               (1) DEVELOPMENT.—The Director of National  
8           Intelligence, in consultation with the Secretary of  
9           Homeland Security and the heads of other appro-  
10          priate Federal departments and agencies, shall de-  
11          velop and implement—

12                   (A) a strategy designed to improve the ca-  
13                  pabilities of the United States to collect, ana-  
14                  lyze, and disseminate intelligence related to  
15                  weapons of mass destruction; and

16                   (B) a plan to implement such strategy.

17               (2) TITLE.—The strategy required under para-  
18           graph (1) shall be known as the “National Intel-  
19           ligence Strategy for Countering the Threat from  
20           Weapons of Mass Destruction”.

21           (b) CONTENTS.—The strategy required under sub-  
22          section (a) shall—

23               (1) include methods for the recruitment, train-  
24           ing, and retention of a workforce with expertise in  
25           the collection, analysis, and dissemination of intel-

1 intelligence related to all types of weapons of mass de-  
2 struction and science and technology related to  
3 weapons of mass destruction, as well as expertise in  
4 science and technology relating to threats posed by  
5 weapons of mass destruction;

6 (2) include methods for collaboration, as appro-  
7 priate, with individuals with the expertise described  
8 in paragraph (1) who are not employed by the Fed-  
9 eral Government;

10 (3) identify and address domestic needs for  
11 analysis and collection including the development of  
12 innovative human and technical intelligence collec-  
13 tion capabilities and techniques; and

14 (4) address each type of weapon of mass de-  
15 struction as necessary and appropriate.

16 (c) IMPLEMENTATION PLAN.—The plan for imple-  
17 menting the strategy required under subsection (a) shall  
18 include—

19 (1) actions necessary to increase the effective-  
20 ness and efficiency of the sharing of intelligence on  
21 weapons of mass destruction throughout the Intel-  
22 ligence Community, including a description of statu-  
23 tory, regulatory, policy, technical, security, or other  
24 barriers that prevent such sharing, and, as appro-

1        appropriate, the development of uniform standards across  
2        the Intelligence Community for such sharing;

3            (2) methods to disseminate intelligence prod-  
4        ucts to national biodefense stakeholders in unclassi-  
5        fied formats to increase the effectiveness and effi-  
6        ciency of the sharing of information;

7            (3) actions necessary to provide open-source in-  
8        telligence relating to weapons of mass destruction  
9        to—

10            (A) appropriate Federal departments and  
11        agencies;

12            (B) State, local, and tribal governments;  
13        and

14            (C) private entities;

15            (4) specific objectives to be accomplished, with  
16        corresponding schedule, for each year of the five-  
17        year period that begins on the date on which the  
18        strategy is submitted to the appropriate congress-  
19        sional committees under subsection (e) and tasks to  
20        accomplish such objectives, including—

21            (A) a list prioritizing such objectives and  
22        such tasks; and

23            (B) a schedule for meeting such objectives  
24        and carrying out such tasks;

1           (5) assignments of roles and responsibilities to  
2 elements of the Intelligence Community to imple-  
3 ment the strategy; and

4           (6) a schedule for assessment of the effective-  
5 ness and efficiency of the strategy, including  
6 metrics.

7           (d) COORDINATION.—The Director of National Intel-  
8 ligence shall, as the Director considers appropriate, coordi-  
9 nate with State, local, and tribal government officials, pri-  
10 vate sector, and nongovernmental organizations in the de-  
11 velopment of the National Intelligence Strategy for Coun-  
12 tering the Threat from Weapons of Mass Destruction.

13           (e) REPORT.—Not later than one year after the date  
14 of the enactment of this Act, the Director of National In-  
15 telligence, in consultation with the Secretary of Homeland  
16 Security, shall submit to the appropriate congressional  
17 committees the strategy and plan required under sub-  
18 section (a).

19 **SEC. 102. NATIONAL INTELLIGENCE STRATEGY FOR COUN-**  
20 **TERING BIOLOGICAL THREATS.**

21           (a) STRATEGY.—

22           (1) DEVELOPMENT.—The Director of National  
23 Intelligence, in consultation with the Secretary of  
24 Homeland Security and the heads of other appro-  
25 priate Federal departments and agencies, shall de-

1        develop and implement a strategy and a plan for im-  
2        plementing the strategy that is integrated into the  
3        National Intelligence Strategy for Countering the  
4        Threat from Weapons of Mass Destruction, as re-  
5        quired under this title.

6            (2) TITLE.—The strategy required under para-  
7        graph (1) shall be known as the “National Intel-  
8        ligence Strategy for Countering Biological Threats”.

9            (b) CONTENTS.—The strategy required under sub-  
10       section (a) shall—

11            (1) include a plan for establishing in the Intel-  
12       ligence Community a cadre of—

13            (A) collectors and analysts in all agencies  
14       in the Intelligence Community that are familiar  
15       with biological threats, biological science, and  
16       biotechnology;

17            (B) biological scientists;

18            (C) biotechologists; and

19            (D) experts with knowledge of the current  
20       state of technologies that could be used to de-  
21       velop a weapon of mass destruction;

22            (2) include a plan for defining the functions,  
23       capabilities, and gaps with respect to addressing the  
24       risk of a weapon of mass destruction attack in the  
25       intelligence workforce;



1           (3) identify strategies to recruit, retain, and  
2           protect such workforce from workplace exposures to  
3           biological agents in the conduct of the duties of such  
4           workforce;

5           (4) include methods for collaboration, as appro-  
6           priate, with individuals with expertise described in  
7           paragraph (1) who are not employed by the Federal  
8           Government;

9           (5) address domestic and international needs  
10          for analysis and collection;

11          (6) include a plan for defining, integrating, fo-  
12          cusing, and enhancing existing capabilities in the In-  
13          telligence Community dedicated to current tactical  
14          and strategic biological threats; and

15          (7) include a plan for ensuring the  
16          prioritization and sustained commitment of intel-  
17          ligence personnel and resources to address biological  
18          threats.

19          (c) IMPLEMENTATION PLAN.—The implementation  
20          plan for the strategy required under subsection (a) shall—

21                 (1) include actions necessary to increase the ef-  
22                 fectiveness and efficiency of the sharing of intel-  
23                 ligence throughout the Intelligence Community on  
24                 biological weapons and organisms that could be used  
25                 for biological terrorism, including a description of

1 statutory, regulatory, policy, technical, security, or  
2 other barriers that prevent such sharing, and, as ap-  
3 appropriate, the development of uniform standards  
4 across the Intelligence Community for such sharing;

5 (2) address strategic and tactical human intel-  
6 ligence, measurement and signature intelligence,  
7 technical intelligence, medical intelligence, and open-  
8 source intelligence activities necessary to implement  
9 the strategy;

10 (3) identify specific objectives to be accom-  
11 plished during each year of the five-year period that  
12 begins on the date on which the strategy is sub-  
13 mitted to the appropriate congressional committees  
14 under subsection (d) and tasks to accomplish such  
15 objectives, including—

16 (A) a list prioritizing such objectives and  
17 such tasks; and

18 (B) a schedule for meeting such objectives  
19 and carrying out such tasks;

20 (4) assign roles and responsibilities to elements  
21 of the Intelligence Community to implement the  
22 strategy;

23 (5) a schedule for assessment of the effective-  
24 ness and efficiency of the strategy, including  
25 metrics; and

1           (6) a schedule for evaluating on a regular basis  
2           the efforts of the Intelligence Community and  
3           progress on understanding and countering biological  
4           threats.

5           (d) REPORT.—Not later than one year after the date  
6           of the enactment of this Act, the Director of National In-  
7           telligence, in consultation with the Secretary of Homeland  
8           Security, shall submit to the appropriate congressional  
9           committees the strategy and plan required under sub-  
10          section (a).

11       **TITLE II—HOMELAND SECURITY**  
12                               **MATTERS**

13       **SEC. 201. WEAPONS OF MASS DESTRUCTION PREVENTION**  
14                               **AND PREPAREDNESS.**

15           (a) IN GENERAL.—The Homeland Security Act of  
16           2002 (6 U.S.C. 101 et seq.) is amended by adding at the  
17           end the following new title:

1 **“TITLE XXI—WEAPONS OF MASS**  
2 **DESTRUCTION PREVENTION**  
3 **AND PREPAREDNESS**

4 **“Subtitle A—Prevention and**  
5 **Deterrence**

6 **“SEC. 2101. WEAPONS OF MASS DESTRUCTION INTEL-**  
7 **LIGENCE AND INFORMATION SHARING UNIT.**

8 “(a) IN GENERAL.—There is established in the Office  
9 of Intelligence and Analysis of the Department a unit for  
10 weapons of mass destruction intelligence and information  
11 sharing. The unit shall conduct intelligence and informa-  
12 tion sharing activities consistent with the National Intel-  
13 ligence Strategy for Countering the Threat from Weapons  
14 of Mass Destruction under section 101 of the WMD Pre-  
15 vention and Preparedness Act of 2010 and the National  
16 Intelligence Strategy for Countering Biological Threats  
17 under section 102 of that Act and shall—

18 “(1) evaluate and establish a baseline of ter-  
19 rorist actors, their claims, and their plans to conduct  
20 attacks involving chemical, biological, radiological,  
21 and nuclear materials against the Nation;

22 “(2) support homeland security-focused intel-  
23 ligence analysis of global infectious disease, public  
24 health, food, agricultural, and veterinary issues;

1           “(3) provide tailored analytical support on these  
2           threats to State, local, and tribal partners as well as  
3           members of the public health, scientific, and re-  
4           sponse communities; and

5           “(4) perform other responsibilities, as assigned  
6           by the Secretary.

7           “(b) COORDINATION.—Where appropriate, the unit  
8           shall coordinate with others in the Intelligence Commu-  
9           nity.

10          “(c) REPORT.—Not later than one year after the date  
11          of the enactment of this section and annually thereafter,  
12          the Secretary shall report to the appropriate congressional  
13          committees on the intelligence and information sharing ac-  
14          tivities of the unit for weapons of mass destruction intel-  
15          ligence and information sharing established under sub-  
16          section (a) and all relevant entities within the Department  
17          to counter the threat from weapons of mass destruction  
18          and how the Department acted in accordance with rel-  
19          evant intelligence strategies, including the National Intel-  
20          ligence Strategy for Countering the Threat from Weapons  
21          of Mass Destruction and the National Intelligence Strat-  
22          egy for Countering Biological Threats.

1 **“SEC. 2102. INFORMATION SHARING AND COLLABORATION**  
2 **FOR BIOSECURITY AND BIODEFENSE.**

3 “(a) RESPONSIBILITIES OF SECRETARY OF HOME-  
4 LAND SECURITY.—To increase situational awareness, the  
5 Secretary, acting through the Under Secretary for Intel-  
6 ligence and Analysis, shall—

7 “(1) to the greatest extent practicable, integrate  
8 into the homeland security and intelligence and in-  
9 formation sharing process national biosecurity and  
10 biodefense stakeholders within Federal, State, local,  
11 tribal, and private sector communities;

12 “(2) develop an information sharing framework  
13 for homeland security intelligence and information  
14 sharing with national biosecurity and biodefense  
15 stakeholders;

16 “(3) enable national biosecurity and biodefense  
17 stakeholders to provide recommendations with re-  
18 spect to the development of mechanisms and proto-  
19 cols to integrate information from national biosecu-  
20 rity and biodefense stakeholders;

21 “(4) leverage existing and emerging homeland  
22 security capabilities and structures, including fusion  
23 centers established pursuant to section 210A, to en-  
24 hance prevention, detection, preparedness, and col-  
25 lective response, attribution, and recovery efforts of  
26 from a biological attack or other phenomena that

1       may have serious health consequences for the United  
2       States, including wide-scale fatalities or infectious  
3       disease outbreaks; and

4               “(5) advance partnerships between the Depart-  
5       ment and other Federal departments and agencies in  
6       assessing potential threats and the risks from the in-  
7       tentional use of biological agents by terrorists or  
8       other actors.

9       “(b) COORDINATION WITH SECRETARY OF STATE.—  
10      The Secretary shall work in coordination with the Sec-  
11      retary of State, the Secretary of Agriculture, the Secretary  
12      of Health and Human Services, and the heads of other  
13      appropriate Federal agencies.

14      **“SEC. 2103. BIOTERRORISM RISK ASSESSMENTS.**

15       “(a) RISK ASSESSMENT.—The Secretary, in coordi-  
16      nation with the heads of other appropriate Federal depart-  
17      ments and agencies, shall produce biennial integrated risk  
18      assessments, to be known as ‘Bioterrorism Risk Assess-  
19      ments’ to identify and assess the evolving terrorist risk  
20      of a biological attack or other phenomena that may have  
21      serious health consequences for the United States, includ-  
22      ing wide-scale fatalities or infectious disease outbreaks.  
23      These assessments shall—

1           “(1) identify the threat, vulnerability, and con-  
2           sequences of a biological terrorist attack against the  
3           United States;

4           “(2) consider terrorists as intelligent adver-  
5           saries and take into account information regarding  
6           the decision-making processes of terrorists;

7           “(3) be used to inform and guide threat assess-  
8           ments and determinations made by the Secretary re-  
9           garding agents and toxins pursuant to section  
10          302(9), and to guide prioritization of other home-  
11          land security activities, as appropriate;

12          “(4) provide the basis for risk-informed invest-  
13          ments in national strategic biodefense research, de-  
14          velopment, planning, preparedness, and collective re-  
15          sponse to biological attacks;

16          “(5) identify key knowledge and data gaps;

17          “(6) define critical biodefense vulnerabilities;

18          “(7) provide relative risk-based prioritization of  
19          agents for bioterrorism; and

20          “(8) evaluate progress in implementing national  
21          biopreparedness policy.

22          “(b) REQUIREMENT.—The Secretary shall—

23                 “(1) convene an interagency task force of rel-  
24                 evant subject matter experts to provide recommenda-  
25                 tions to the Under Secretary for Science and Tech-



1 nology as to the adequacy of the methodology used  
2 in the Assessments and to establish requirements  
3 and standards for the Assessments;

4 “(2) engage with national biosecurity and bio-  
5 defense stakeholders to obtain their input regarding  
6 the Assessments, as appropriate; and

7 “(3) ensure, to the greatest extent practicable,  
8 that the Assessments inform the risk management  
9 decisions of the Department and can be made avail-  
10 able to national biosecurity and biodefense stake-  
11 holders, as appropriate.

12 **“SEC. 2104. ENHANCED BIOSECURITY MEASURES.**

13 “(a) REGULATIONS.—The Secretary, in consultation  
14 with the Secretary of Agriculture, the Secretary of Health  
15 and Human Services, and the heads of other appropriate  
16 Federal agencies, shall, through a negotiated rulemaking  
17 committee under subchapter III of chapter 5 of title 5,  
18 United States Code, establish enhanced biosecurity meas-  
19 ures for persons or laboratories that possess, use, or trans-  
20 fer Tier I Material Threat Agents. Such measures shall  
21 include—

22 “(1) standards for personnel surety programs;

23 “(2) standards for biosecurity practices and  
24 training of responsible officials, laboratory per-  
25 sonnel, and support personnel;

1           “(3) standards for performing laboratory vul-  
2           nerability assessments in collaboration with each fa-  
3           cility;

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

6           “(5) penalties (including civil money penalties  
7           and intermediate sanctions), in addition to any other  
8           penalties that may apply under provisions of law;  
9           and

10          “(6) any other security standards determined  
11          necessary by the Secretary, the Secretary of Agri-  
12          culture, Secretary of Health and Human Services,  
13          and other agencies as appropriate.

14          “(b) NEGOTIATED RULEMAKING COMMITTEE.—The  
15          Secretary shall establish a negotiated rulemaking com-  
16          mittee for purposes of subsection (a). Such committee  
17          shall include a representative from each of the following:

18                 “(1) The Department.

19                 “(2) The Department of Health and Human  
20                 Services.

21                 “(3) The Department of Agriculture.

22                 “(4) The Department of Defense.

23                 “(5) The Department of Energy.

24                 “(6) The Department of Justice.

25                 “(7) For-profit research institutions.

1           “(8) Academic research institutions.

2           “(9) Nonprofit research institutions.

3           “(10) Other stakeholders, as the Secretary de-  
4           termines appropriate.

5           “(c) TIME REQUIREMENT.—The procedures for the  
6           negotiated rulemaking referred to in subsection (a) shall  
7           be conducted in a timely manner to ensure that—

8                   “(1) any recommendations with respect to pro-  
9                   posed regulations are provided to the Secretary and  
10                  the heads of the other appropriate Federal agencies  
11                  not later than one year after the date of the enact-  
12                  ment of this section; and

13                   “(2) a final rule is promulgated not later than  
14                  two years after the date of the enactment of this  
15                  section.

16           “(d) FACTORS TO BE CONSIDERED.—In developing  
17           proposed and final standards pursuant to the negotiated  
18           rulemaking referred to in subsection (a), the negotiated  
19           rulemaking committee shall consider—

20                   “(1) the Commission on the Prevention of  
21                  Weapons of Mass Destruction Proliferation and Ter-  
22                  rorism (established under section 1851 of the Imple-  
23                  menting Recommendations of the 9/11 Commission  
24                  Act of 2007 (Public Law 110–53; 121 Stat. 501));

1           “(2) the National Science Advisory Board for  
2           Biosecurity (established under section 205 of the  
3           Pandemic and All-Hazards Preparedness Act (Public  
4           Law 109–417; 120 Stat. 2851));

5           “(3) any working group established under Exec-  
6           utive Order 13486 (74 Fed. Reg. 2289) relating to  
7           strengthening laboratory biosecurity;

8           “(4) the Chemical Facility Anti-Terrorism Act  
9           of 2009; and

10          “(5) representatives from the scientific commu-  
11          nity for methods to minimize any disincentives to bi-  
12          ological research arising from enhanced biosecurity  
13          measures.

14          “(e) IMPLEMENTATION OF ENHANCED BIOSECURITY  
15          MEASURES.—

16          “(1) ENFORCEMENT.—The Secretary of Agri-  
17          culture and the Secretary of Health and Human  
18          Services, in consultation with the Secretary, as ap-  
19          propriate, shall enforce the measures established  
20          under subsection (a) and any standards promulgated  
21          pursuant to such section.

22          “(2) TRAINING PROGRAMS.—The Secretary of  
23          Agriculture and the Secretary of Health and Human  
24          Services, in coordination with the Secretary and the  
25          heads of other Federal agencies, as appropriate,

1 shall develop training programs that comply with  
2 such measures and standards.

3 “(3) PROCEDURES.—The Secretary of Agri-  
4 culture and the Secretary of Health and Human  
5 Services, in consultation with the Secretary and the  
6 heads of other Federal agencies, as appropriate,  
7 shall develop and implement procedures with respect  
8 to when and how penalties and intermediate sanc-  
9 tions may be imposed. Such procedures shall provide  
10 for notice, a reasonable opportunity to respond to  
11 the proposed penalty or intermediate sanction, and  
12 appropriate procedures for appealing determinations  
13 relating to the imposition of a penalty or inter-  
14 mediate sanction.

15 “(4) SIMULTANEOUS LABORATORY INSPEC-  
16 TIONS.—

17 “(A) INSPECTION DATA SHARING AND EN-  
18 FORCEMENT UNIFORMITY.—The Secretary of  
19 Health and Human Services and the Secretary  
20 of Agriculture shall periodically provide the Sec-  
21 retary with all data concerning inspections of  
22 laboratories that handle Tier I Material Threat  
23 Agents to ensure uniformity in enforcement of  
24 the regulations enacted under subsection (a)  
25 and to identify areas where the Secretary can

1 provide guidance to the Secretary of Health and  
2 Human Services or the Secretary of Agriculture  
3 about approaches to enhance security at specific  
4 laboratories.

5 “(B) SIMULTANEOUS INSPECTIONS.—Any  
6 inspections of the same laboratory conducted by  
7 the Secretary of Health and Human Services  
8 for compliance with regulations promulgated  
9 under the Select Agent Program under section  
10 351A(a)(1) of the Public Health Service Act,  
11 and the Secretary of Agriculture pursuant to  
12 section 212(a)(1) of the Agricultural Bioter-  
13 rorism Protection Act of 2002 shall be con-  
14 ducted simultaneously to the extent practicable.

15 “(C) COMMON INSPECTION PROCE-  
16 DURES.—Departments conducting simultaneous  
17 inspections of a laboratory under this sub-  
18 section shall ensure, to the maximum extent  
19 practicable, that such inspections are conducted  
20 using a common set of inspection procedures  
21 across such departments in order to minimize  
22 the administrative burden on such laboratory.

23 “(D) INSPECTION REPORTS.—Inspection  
24 reports generated under this paragraph shall be  
25 made available to each Federal agency that

1 supports select agent laboratory activities at the  
2 institution that is the subject of the inspection  
3 report, and to the institutions that are the ob-  
4 ject of inspections.

5 **“SEC. 2105. TIER I MATERIAL THREAT AGENT LOCATIONS.**

6 “The Secretary of Agriculture and the Secretary of  
7 Health and Human Services shall provide to the Secretary  
8 a list of laboratories and other locations where Tier I Ma-  
9 terial Threat Agents are present in the United States and  
10 its territories.

11 **“SEC. 2106. HIGH CONTAINMENT BIOLOGICAL LABORA-  
12 TORY SECURITY GRANTS.**

13 “(a) GRANTS AUTHORIZED.—The Secretary, acting  
14 through the Administrator of the Federal Emergency  
15 Management Agency, may award grants based on risk to  
16 academic and nonprofit organizations and to State, local,  
17 and tribal governments that possess, use, or transfer Tier  
18 I Material Threat Agents, to enhance security at labora-  
19 tories of such organizations and governments.

20 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
21 is authorized to be appropriated to the Department of  
22 Homeland Security to carry out this subsection  
23 \$50,000,000 for each of fiscal years 2011 through 2013.

1 **“SEC. 2107. LABORATORY BIOSECURITY INFORMATION**  
2 **SHARING.**

3 “(a) IN GENERAL.—Consistent with the responsibil-  
4 ities of the Secretary under section 201(d), the Secretary  
5 shall establish procedures, with appropriate controls on ac-  
6 cess, for the sharing of homeland security information, in-  
7 cluding vulnerability assessments, security plans, best  
8 practices and other laboratory biosecurity-related informa-  
9 tion, as the Secretary determines appropriate, with State,  
10 local, and tribal government officials, including law en-  
11 forcement officials and emergency response providers.

12 “(b) ACCESS TO INFORMATION IN DATABASES.—In  
13 carrying out this section, the Secretary shall have access  
14 to and may use information from the national databases  
15 established under subsections (d)(2) and (f)(3) of section  
16 351A of the Public Health Service Act (42 U.S.C. 262a)  
17 and section 212(d)(2) of the Agricultural Bioterrorism  
18 Protection Act of 2002 (7 U.S.C. 8401(d)(2)).

19 “(c) CLASSIFIED AND SENSITIVE INFORMATION.—  
20 The Secretary shall ensure that any information dissemi-  
21 nated under this section is handled consistent with—

22 “(1) the authority of the Director of National  
23 Intelligence to protect intelligence sources and meth-  
24 ods under the National Security Act of 1947 (50  
25 U.S.C. 401 et seq.) and related procedures or simi-



1 lar authorities of the Attorney General concerning  
2 sensitive law enforcement information;

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

6 “(3) other relevant laws.

7 **“SEC. 2108. PERIODIC HOMELAND SECURITY REVIEW OF**  
8 **CRIMINAL STATUTES.**

9 “(a) IN GENERAL.—The Secretary, in coordination  
10 with the Attorney General and the heads of other Federal  
11 departments and agencies, as appropriate, shall, for pur-  
12 poses of enhancing homeland security—

13 “(1) periodically review and recommend updates  
14 to criminal laws to ensure that such laws are well  
15 suited to the evolving risks of misuse of life sciences  
16 by terrorists and others; and

17 “(2) ensure that national biodefense and bio-  
18 security stakeholders at unique risk of exploitation  
19 have access to guidance regarding actions that can  
20 reduce the risk of misuse of life sciences by terror-  
21 ists and others.

22 “(b) REPORT.—Not later than one year after the  
23 date of the enactment of this section, and biannually  
24 thereafter, the Secretary, in coordination with the Attor-  
25 ney General, shall submit to the appropriate congressional

1 committees the recommended updates to criminal laws, as  
2 described in subsection (a)(1).

3 **“SEC. 2109. EXPORT ENFORCEMENT FOR COUNTER-PRO-**  
4 **LIFERATION.**

5 “(a) IN GENERAL.—The Secretary, in coordination  
6 with the Secretary of Commerce, the Secretary of Defense,  
7 the Attorney General, the Secretary of State, the Director  
8 of National Intelligence, and the heads of other appro-  
9 priate Federal agencies shall—

10 “(1) conduct homeland security investigations  
11 and enforce criminal violations of customs and ex-  
12 port laws of the United States related to military  
13 items, controlled commodities, and sanctioned or em-  
14 bargoed countries to prevent terrorist groups, for-  
15 eign adversaries, and hostile nations from—

16 “(A) illegally obtaining sensitive United  
17 States technology and munitions; and

18 “(B) obtaining weapons of mass destruc-  
19 tion components, precursors, and delivery sys-  
20 tems, including—

21 “(i) United States military technical  
22 data, hardware, small arms and defense  
23 services;

24 “(ii) dual-use technical data/source  
25 code and commodities; and

1 “(iii) deemed exports; and

2 “(2) conduct industry outreach with manufac-  
3 turers and exporters of strategic commodities that  
4 may be targeted for procurement by terrorist organi-  
5 zations and the countries that support them as well  
6 as countries identified as weapons proliferators, by—

7 “(A) educating companies and individuals  
8 on the export laws of the United States;

9 “(B) discussing export licensing issues and  
10 requirements;

11 “(C) identifying red flag indicators used in  
12 illegal procurement;

13 “(D) identifying the government agencies  
14 responsible for the licensing of export-controlled  
15 commodities and technology; and

16 “(E) establishing and fostering relation-  
17 ships whereby companies and individuals can  
18 report suspicious contacts or attempts to violate  
19 the export laws of the United States.

20 “(b) NATIONAL EXPORT ENFORCEMENT COORDINA-  
21 TION NETWORK.—

22 “(1) ESTABLISHMENT; MEMBERSHIP.—There is  
23 established in the Department a National Export  
24 Enforcement Coordination Network that is managed  
25 by the Secretary. The Network shall be composed of

1 members who are representatives from the Depart-  
2 ment, the Department of Commerce, the Depart-  
3 ment of Defense, the Department of Energy, the  
4 Department of Justice, the Department of State, the  
5 Intelligence Community, and other Federal agencies  
6 as appropriate.

7 “(2) RESPONSIBILITIES.—The Network shall  
8 carry out the following responsibilities:

9 “(A) Coordinating law enforcement  
10 counter-proliferation investigations and intel-  
11 ligence counter-proliferation activities.

12 “(B) Addressing licensing inquiries, re-  
13 views, requests, checks, and verifications.

14 “(C) Conducting outreach and providing  
15 training to the export trade community.

## 16 **“Subtitle B—Preparedness**

### 17 **“SEC. 2121. COMMUNICATION OF THREAT INFORMATION** 18 **AND ALERTS.**

19 “(a) FINDINGS.—Congress makes the following find-  
20 ings:

21 “(1) The Commission on the Prevention of  
22 Weapons of Mass Destruction Proliferation and Ter-  
23 rorism recommended that ‘the Federal Government  
24 should practice greater openness of public informa-

1 tion so that citizens better understand the threat  
2 and the risk this threat poses to them’.

3 “(2) There are unique challenges for commu-  
4 nity preparedness for attacks from weapons of mass  
5 destruction and their agents.

6 “(b) TERRORISM THREAT AWARENESS.—

7 “(1) TERRORISM THREAT AWARENESS.—The  
8 Secretary, in coordination with the heads of appro-  
9 priate Federal agencies, shall ensure that homeland  
10 security information concerning terrorist threats is  
11 provided to State, local, and tribal authorities and  
12 the public within the United States, as appropriate,  
13 for purposes of preparedness and collective response  
14 to terrorism and for other purposes.

15 “(2) THREAT BULLETINS.—

16 “(A) IN GENERAL.—Consistent with the  
17 requirements of paragraph (1), the Secretary  
18 shall, on a timely basis, prepare unclassified  
19 terrorism-related threat and risk assessments.

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

22 “(i) include guidance to the general  
23 public for preventing and responding to  
24 acts of terrorism; and

1                   “(ii) be made available on the Internet  
2                   website of the Department and other pub-  
3                   licly accessible Internet websites, commu-  
4                   nication systems, and information net-  
5                   works.

6                   “(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL  
7                   GOVERNMENTS.—The Secretary—

8                   “(A) acting through the Administrator of  
9                   the Federal Emergency Management Agency,  
10                  shall provide to State, local, and tribal govern-  
11                  ments written guidance on communicating ter-  
12                  rorism-related threats and risks to the public  
13                  within their jurisdictions; and

14                  “(B) shall identify and articulate the gov-  
15                  ernmental rationale for identifying particular  
16                  communities as being at heightened risk of ex-  
17                  ploitation.

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

1 **“SEC. 2122. INDIVIDUAL AND COMMUNITY PREPAREDNESS**  
2 **FOR WEAPONS OF MASS DESTRUCTION.**

3 “(a) IN GENERAL.—The Secretary, acting through  
4 the Administrator for the Federal Emergency Manage-  
5 ment Agency, shall assist State, local, and tribal govern-  
6 ments in improving and promoting individual and commu-  
7 nity preparedness and collective response to weapons of  
8 mass destruction and terrorist attacks involving biological,  
9 chemical, radiological, and nuclear materials against the  
10 United States by—

11 “(1) developing guidance and checklists of rec-  
12 ommended actions for individual and community  
13 prevention and preparedness efforts and dissemi-  
14 nating such guidance and checklists to communities  
15 and individuals;

16 “(2) disseminating the guidance developed  
17 under section 2151 to communities and individuals,  
18 as appropriate;

19 “(3) compiling and disseminating information  
20 on best practices for individual and community pre-  
21 paredness;

22 “(4) providing information and training mate-  
23 rials in support of individual and community pre-  
24 paredness efforts;

25 “(5) conducting individual and community pre-  
26 paredness outreach efforts; and

1           “(6) such other actions as the Secretary deter-  
2           mines appropriate.

3           “(b) COORDINATION.—Where appropriate, the Sec-  
4           retary shall coordinate with private sector and nongovern-  
5           mental organizations to promote individual and commu-  
6           nity preparedness.

## 7                           **“Subtitle C—Detection**

### 8           **“SEC. 2131. NATIONAL BIOSURVEILLANCE STRATEGY.**

9           “(a) CURRENT STATE OF BIOSURVEILLANCE.—The  
10          Secretary shall examine of the state of domestic and global  
11          biosurveillance.

12          “(b) STRATEGY FOR BIOSURVEILLANCE.—The Sec-  
13          retary shall submit to the appropriate congressional com-  
14          mittees a national strategy for biosurveillance.

15          “(c) MATTERS FOR INCLUSION.—

16                  “(1) IN GENERAL.—In developing the strategy  
17                  required under subsection (b), the Secretary shall  
18                  take into consideration—

19                                  “(A) the state of biosurveillance domesti-  
20                                  cally and internationally;

21                                  “(B) material threat assessments and de-  
22                                  terminations developed by the Secretary in ac-  
23                                  cordance with the Project BioShield Act of  
24                                  2004 (Public Law 108–276) and the amend-  
25                                  ments made by that Act;



1           “(C) reports on global trends produced by  
2 the Office of the Director of National Intel-  
3 ligence regarding the biological threat, and In-  
4 telligence Community requirements;

5           “(D) information available in biosurveil-  
6 lance systems and changes to information tech-  
7 nology to allow for the incorporation and inte-  
8 gration of this information;

9           “(E) Intelligence Community needs as ar-  
10 ticulated in relevant intelligence strategies; and

11           “(F) costs associated with establishing and  
12 maintaining the necessary infrastructure to in-  
13 tegrate biosurveillance systems.

14           “(2) ADDITIONAL REQUIREMENTS.—This strat-  
15 egy required under subsection (b) shall—

16           “(A) include a plan for advancing situa-  
17 tional awareness;

18           “(B) identify key elements of information  
19 to be shared, critical sensitivities to be pro-  
20 tected, and a framework for enabling informa-  
21 tion exchange;

22           “(C) include a plan for fostering informa-  
23 tion sharing between public health, law enforce-  
24 ment, security, intelligence, and the scientific  
25 communities to identify potential threats, re-

1           duce vulnerabilities and improve collective re-  
2           sponse activities to and investigations of sus-  
3           pected biological attacks; and

4                   “(D) include strategic and implementation  
5           plans for the National Biosurveillance Integra-  
6           tion Center under section 316.

7   **“SEC. 2132. DETECTION OF BIOLOGICAL ATTACKS.**

8           “(a) PROGRAM.—The Secretary shall carry out a pro-  
9           gram in the Department to detect a biological attack or  
10          event. Through such program, the Secretary shall—

11                   “(1) deploy detectors to areas, based on risk, to  
12          indicate the presence of biological agents;

13                   “(2) provide information to participating lab-  
14          oratories for their use in monitoring public health,  
15          and biological material from these detectors to par-  
16          ticipating laboratories for testing;

17                   “(3) provide information about the presence of  
18          biological agents to public health and law enforce-  
19          ment personnel at all levels of government; and

20                   “(4) provide advanced planning tools, concepts  
21          of operations (including alarm resolution protocols),  
22          and training exercises for collective response to and  
23          recovery from biological attacks.

24           “(b) PROGRAM REQUIREMENTS.—Under the pro-  
25          gram required under subsection (a), the Secretary shall—

1           “(1) enter into memoranda of agreement or  
2 interagency agreements under the Economy Act of  
3 1933 (31 U.S.C. 1535 et seq.) with the Director of  
4 the Centers of Disease Control and Prevention and  
5 the Administrator of the Environmental Protection  
6 Agency, and the heads of other Federal departments  
7 and agencies, setting forth roles and responsibilities,  
8 including with respect to filter testing protocols for  
9 participating laboratories and coordination with ap-  
10 propriate State, local, and tribal agencies;

11           “(2) determine, on an annual basis, whether  
12 plans for biological detector capabilities and coverage  
13 sufficiently protect the United States population;  
14 and

15           “(3) acting through the Under Secretary for  
16 Science and Technology, and in consultation with  
17 the Director for the Centers for Disease Control and  
18 Prevention, implement an assay equivalency program  
19 for biological threat assays that—

20           “(A) may evaluate biological threat detec-  
21 tion assays, their protocols for use, and their  
22 associated response algorithms for confirmation  
23 of biological threat agents, taking performance  
24 measures and concepts of operation into consid-  
25 eration;

1           “(B) may develop assay equivalency stand-  
2           ards based on the findings of the evaluation  
3           under subparagraph (A);

4           “(C) will be updated as necessary;

5           “(D) shall require implementation of the  
6           standards developed under subparagraph (B)  
7           for all Department biomonitoring programs;  
8           and

9           “(E) shall make such standards available  
10          to support all other Federal biomonitoring pro-  
11          grams.

12          “(c) CONTRACT AUTHORITY.—The Secretary is au-  
13          thorized to enter into contracts with participating labora-  
14          tories for—

15                 “(1) the provision of laboratory services to test  
16                 detector filters on a fee-for-service basis or on a pre-  
17                 payment or other similar basis; and

18                 “(2) administrative and other costs related to  
19                 hosting program personnel and equipment in these  
20                 laboratories.

21          “(d) DEFINITIONS.—In this section:

22                 “(1) The term ‘participating laboratory’ means  
23                 a laboratory that has been accepted as a member of  
24                 the Laboratory Response Network for Bioterrorism  
25                 that—

1           “(A) is fully equipped to detect and re-  
2           spond quickly to acts of biological terrorism;

3           “(B) provides biocontainment and micro-  
4           biological analysis in support of the Depart-  
5           ment, the Federal Bureau of Investigation and  
6           other law enforcement agencies with primary  
7           responsibilities for investigating biological inci-  
8           dents; and

9           “(C) supports threat agent characteriza-  
10          tion studies and assay evaluation, research and  
11          development.

12          “(2) The term ‘assay’ means any scientific test  
13          that is designed to detect the presence of a biological  
14          threat agent and is of a type selected under criteria  
15          established by the Secretary.

16   **“SEC. 2133. RAPID BIOLOGICAL THREAT DETECTION AND**  
17                                   **IDENTIFICATION.**

18          “(a) IN GENERAL.—Notwithstanding section 302(4)  
19          the Secretary shall require the Under Secretary for  
20          Science and Technology, in consultation with the heads  
21          of other relevant operational components of the Depart-  
22          ment, assess whether the development of screening capa-  
23          bilities for biological weapons of mass destruction agents,  
24          pandemic influenza, and other infectious diseases should  
25          be undertaken by the Science and Technology Directorate

1 to support entry and exit screening at ports of entry and  
2 for other purposes.

3       “(b) DEVELOPMENT OF METHODS.—If the Under  
4 Secretary determines that the development of such screen-  
5 ing capabilities should be undertaken, the Secretary shall,  
6 to the extent possible, initiate development of safe and ef-  
7 fective methods to rapidly screen incoming travelers at  
8 ports of entry for biological weapons of mass destruction  
9 agents, pandemic influenza, and other infectious diseases.

10       “(c) COLLABORATION.—In developing methods under  
11 subsection (b), the Secretary may collaborate with the  
12 heads of other Federal agencies, as needed.

13 **“SEC. 2134. ESTABLISHMENT OF THE SYSTEM ASSESSMENT**  
14 **AND VALIDATION FOR EMERGENCY RE-**  
15 **SPONDERS (SAVER) PROGRAM.**

16       “The Secretary, acting through the Under Secretary  
17 for Science and Technology, shall carry out a program for  
18 system assessment and validation of emergency response  
19 equipment at the Department, to be known as the  
20 ‘SAVER Program’. The Secretary shall ensure that such  
21 program—

22               “(1) conducts objective, impartial, practitioner-  
23 relevant, and operationally oriented assessments and  
24 validations of commercial emergency responder

1 equipment and systems, including hand-held detec-  
2 tors for agents used in weapons of mass destruction;

3 “(2) is supported by a network of scientists who  
4 perform the assessment and validation activities;

5 “(3) provides results along with other relevant  
6 equipment information to the emergency response  
7 provider community in an operationally useful form;

8 “(4) provides information on equipment that  
9 falls within the categories listed in the Department’s  
10 authorized equipment list;

11 “(5) provides information that enables decision-  
12 makers and responders to better select, procure, use  
13 and maintain emergency responder equipment; and

14 “(6) shares such information nationally with  
15 the emergency response provider community.

16 **“SEC. 2135. PAYMENT FOR BIOTERRORISM LABORATORY**  
17 **SERVICES.**

18 “In carrying out their functions, responsibilities, au-  
19 thorities, and duties to counter biological terrorism, the  
20 Secretary, the Attorney General, and the heads of other  
21 participating Federal agencies are authorized to enter into  
22 contracts with the State and local public health labora-  
23 tories that compose the Laboratory Response Network for  
24 Bioterrorism, and any other qualified laboratories, for the

1 provision of laboratory testing services on a fee-for-service  
2 basis or on a prepayment or other similar basis.

3 **“SEC. 2136. ESTABLISHMENT OF THE INTEGRATED CON-**  
4 **SORTIUM OF LABORATORY NETWORKS.**

5 “(a) ESTABLISHMENT.—There is established in the  
6 Department an Integrated Consortium of Laboratory Net-  
7 works that is managed by the Secretary.

8 “(b) REQUIREMENTS.—The Integrated Consortium  
9 of Laboratory Networks shall—

10 “(1) be composed of networks of laboratories  
11 capable of integrated and coordinated response to  
12 and consequence management of attacks from weap-  
13 ons of mass destruction, acts of terrorism, and other  
14 incidents requiring laboratory response capabilities;

15 “(2) be a coordinated and operational system of  
16 laboratory networks that provide timely, high quality  
17 results for early detection and effective consequence  
18 management of attacks from weapons of mass de-  
19 struction, acts of terrorism, and other events requir-  
20 ing an integrated laboratory response;

21 “(3) serve as a system of laboratory networks  
22 that are equipped to detect and respond quickly to  
23 attacks from weapons of mass destruction and acts  
24 of terrorism, and to support effective all-hazard lab-  
25 oratory response;



1           “(4) provide limited containment and analysis  
2           in support of the Department, the Federal Bureau  
3           of Investigation, and other law enforcement agencies  
4           with primary responsibilities for investigating inci-  
5           dents involving weapons of mass destruction or their  
6           agents; and

7           “(5) support threat agent characterization stud-  
8           ies and assay evaluation, research, and development.

### 9           **“Subtitle D—Attribution**

#### 10       **“SEC. 2141. BIOFORENSICS CAPABILITIES AND STRATEGY.**

11       “(a) NATIONAL BIOFORENSICS ANALYSIS CEN-  
12       TER.—There is established in the Department a National  
13       Bioforensics Analysis Center which shall serve as the lead  
14       Federal facility to—

15           “(1) provide definitive forensic examination of  
16           biothreat agents and related evidence;

17           “(2) provide necessary biocontainment;

18           “(3) integrate bioforensics requirements for law  
19           enforcement, national security, and homeland secu-  
20           rity;

21           “(4) provide bioforensics analysis in support of  
22           the executive agencies with primary responsibilities  
23           for preventing, deterring, responding to, attributing,  
24           and recovering from biological attacks;

25           “(5) develop national bioforensics standards;

1           “(6) maintain the national bioforensics reposi-  
2           tory collection as a reference collection of biological  
3           agents and toxins for bioforensics comparisons and  
4           identifications; and

5           “(7) support threat agent characterization stud-  
6           ies and bioforensics assay evaluation research and  
7           development.

8           “(b) NATIONAL BIOFORENSICS REPOSITORY COL-  
9           LECTION.—

10           “(1) IN GENERAL.—The National Bioforensics  
11           Analysis Center shall maintain a national  
12           bioforensics repository collection.

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

15           “(A) receive, store, and distribute biologi-  
16           cal threat agents and toxins;

17           “(B) serve as a reference collection for  
18           comparative bioforensics identifications and  
19           characterizations; and

20           “(C) support threat agent characterization  
21           studies and the development of bioforensics as-  
22           says, genomic analyses, organic and inorganic  
23           chemical analyses, electron microscopy analyses,  
24           and other relevant assays, analyses, and tests.

25           “(3) PARTICIPATION.—

1           “(A) IN GENERAL.—The Secretary, the  
2           Attorney General, the Secretary of Agriculture,  
3           the Secretary of Defense, the Secretary of En-  
4           ergy, the Secretary of Health and Human Serv-  
5           ices, the Director of National Intelligence, and  
6           the head of any other appropriate executive  
7           agency with a biological agent or toxin collec-  
8           tion that is useful for the bioforensics analysis  
9           of biological attacks, performance of biological  
10          threat agent identification and characterization  
11          studies, or evaluation and development of  
12          bioforensics assays and methods shall provide  
13          authenticated replicate samples of all relevant  
14          biological strains and toxins, as determined by  
15          the Secretary, in consultation with the head of  
16          the executive agency possessing the agent or  
17          toxin, which shall not include any variola virus  
18          but shall include any virus modified to include  
19          any part of the variola virus, to the national  
20          bioforensics repository collection.

21           “(B) OTHER BIOLOGICAL AGENTS AND  
22           TOXINS.—The Secretary shall require the con-  
23           tribution of public and private biological agent  
24           and toxin collections to the national bioforensics  
25           repository collection that were collected or cre-

1 ated with support from a Federal grant or con-  
2 tract and that support the functions described  
3 in paragraph (2).

4 “(4) ACCESS.—The Secretary shall—

5 “(A) provide any executive agency that  
6 submits a biological agent or toxin to the na-  
7 tional bioforensics repository collection with ac-  
8 cess to the collection; and

9 “(B) establish a mechanism to provide  
10 public and private entities with access to the  
11 national bioforensics repository collection, as  
12 determined appropriate by the Secretary, with  
13 appropriate protection of classified or law en-  
14 forcement sensitive information and intellectual  
15 property rights.

16 “(5) REPORT.—

17 “(A) IN GENERAL.—Not later than one  
18 year after the date of the enactment of this sec-  
19 tion, and annually thereafter, the Secretary, in  
20 consultation with the Attorney General, the  
21 Secretary of Agriculture, the Secretary of De-  
22 fense, the Secretary of Energy, the Secretary of  
23 Health and Human Services, the Director of  
24 National Intelligence, and the head of any other  
25 appropriate executive agency that participates

1 in or contributes to the national bioforensics re-  
2 pository collection, shall submit to the appro-  
3 priate committees of Congress a report regard-  
4 ing the national bioforensics repository collec-  
5 tion.

6 “(B) CONTENTS.—The report submitted  
7 under subparagraph (A) shall—

8 “(i) discuss the status of the estab-  
9 lishment of the national bioforensics repos-  
10 itory collection;

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

16 “(iii) examine any access or participa-  
17 tion issues affecting the establishment of  
18 the national bioforensics repository collec-  
19 tion or the ability to support bioforensics  
20 analysis, threat agent characterization  
21 studies, or bioforensics assay evaluation,  
22 research, and development, including—

23 “(I) intellectual property con-  
24 cerns;

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

5           “(III) costs associated with ac-  
6           cessing, procuring, and securely trans-  
7           porting biological materials from do-  
8           mestic and international biological  
9           agent and toxin collections to the na-  
10          tional bioforensics repository collec-  
11          tion;

12          “(IV) costs incurred by domestic  
13          and international biological agent and  
14          toxin collections to access or con-  
15          tribute biological agents or toxins to  
16          the national bioforensics repository  
17          collection; and

18          “(V) access to the national  
19          bioforensics repository collection by  
20          public and private researchers to sup-  
21          port threat agent characterization  
22          studies, bioforensics assay evaluation,  
23          research, and development, and bio-  
24          security research and development;  
25          and

1                   “(iv) other issues determined appro-  
2                   priate.

3           “(c) NATIONAL BIOFORENSICS STRATEGY.—

4                   “(1) IN GENERAL.—The Secretary, in coordina-  
5                   tion with the Attorney General, the Secretary of Ag-  
6                   riculture, the Secretary of Defense, the Secretary of  
7                   Health and Human Services, the Director of Na-  
8                   tional Intelligence, and the head of any other appro-  
9                   priate executive agency, as determined by the Sec-  
10                  retary, shall develop, coordinate, and maintain a na-  
11                  tional bioforensics strategy.

12                  “(2) CONTENTS.—The national bioforensics  
13                  strategy shall—

14                       “(A) provide for a coordinated approach  
15                       across all executive agencies with responsibil-  
16                       ities for—

17                               “(i) conducting bioforensics examina-  
18                               tion of biological threat agents and related  
19                               evidence; and

20                               “(ii) generating bioforensics require-  
21                               ments for law enforcement, national secu-  
22                               rity, and homeland security;

23                       “(B) describe the roles and responsibilities  
24                       of all relevant executive agencies, including—

1                   “(i) research to characterize threat  
2                   agents;

3                   “(ii) assay evaluation, research, and  
4                   development; and

5                   “(iii) funding;

6                   “(C) establish mechanisms, in coordination  
7                   with State, local, and tribal governments, for  
8                   coordinating with public health, environmental  
9                   quality, and law enforcement agencies for the  
10                  collection or receipt, transfer, or submission of  
11                  bioforensics evidence for analysis and its use;  
12                  and

13                  “(D) include—

14                         “(i) guidance for collecting, proc-  
15                         essing, and analyzing samples; and

16                         “(ii) requirements for reporting  
17                         bioforensics information to appropriate  
18                         agencies.

19                  “(3) REPORT.—Not later than one year after  
20                  the date of the enactment of this section, and bienni-  
21                  ally thereafter, the Secretary, in consultation with  
22                  the Attorney General, the Secretary of Agriculture,  
23                  the Secretary of Defense, the Secretary of Health  
24                  and Human Services, the Director of National Intel-  
25                  ligence, and the heads of other appropriate agencies,



1 as determined by the Secretary, shall submit to the  
2 appropriate committees of Congress the national  
3 bioforensics strategy.

4 “(d) CONCEPT OF OPERATIONS.—The Secretary, in  
5 coordination with the Attorney General and the heads of  
6 any other appropriate Federal agencies shall ensure the  
7 availability of a detailed concept of operations for informa-  
8 tion sharing and all-source analysis to support timely at-  
9 tribution of biological attacks.

10 “(e) RESEARCH AND DEVELOPMENT.—The Sec-  
11 retary, in coordination with the Attorney General and the  
12 heads of any other appropriate Federal agencies shall es-  
13 tablish a national-level research and development strategy  
14 and implementation plan to advance the field of  
15 bioforensics.

16 “(f) DEFINITION OF BIOFORENSICS.—In this section,  
17 the term ‘bioforensics’ means the scientific discipline dedi-  
18 cated to analyzing evidence from an attack with a biologi-  
19 cal weapon of mass destruction, an act of bioterrorism,  
20 a biological agent- or toxin-based criminal act, or the inad-  
21 vertent release of a biological agent or toxin for attribution  
22 purposes.

1 **“SEC. 2142. LAW ENFORCEMENT TRAINING TO INVES-**  
2 **TIGATE BIOLOGICAL THREATS.**

3 “The Secretary, in coordination with the Attorney  
4 General, the Secretary of Agriculture, the Secretary of  
5 Health and Human Services, and the heads of other ap-  
6 propriate Federal departments and agencies, shall—

7 “(1) make training available to law enforce-  
8 ment, public health, and security personnel on recog-  
9 nizing and responding to situations involving poten-  
10 tial biological threats, including performing joint  
11 criminal and epidemiological investigations;

12 “(2) ensure that tailored tactics, techniques,  
13 and procedures are made available to law enforce-  
14 ment and security personnel, including access to the  
15 tools needed to respond to biological threats;

16 “(3) promote the use of simulation among Fed-  
17 eral partners to exercise capabilities, refine oper-  
18 ational concepts, and strengthen relationships across  
19 the Government; and

20 “(4) make training available that will ensure  
21 that law enforcement, public health, and agricultural  
22 investigations of biological threats are coordinated.

## “Subtitle E—Response

### “SEC. 2151. FIRST RESPONDER GUIDANCE CONCERNING WEAPONS OF MASS DESTRUCTION ATTACKS.

“(a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—  
Not later than one year after the date of the enactment  
of this section, the Secretary shall—

“(1) develop for police, fire, emergency medical  
services, emergency management, and public health  
personnel, voluntary guidance for responding to a re-  
lease of chemical, biological, radiological, or nuclear  
material; and

“(2) make such guidance available to State,  
local, and tribal governments, nongovernmental or-  
ganizations, the private sector, and the public.

“(b) CONTENTS.—The guidance developed under  
subsection (a)(1) shall include—

“(1) protective action guidance for ensuring the  
security, health, and safety of emergency response  
providers;

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

“(3) best practices for emergency response pro-  
viders to effectively deal with individuals affected by

1 an incident involving chemical, biological, radio-  
2 logical, or nuclear material.

3 “(c) REVIEW AND REVISION OF GUIDANCE.—The  
4 Secretary shall—

5 “(1) review the guidance developed under sub-  
6 section (a)(1) at least once every 2 years;

7 “(2) make revisions to the guidance as appro-  
8 priate; and

9 “(3) make any revised guidance available to  
10 State, local, and tribal governments, nongovern-  
11 mental organizations, the private sector, and the  
12 public.

13 “(d) PROCEDURES FOR DEVELOPING AND REVISING  
14 GUIDANCE.—In carrying out the requirements of this sec-  
15 tion, the Secretary shall establish procedures to—

16 “(1) inventory existing relevant hazardous ma-  
17 terial response guidance;

18 “(2) enable members of the first responder  
19 community to submit recommendations of areas in  
20 which guidance is needed and could be developed  
21 under subsection (a)(1);

22 “(3) determine which entities should be con-  
23 sulted in developing or revising the guidance;

24 “(4) prioritize, on a regular basis, guidance  
25 that should be developed or revised; and

1           “(5) develop and disseminate the guidance in  
2           accordance with the prioritization under paragraph  
3           (4).

4           “(e) CONSULTATIONS.—The Secretary shall develop  
5           and revise the guidance developed under subsection (a)(1),  
6           and the procedures required under subsection (d), in con-  
7           sultation with—

8           “(1) the heads of other Federal departments  
9           and agencies, as appropriate;

10           “(2) the National Advisory Council established  
11           under section 508;

12           “(3) State, local, and tribal governments; and

13           “(4) nongovernmental organizations and private  
14           industry.

15           “(f) REPORTING REQUIREMENTS.—Not later than  
16           18 months after the date of the enactment of this section  
17           and annually thereafter, the Secretary shall submit to the  
18           appropriate congressional committees—

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

21           “(2) any guidance in effect on the date of the  
22           report;

23           “(3) a list of entities to which the guidance de-  
24           scribed in paragraph (2) was disseminated;

1           “(4) a plan for reviewing the guidance de-  
2           scribed in paragraph (2), in accordance with sub-  
3           section (e);

4           “(5) guidance required under subsection (d)(4),  
5           and the methodology used by the Secretary for such  
6           prioritization; and

7           “(6) a plan for developing, revising, and dis-  
8           seminating the guidance.

9   **“SEC. 2152. INTEGRATED PLUME MODELING FOR COLLEC-**  
10                   **TIVE RESPONSE.**

11           “(a) DEVELOPMENT.—

12           “(1) IN GENERAL.—The Secretary shall ac-  
13           quire, use, and disseminate timely integrated plume  
14           models to enable rapid response activities following  
15           a chemical, biological, nuclear, or radiological re-  
16           lease.

17           “(2) SCOPE.—The Secretary shall—

18           “(A) ensure the rapid development and  
19           distribution of integrated plume models to ap-  
20           propriate officials of the Federal Government  
21           and State, local, and tribal governments to en-  
22           able immediate response to a chemical, biologi-  
23           cal, or radiological incident;

24           “(B) establish mechanisms for dissemina-  
25           tion by appropriate emergency response officials

1 of the integrated plume models described in  
2 paragraph (1) to nongovernmental organiza-  
3 tions and the public to enable appropriate col-  
4 lective response activities;

5 “(C) ensure that the development and dis-  
6 semination of integrated plume models are as-  
7 sessed during exercises administered by the De-  
8 partment; and

9 “(D) ensure that lessons learned from as-  
10 ssuming the development and dissemination of  
11 integrated plume models during exercises ad-  
12 ministered by the Department are put into the  
13 Department of Homeland Security Lessons  
14 Learned Information Sharing system.

15 “(3) CONSULTATION WITH OTHER DEPART-  
16 MENTS AND AGENCIES.—In identifying and devel-  
17 oping the integrated plume models described in this  
18 section, the Secretary shall consult, as appropriate,  
19 with—

20 “(A) the Secretary of Defense, the Sec-  
21 retary of Energy, the Secretary of Health and  
22 Human Services, and the heads of other appro-  
23 priate Federal agencies; and

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

1       “(b) REPORT.—Not later than one year after the  
2 date of enactment of this section, and annually thereafter,  
3 the Secretary shall submit to the appropriate congress-  
4 sional committees a report regarding—

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

7           “(2) lessons learned from assessing the develop-  
8 ment and dissemination of integrated plume models  
9 during exercises administered by the Department;  
10 and

11           “(3) plans for improving the development and  
12 dissemination of integrated plume models, as appro-  
13 priate.

14       “(c) DEFINITIONS.—For purposes of this section:

15           “(1) The term ‘plume model’ means the assess-  
16 ment of the location and prediction of the spread of  
17 nuclear, radioactive, or chemical fallout and biologi-  
18 cal pathogens resulting from a release of chemical,  
19 biological, radiological, or nuclear materials.

20           “(2) The term ‘integrated plume model’ means  
21 a plume model that integrates protective action guid-  
22 ance and other information as the Secretary deter-  
23 mines appropriate.



## “Subtitle F—Recovery

### “SEC. 2161. RECOVERY AND RESTORATION FROM A BIOLOGICAL ATTACK OR INCIDENT GUIDANCE.

“(a) ESTABLISHMENT OF GUIDANCE.—Not later than one year after the date of the enactment of this section, the Secretary, in coordination with the Administrator of the Environmental Protection Agency and in consultation with the Director of the Occupational Safety and Health Agency, and the Director of the National Institute for Occupational Safety and Health, shall develop and issue guidance for clean-up and restoration of indoor and outdoor areas that have been affected by the release of a biological agent.

“(b) CONTENTS.—The guidance developed under subsection (a) shall include—

“(1) acceptable levels of growth of the organism in post-remediation area samples from affected sites;

“(2) standards for effective clean-up of affected sites;

“(3) standards for safe post-event occupancy of affected sites;

“(4) requirements to ensure that the decontamination procedures for responding organizations do not conflict;

1           “(5) requirements that each responding organi-  
2           zation uses a uniform system for tracking costs and  
3           performance of clean-up contractors;

4           “(6) levels of personal protection equipment;

5           “(7) maintenance of negative air pressure in  
6           buildings;

7           “(8) proper selection and use of personal pro-  
8           tective equipment;

9           “(9) proper use of personal protective equip-  
10          ment;

11          “(10) air sampling procedures; and

12          “(11) how to develop health and safety plans  
13          that are appropriate for the specific risk to re-  
14          sponder health.

15          “(c) REVIEW AND REVISION OF GUIDANCE.—The  
16          Secretary shall—

17               “(1) not less frequently than once every 2  
18               years, review the guidance developed under sub-  
19               section (a);

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

22               “(3) make the revised guidance available to the  
23               Federal Government, State, local, and tribal govern-  
24               ments, nongovernmental organizations, the private  
25               sector, and the public.

1       “(d) PROCEDURES FOR DEVELOPING AND REVISING  
2 GUIDANCE.—In carrying out the requirements of this sec-  
3 tion, the Secretary shall establish procedures to—

4           “(1) inventory existing relevant guidance;

5           “(2) enable the public to submit recommenda-  
6 tions of areas in which guidance is needed;

7           “(3) determine which entities should be con-  
8 sulted in developing or revising the guidance;

9           “(4) prioritize, on a regular basis, guidance  
10 that should be developed or revised; and

11           “(5) develop and disseminate the guidance in  
12 accordance with the prioritization under paragraph  
13 (4).

14       “(e) CONSULTATIONS.—The Secretary shall develop  
15 and revise the guidance developed under subsection (a),  
16 and the procedures required under subsection (d), in con-  
17 sultation with—

18           “(1) the heads of other Federal departments  
19 and agencies, as appropriate;

20           “(2) State, local, and tribal governments; and

21           “(3) nongovernmental organizations and private  
22 industry.

23       “(f) REPORT.—Not later than one year after the date  
24 of the enactment of this section, and annually thereafter,

1 the Secretary shall provide appropriate congressional com-  
2 mittees with—

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

5 “(2) any guidance in effect on the date of the  
6 report;

7 “(3) a list of entities to which the guidance de-  
8 scribed in paragraph (2) were disseminated;

9 “(4) a plan for reviewing the guidance de-  
10 scribed in paragraph (2), in accordance with sub-  
11 section (e);

12 “(5) the prioritized list of the guidance required  
13 under subsection (d)(4), and the methodology used  
14 by the Secretary for such prioritization; and

15 “(6) a plan for developing, revising, and dis-  
16 seminating the guidance.

17 **“SEC. 2162. ENVIRONMENTAL RECOVERY FROM CHEMICAL,**  
18 **BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR**  
19 **ATTACKS.**

20 “(a) IN GENERAL.—To facilitate environmental re-  
21 covery from a chemical, biological, radiological, or nuclear  
22 attack or other incident involving chemical, biological, ra-  
23 diological, or nuclear materials and to foster collective re-  
24 sponse to terrorism, the Administrator of the Environ-  
25 mental Protection Agency, in coordination with the Ad-

1 administrator of the Federal Emergency Management Agen-  
2 cy, shall assess capability gaps in environmental recovery  
3 preparedness and provide guidance to State, local, and  
4 tribal officials to recover from a chemical, biological, radio-  
5 logical or nuclear attack or incident.

6 “(b) REQUIREMENTS.—In carrying out subsection  
7 (a), the Administrator of the Environmental Protection  
8 Agency shall—

9 “(1) assess capability gaps in the Nation’s abil-  
10 ity to recover from chemical, biological, radiological,  
11 and nuclear attacks or incidents, with specific atten-  
12 tion to—

13 “(A) decontamination standards, gaps in  
14 such standards, and recommendations for re-  
15 search to minimize these gaps;

16 “(B) environmental remediation methods;  
17 and

18 “(C) such other components as determined  
19 by the Secretary;

20 “(2) disseminate guidance to State, local, and  
21 tribal authorities that conforms to the goals of the  
22 National Disaster Recovery Strategy as required in  
23 Section 682 of the Department of Homeland Secu-  
24 rity Appropriations Act, 2007 (Public Law 109–295;  
25 6 U.S.C. 771) regarding how to conduct environ-

1       mental remediation of contaminated areas, includ-  
2       ing—

3               “(A) clarification of Federal roles and re-  
4               sponsibilities for assisting State, local, and trib-  
5               al governments; and

6               “(B) such other guidance as determined by  
7               the Secretary; and

8               “(3) develop exercises in consultation with  
9               State, local, and tribal authorities and other appro-  
10              priate Federal agencies, to enhance collective re-  
11              sponse to and recovery from chemical, biological, ra-  
12              diological and nuclear attacks and incidents, includ-  
13              ing exercises that address analysis, environmental  
14              cleanup methods, and decontamination standards.”.

15       (b) CLERICAL AMENDMENTS.—The table of contents  
16       in section 1(b) of such Act is amended by adding at the  
17       end the following new items:

Sec. 201. Weapons of mass destruction prevention and preparedness.

“TITLE XXI—WEAPONS OF MASS DESTRUCTION PREVENTION  
AND PREPAREDNESS

“Subtitle A—Prevention and Deterrence

“Sec. 2101. Weapons of Mass Destruction Intelligence and Information  
Sharing Unit.

“Sec. 2102. Information sharing and collaboration for biosecurity and bio-  
defense.

“Sec. 2103. Bioterrorism risk assessments.

“Sec. 2104. Enhanced biosecurity measures.

“Sec. 2105. Tier I Material Threat Agent locations.

“Sec. 2106. High containment biological laboratory security grants.

“Sec. 2107. Laboratory biosecurity information sharing.

“Sec. 2108. Periodic homeland security review of criminal statutes.

“Sec. 2109. Export enforcement for counter-proliferation.

## “Subtitle B—Preparedness

- “Sec. 2121. Communication of threat information and alerts.
- “Sec. 2122. Individual and community preparedness for weapons of mass destruction.

## “Subtitle C—Detection

- “Sec. 2131. National biosurveillance strategy.
- “Sec. 2132. Detection of biological attacks.
- “Sec. 2133. Rapid biological threat detection and identification.
- “Sec. 2134. Establishment of the system assessment and validation for emergency responders (SAVER) program.
- “Sec. 2135. Payment for bioterrorism laboratory services.
- “Sec. 2136. Establishment of the integrated consortium of laboratory networks.

## “Subtitle D—Attribution

- “Sec. 2141. Bioforensics capabilities and strategy.
- “Sec. 2142. Law enforcement training to investigate biological threats.

## “Subtitle E—Response

- “Sec. 2151. First responder guidance concerning weapons of mass destruction attacks.
- “Sec. 2152. Integrated plume modeling for collective response.

## “Subtitle F—Recovery

- “Sec. 2161. Recovery and restoration from a biological attack or incident guidance.
- “Sec. 2162. Environmental recovery from chemical, biological, radiological, and nuclear attacks.

**1 SEC. 202. DEFINITIONS.**

2 Section 2 of the Homeland Security Act of 2002 (6  
3 U.S.C. 101) is amended by adding at the end the following  
4 new paragraphs:

5 “(19) The term ‘weapon of mass destruction’  
6 has the meaning given that term in section 1403(1)  
7 fo the Defense Against Weapons of Mass Destruc-  
8 tion Act of 1996 (50 U.S.C. 2302).

1           “(20) The term ‘Intelligence Community’ has  
2 the meaning given that term in section 3(4) of the  
3 National Security Act of 1947 (50 U.S.C. 401a(4)).

4           “(21) The term ‘national biosecurity and bio-  
5 defense stakeholders’ means officials from the Fed-  
6 eral, State, local, and tribal authorities and individ-  
7 uals from the private sector who are involved in ef-  
8 forts to prevent, deter, prepare for, detect, attribute,  
9 respond, and recover from a biological attack or  
10 other phenomena that may have serious health con-  
11 sequences for the United States, including wide-scale  
12 fatalities or infectious disease outbreaks.

13           “(22) The term ‘Tier I Material Threat Agent’  
14 means a substance so designated under section  
15 351A(a)(2) of the Public Health Service Act or sec-  
16 tion 212(a)(2) of the Agricultural Bioterrorism Pro-  
17 tection Act of 2002.”.

18 **SEC. 203. DUAL-USE TERRORIST RISKS FROM SYNTHETIC**  
19 **GENOMICS.**

20           (a) SENSE OF CONGRESS.—It is the sense of Con-  
21 gress that the field of synthetic genomics has the potential  
22 to facilitate enormous gains in fundamental discovery and  
23 biotechnological applications, but it also has inherent dual-  
24 use homeland security risks that must be managed.



1           (b) REQUIREMENT.—The Secretary of Homeland Se-  
2   curity, acting through the Under Secretary of Homeland  
3   Security for Science and Technology, shall examine and  
4   report to the appropriate congressional committees by not  
5   later than one year after the date of enactment of this  
6   Act on the homeland security implications of the dual-use  
7   nature of synthetic genomics, and if the Under Secretary  
8   determines that such research is appropriate, may conduct  
9   research in that area, including—

10           (1) determining the current capability of syn-  
11   thetic nucleic acid providers to effectively differen-  
12   tiate a legitimate customer from a potential terrorist  
13   or other malicious actor;

14           (2) determining the current capability of syn-  
15   thetic nucleic acid providers to effectively screen or-  
16   ders for sequences of homeland security concern;  
17   and

18           (3) making recommendations regarding screen-  
19   ing software, protocols, and other remaining capa-  
20   bility gaps uncovered by the study.

1 **SEC. 204. DISSEMINATION OF INFORMATION ANALYZED BY**  
2 **THE DEPARTMENT TO STATE, LOCAL, TRIB-**  
3 **AL, AND PRIVATE ENTITIES WITH RESPON-**  
4 **SIBILITIES RELATING TO HOMELAND SECU-**  
5 **RITY.**

6 (a) RESPONSIBILITIES OF THE SECRETARY.—Section  
7 201(d)(8) of the Homeland Security Act of 2002 (6  
8 U.S.C. 121(d)(8)) is amended by striking “and to agencies  
9 of State” and all that follows and inserting “to State,  
10 local, tribal, and private entities with such responsibilities,  
11 and, as appropriate, to the public, in order to assist in  
12 preventing, deterring, or responding to acts of terrorism  
13 against the United States”.

14 (b) REPORT.—Not later than one year after the date  
15 of the enactment of this Act, the Secretary of Homeland  
16 Security shall submit to the appropriate congressional  
17 committees a report on the implementation of this section.

18 **SEC. 205. NATIONAL BIOSURVEILLANCE INTEGRATION**  
19 **CENTER (NBIC).**

20 Section 316 of the Homeland Security Act (6 U.S.C.  
21 195b) is amended—

22 (1) in subsection (a), by striking “an office or  
23 directorate of the Department” and all that follows  
24 through the period at the end and inserting the fol-  
25 lowing: “the Office of Intelligence and Analysis.”;

26 (2) in subsection (d)(2)(B)—

1 (A) by inserting “and disseminate” after  
2 “integrate”; and

3 (B) by inserting “, including information  
4 and intelligence generated elsewhere within the  
5 Office of Intelligence and Analysis and the De-  
6 partment,” after “information”;

7 (3) in subsection (e)(1), by striking subpara-  
8 graph (A) and inserting the following new subpara-  
9 graph (A):

10 “(A) integrate biosurveillance information  
11 into the NBIC, with the goal of promoting in-  
12 formation sharing between Federal, State, local,  
13 and tribal governments to detect biological at-  
14 tacks and events of homeland concern;”;

15 (4) by amending paragraph (2) of subsection (f)  
16 to read as follows:

17 “(2) DETAIL OF PERSONNEL.—The head of a  
18 participating Federal department or agency shall de-  
19 tail, on a reimbursable basis, any of the personnel  
20 of that department or agency to the Department to  
21 assist the NBIC in carrying out this section.”; and

22 (5) by redesignating subsection (j) as sub-  
23 section (k) and inserting after subsection (i) the fol-  
24 lowing new subsection (j):

1       “(j) ANNUAL REPORT.—Not later than one year  
2 after the date of the enactment of the WMD Prevention  
3 and Preparedness Act of 2010 and annually thereafter,  
4 the Secretary shall submit to the appropriate congress-  
5 sional committees a report on—

6           “(1) the status of operations at the National  
7 Biosurveillance Integration Center of the Depart-  
8 ment under section 316;

9           “(2) efforts by the Office of Intelligence and  
10 Analysis to take responsibility for the National Bio-  
11 surveillance Integration Center; and

12           “(3) efforts to integrate the biosurveillance ef-  
13 forts of Federal, State, local, and tribal govern-  
14 ments.”.

15 **SEC. 206. DEADLINE FOR COMPLETION OF METHODS TO**  
16 **RAPIDLY SCREEN TRAVELERS AT PORTS OF**  
17 **ENTRY.**

18       Not later than 90 days after the date of the enact-  
19 ment of this Act, the Secretary of Homeland Security shall  
20 complete the development of the methods to rapidly screen  
21 travelers at ports of entry, as required under subsection  
22 (b) of section 2133 of the Homeland Security Act of 2002,  
23 as added by section 201.

1 **SEC. 207. REPORT ON ESTABLISHMENT OF THE SYSTEM AS-**  
2 **SESSMENT AND VALIDATION FOR EMER-**  
3 **GENCY RESPONDERS (SAVER) PROGRAM.**

4 Not later than one year after the date of the enact-  
5 ment of this Act, the Secretary of Homeland Security shall  
6 submit to the appropriate congressional committees a re-  
7 port on the SAVER Program under section 2134 of the  
8 Homeland Security Act of 2002, as added by section 201.

9 **SEC. 208. NATIONAL ACADEMY OF SCIENCES STUDY OF FO-**  
10 **RENSIC SCIENCE IN HOMELAND SECURITY.**

11 (a) STUDY.—Not later than 90 days after the date  
12 of the enactment of this Act, the Secretary of Homeland  
13 Security, acting through the Under Secretary of Home-  
14 land Security for Science and Technology, shall seek to  
15 enter into an agreement with the National Academy of  
16 Sciences to—

17 (1) conduct a study, building on previous stud-  
18 ies conducted by the National Academy of Sciences,  
19 on the role of forensic science in homeland security;  
20 and

21 (2) issue recommendations to enhance this  
22 homeland security capability to investigate attacks  
23 from weapons of mass destruction, terrorist inci-  
24 dents, and other crimes investigated by the Depart-  
25 ment.

1 (b) REPORT.—Not later than two years after the date  
2 of the enactment of this Act, the Secretary shall submit  
3 to the appropriate congressional committees a report con-  
4 taining the results of the National Academy of Sciences  
5 study required under subsection (a), together with any  
6 recommendations of the Secretary related thereto.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to the Department, for fis-  
9 cal year 2011, \$1,000,000 to carry out this section.

10 **SEC. 209. HARMONIZATION OF REGULATIONS.**

11 (a) REGULATIONS UNDER PUBLIC HEALTH SERVICE  
12 ACT.—Not later than one year after the Secretary of  
13 Homeland Security promulgates regulations or amend-  
14 ments thereto to carry out section 2104 of the Homeland  
15 Security Act of 2002, as added by section 201, the Sec-  
16 retary of Health and Human Services shall amend regula-  
17 tions promulgated under the Select Agent Program under  
18 section 351A(b)(1) of the Public Health Service Act (42  
19 U.S.C. 262a(b)(1)) to ensure that such regulations are not  
20 redundant and are not in conflict with the regulations pro-  
21 mulgated by the Secretary under such section 2104.

22 (b) REGULATIONS UNDER AGRICULTURE BIOTER-  
23 RORISM PROTECTION ACT OF 2002.—Not later than one  
24 year after the Secretary of Homeland Security promul-  
25 gates regulations or amendments thereto pursuant to such

1 section 2104, the Secretary of Agriculture shall amend  
2 regulations promulgated under the Select Agent Program  
3 under section 212(b)(1) of the Agricultural Bioterrorism  
4 Protection Act of 2002 (7 U.S.C. 8401(b)(1)) to ensure  
5 that such regulations are not redundant and are not in  
6 conflict with the regulations promulgated by the Secretary  
7 under such section 2104.

8 **SEC. 210. COMMUNICATIONS PLANNING FOR WEAPONS OF**  
9 **MASS DESTRUCTION INFORMATION DISSEMI-**  
10 **NATION.**

11 (a) COMMUNICATIONS PLANS REQUIRED.—Section  
12 653 of the Post-Katrina Emergency Management Reform  
13 Act of 2006 (6 U.S.C. 753) is amended—

14 (1) in subsection (a)(4), by inserting after “dis-  
15 asters” the following “, and a communications plan  
16 described in subsection (f)”; and

17 (2) by adding at the end the following new sub-  
18 section:

19 “(f) COMMUNICATIONS PLAN.—

20 “(1) IN GENERAL.—A communications plan de-  
21 veloped under subsection (a)(4) shall be designed to  
22 provide information to the public related to pre-  
23 venting, preparing for, and responding to attacks  
24 from weapons of mass destruction and acts of ter-  
25 rorism;

1           “(2) CONSULTATION.—As appropriate, the Ad-  
2           ministrators shall consult with State, local, and tribal  
3           governments and coordinate with other Federal de-  
4           partments and agencies in developing communica-  
5           tions plans under paragraph (1).

6           “(3) PRESCRIPTED MESSAGES AND MESSAGE  
7           TEMPLATES.—

8           “(A) IN GENERAL.—The Administrator  
9           shall develop and disseminate pre-scripted mes-  
10          sages and message templates to be provided to  
11          State, local, and tribal officials so that those of-  
12          ficials can quickly and rapidly disseminate crit-  
13          ical information to the public in anticipation or  
14          in the immediate aftermath of an attack from  
15          a weapon of mass destruction or terrorist inci-  
16          dent, and to be included in the Department of  
17          Homeland Security’s Lessons Learned Informa-  
18          tion Sharing system.

19          “(B) DEVELOPMENT AND DESIGN.—The  
20          pre-scripted messages or message templates  
21          shall—

22                 “(i) be developed in consultation with  
23                 State, local, and tribal governments and in  
24                 coordination with other appropriate Fed-  
25                 eral departments and agencies;



1           “(ii) be designed to provide accurate,  
2           essential, and appropriate information and  
3           instructions to the population directly af-  
4           fected by an incident, including informa-  
5           tion regarding an evacuation, sheltering in  
6           place, hospital surge operations, health,  
7           and safety; and

8           “(iii) be designed to provide accurate,  
9           essential, and appropriate information and  
10          instructions to emergency response pro-  
11          viders and medical personnel responding to  
12          an incident.

13          “(C) COMMUNICATIONS FORMATS.—The  
14          Administrator shall develop pre-scripted mes-  
15          sages or message templates under this para-  
16          graph in multiple formats to ensure delivery—

17               “(i) in cases where the usual commu-  
18               nications infrastructure is unusable; and

19               “(ii) to individuals with disabilities or  
20               other special needs and individuals with  
21               limited English proficiency.

22          “(D) DISSEMINATION AND TECHNICAL AS-  
23          SISTANCE.—The Administrator shall ensure  
24          that all pre-scripted messages and message  
25          templates developed under this paragraph are

1           made available to State, local, and tribal gov-  
2           ernments so that those governments may incor-  
3           porate them, as appropriate, into their emer-  
4           gency plans. The Administrator shall also make  
5           available relevant technical assistance to those  
6           governments to support communications plan-  
7           ning.

8           “(E) EXERCISES.—To ensure that the pre-  
9           scribed messages or message templates devel-  
10          oped under this paragraph can be effectively  
11          utilized in a disaster or incident, the Adminis-  
12          trator shall incorporate such pre-scripted mes-  
13          sages or message templates into exercises con-  
14          ducted under the National Exercise Program  
15          described in section 648 of the Post-Katrina  
16          Emergency Management Reform Act of 2006  
17          (6 U.S.C. 748).”.

18          (b) REPORT.—Not later than one year after the date  
19          of the enactment of this Act, the Administrator shall sub-  
20          mit to the appropriate congressional committees the com-  
21          munications plans required to be developed under the  
22          amendments made by subsection (a), including pre-  
23          scripted messages or message templates developed in con-  
24          junction with the plans and a description of the means

1 that will be used to deliver these messages during such  
2 incidents.

3 **SEC. 211. REPORT ON RECOVERY FROM CHEMICAL, BIO-**  
4 **LOGICAL, RADIOLOGICAL, AND NUCLEAR AT-**  
5 **TACKS.**

6 Not later than one year after the date of the enact-  
7 ment of this Act, the Administrator of the Environmental  
8 Protection Agency shall submit to the appropriate con-  
9 gressional committees a report on the Administrator's as-  
10 sessment under section 2162 of the Homeland Security  
11 Act of 2002, as added by section 201.

12 **TITLE III—PUBLIC HEALTH**  
13 **MATTERS**

14 **SEC. 301. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
15 **PENSING STRATEGY.**

16 Title III of the Public Health Service Act is amended  
17 by inserting after section 319F-4 (42 U.S.C. 247d-6e)  
18 the following:

19 **“SEC. 319F-5. NATIONAL MEDICAL COUNTERMEASURE DIS-**  
20 **PENSING STRATEGY.**

21 “(a) **DEFINITIONS.**—In this section—

22 “(1) the term ‘dispense’ means to provide med-  
23 ical countermeasures to an affected population in re-  
24 sponse to a threat or incident; and

1           “(2) the term ‘medical countermeasure’ means  
2           a qualified countermeasure (as defined in section  
3           319F–1(a)(2)).

4           “(b) STRATEGY.—The Secretary, in coordination  
5 with the Secretary of Homeland Security, the Secretary  
6 of Agriculture, and other appropriate Federal agencies,  
7 shall develop, implement, and, as appropriate, periodically  
8 update a National Medical Countermeasure Dispensing  
9 Strategy to enhance preparedness and collective response  
10 to an attack on humans or animals with any chemical,  
11 biological, radiological, or nuclear material.

12          “(c) COORDINATION.—Where appropriate, the Sec-  
13 retary shall coordinate with State, local, and tribal govern-  
14 ment officials, private sector, and nongovernmental orga-  
15 nizations on the National Medical Countermeasures Dis-  
16 pensing Strategy.

17          “(d) REPORT.—Not later than one year after the  
18 date of the enactment of this section, the Secretary, in  
19 coordination with the Secretary of Homeland Security,  
20 shall submit the National Medical Countermeasures Dis-  
21 pensing Strategy to the appropriate congressional commit-  
22 tees.”.

1 **SEC. 302. MATERIAL THREAT ASSESSMENTS AND DETER-**  
2 **MINATIONS.**

3 Section 319F–2(c)(2)(A) of the Public Health Serv-  
4 ice Act (42 U.S.C. Sec 247d–6b(c)(2)(A)) is amended—

5 (1) in clause (i), by striking “and” at the end;

6 (2) in clause (ii), by striking the period at the  
7 end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(iii) review and reassess determina-  
10 tions under clause (ii) to determine wheth-  
11 er agents continue to present a material  
12 threat against the United States popu-  
13 lation sufficient to affect national security  
14 and homeland security.”.

15 **SEC. 303. NATIONAL PRE-EVENT VACCINATION AND ANTI-**  
16 **MICROBIAL DISPENSING POLICY REVIEW.**

17 (a) REQUIREMENT.—The Secretary of Health and  
18 Human Services, in coordination with the Secretary of  
19 Homeland Security, shall review the adequacy of domestic  
20 vaccination and antimicrobial dispensing policy, guidance,  
21 and information provided to the public in light of any  
22 known terrorist risk of a biological attack or other phe-  
23 nomena that may have serious health consequences for the  
24 United States, including wide-scale fatalities or infectious  
25 disease outbreaks. In carrying out the review under this  
26 section, the Secretary shall consider—

1           (1) material threat assessments and determina-  
2           tions conducted by the Department of Homeland Se-  
3           curity;

4           (2) reports on global trends and intelligence  
5           produced by the Office of the Director of National  
6           Intelligence and the Intelligence Community regard-  
7           ing biological threats;

8           (3) the availability of domestic vaccine and  
9           antimicrobials to dispense to the public, on a vol-  
10          untary basis, in anticipation of a biological attack;  
11          and

12          (4) making surplus expiring domestic vaccine  
13          and antimicrobials available to State, local, and trib-  
14          al emergency responders, including health care re-  
15          sponders, on a voluntary basis.

16          (b) REPORT.—Not later than one year after the date  
17          of the enactment of this Act, the Secretary of Health and  
18          Human Services shall submit to the appropriate congres-  
19          sional committees a report on the review required by sub-  
20          section (a), together with any recommendations relating  
21          to the availability of domestic vaccine and antimicrobials  
22          for disbursing to the public and voluntary immunization  
23          by first responders.

1 **SEC. 304. DESIGNATION OF TIER I MATERIAL THREAT**  
2 **AGENTS.**

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

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

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

10 “(2) TIER I MATERIAL THREAT AGENTS.—

11 “(A) DESIGNATION OF TIER I MATERIAL  
12 THREAT AGENTS.—Not later than 1 year after  
13 the date of the enactment of this paragraph,  
14 the Secretary, in coordination with the Sec-  
15 retary of Homeland Security and other Federal  
16 officials as appropriate, shall by regulation des-  
17 ignate as ‘Tier I Material Threat Agents’ those  
18 agents and toxins—

19 “(i) that—

20 “(I) are determined by the Sec-  
21 retary of Homeland Security under  
22 section 319F–2(c)(2) to present a ma-  
23 terial threat against the United States  
24 population sufficient to affect national  
25 security; and

1                   “(II) are determined to warrant  
2                   designation after applying the criteria  
3                   in subparagraph (B); or

4                   “(ii) that clearly present a material  
5                   threat to the Nation as otherwise deter-  
6                   mined by the Secretary or the Secretary of  
7                   Homeland Security.

8                   “(B) CRITERIA.—In determining whether  
9                   to designate an agent or toxin as a Tier I Mate-  
10                  rial Threat Agent under subparagraph (A)(i),  
11                  the Secretary, in coordination with the Sec-  
12                  retary of Homeland Security, shall consider—

13                   “(i) whether the agent or toxin can be  
14                   used effectively in a biological attack;

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

20                   “(iii) such other criteria and informa-  
21                   tion as the Secretary, in coordination with  
22                   the Secretary of Homeland Security, deter-  
23                   mines appropriate and relevant.

24                   “(C) INCLUSION OF AGENTS AND TOXINS  
25                   NOT PREVIOUSLY LISTED.—All agents or toxins



1 designated by the Secretary as Tier I Material  
2 Threat Agents shall be included on the list  
3 maintained by the Secretary pursuant to para-  
4 graph (1).

5 “(D) EVALUATION OF TIER I MATERIAL  
6 THREAT AGENTS.—The Secretary, in coordina-  
7 tion with the Secretary of Homeland Security,  
8 shall—

9 “(i) on an ongoing basis, consider the  
10 inclusion of additional agents or toxins on  
11 the list of Tier I Material Threat Agents,  
12 as appropriate; and

13 “(ii) at least biennially, review the list  
14 of Tier I Material Threat agents to deter-  
15 mine whether any agents or toxins should  
16 be removed from the list.”; and

17 (3) in paragraph (3), as so redesignated—

18 (A) by striking “list under paragraph (1)”  
19 and inserting “lists under paragraphs (1) and  
20 (2)”;

21 (B) by striking “revise the list” and insert-  
22 ing “revise the lists”.

23 (b) AGRICULTURAL BIOTERRORISM PROTECTION  
24 ACT OF 2002.—Section 212(a) of the Agricultural Bioter-

1 rorism Protection Act of 2002 (7 U.S.C. 8401(a)) is  
2 amended—

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

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

7 “(2) TIER I MATERIAL THREAT AGENTS.—

8 “(A) DESIGNATION OF TIER I MATERIAL  
9 THREAT AGENTS.—Not later than one year  
10 after the date of the enactment of this para-  
11 graph, the Secretary, in coordination with the  
12 Secretary of Homeland Security, the Secretary  
13 of Health and Human Services, and other Fed-  
14 eral officials as appropriate, shall by regulation  
15 designate as ‘Tier I Material Threat Agents’  
16 those agents and toxins—

17 “(i) that—

18 “(I) are determined by the Sec-  
19 retary of Homeland Security under  
20 section 319F–2(e)(2) of the Public  
21 Health Service Act to present a mate-  
22 rial threat against the United States  
23 population sufficient to affect national  
24 security; and

1                   “(II) are determined to warrant  
2                   designation after applying the criteria  
3                   in subparagraph (B); or

4                   “(ii) that clearly present a material  
5                   threat to the Nation as otherwise deter-  
6                   mined by the Secretary or the Secretary of  
7                   Homeland Security.

8                   “(B) CRITERIA.—In determining whether  
9                   to designate an agent or toxin as a Tier I Mate-  
10                  rial Threat Agent under subparagraph (A)(i),  
11                  the Secretary, in coordination with the Sec-  
12                  retary of Homeland Security, shall consider—

13                   “(i) whether the agent or toxin can be  
14                   used effectively in a biological attack;

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

20                   “(iii) such other criteria and informa-  
21                   tion that the Secretary, in coordination  
22                   with the Secretary of Homeland Security,  
23                   determines appropriate and relevant.

24                   “(C) INCLUSION OF AGENTS AND TOXINS  
25                   NOT PREVIOUSLY LISTED.—All agents or toxins

1 designated by the Secretary as Tier I Material  
2 Threat Agents shall be included on the list  
3 maintained by the Secretary pursuant to para-  
4 graph (1).

5 “(D) EVALUATION OF TIER I MATERIAL  
6 THREAT AGENTS.—The Secretary, in coordina-  
7 tion with the Secretary of Homeland Security,  
8 shall—

9 “(i) on an ongoing basis, consider the  
10 inclusion of additional agents or toxins on  
11 the list of Tier I Material Threat Agents,  
12 as appropriate; and

13 “(ii) at least biennially, review the list  
14 of Tier I Material Threat agents to deter-  
15 mine whether any agents or toxins should  
16 be removed from the list.”; and

17 (3) in paragraph (3), as so redesignated—

18 (A) by striking “list under paragraph (1)”  
19 and inserting “lists under paragraphs (1) and  
20 (2)”;

21 (B) by striking “revise the list” and insert-  
22 ing “revise the lists”.

23 **SEC. 305. BACKGROUND CHECKS.**

24 Section 351A(e)(3)(A) of the Public Health Service  
25 Act (42 U.S.C. 262a(e)(3)(A)) is amended by adding at

1 the end the following: “In identifying whether an indi-  
2 vidual is within a category specified in subparagraph  
3 (B)(ii)(II), the Attorney General shall coordinate with the  
4 Secretary of Homeland Security, the Secretary of Defense,  
5 and the Secretary of State to determine whether these offi-  
6 cials possess any information relevant to the identification  
7 of such an individual by the Attorney General.”.

8 **SEC. 306. BIOTECHNOLOGY RESEARCH, DEVELOPMENT,**  
9 **AND PROCUREMENT.**

10 Title III of the Public Health Service Act is amended  
11 by inserting after section 319M (42 U.S.C. 247d–f) the  
12 following:

13 **“SEC. 319N. BIOTECHNOLOGY RESEARCH, DEVELOPMENT,**  
14 **AND PROCUREMENT.**

15 “(a) IN GENERAL.—The Secretary shall develop a  
16 comprehensive research, development, and acquisition  
17 process for counter-bioterrorism that employs the inherent  
18 functions, capabilities, authorities, and responsibilities of  
19 NIH, BARDA, and Project BioShield. The process shall—

20 “(1) assign NIH responsibility for research and  
21 development of counter-bioterrorism technologies  
22 that range in development from basic principles ob-  
23 served and reported up to model or prototype dem-  
24 onstration in a relevant environment;

1           “(2) assign BARDA responsibility for research  
2           and development of counter-bioterrorism tech-  
3           nologies that range in development from model or  
4           prototype demonstration in a relevant environment  
5           up to a system qualified for application through suc-  
6           cessful test and demonstration;

7           “(3) assign Project BioShield responsibility for  
8           procurement of counter-bioterrorism technologies  
9           that—

10                   “(A) are qualified for application through  
11                   successful test and demonstration; and

12                   “(B) meet the minimum statutory require-  
13                   ments for emergency use authorization in sec-  
14                   tion 564 of the Federal Food, Drug, and Cos-  
15                   metic Act; and

16           “(4) include a formal agreement among NIH,  
17           BARDA, and Project BioShield that—

18                   “(A) identifies the need for any specific bi-  
19                   ological countermeasure, derived from informa-  
20                   tion developed under section 319F-2;

21                   “(B) identifies the current technology  
22                   readiness level of the countermeasure; and

23                   “(C) requires the development of the bio-  
24                   logical countermeasure from the current tech-  
25                   nology readiness level through the procurement

1           of the countermeasure in accordance with para-  
2           graph (3).

3           “(b) RESPONSIBILITY OF NIH.—For counter-  
4 measures identified under subsection (a)(4)(A) that have  
5 a level of development from basic principles observed and  
6 reported up to model or prototype demonstration in a rel-  
7 evant environment, the Director of NIH shall conduct re-  
8 search and development until the Director certifies to the  
9 Secretary of Health and Human Services that—

10           “(1) the countermeasure has completed model  
11 or prototype demonstration in a relevant environ-  
12 ment; or

13           “(2) the Director does not believe that comple-  
14 tion of model or prototype demonstration in a rel-  
15 evant environment is reasonably achievable.

16           “(c) RESPONSIBILITY OF BARDA.—For counter-  
17 measures identified under subsection (a)(4)(A) that have  
18 a level of development of model or prototype demonstra-  
19 tion in a relevant environment, including but not limited  
20 to those countermeasures certified to have that level of  
21 development by the Director of NIH, the Director of  
22 BARDA shall conduct research and development until the  
23 Director of BARDA certifies to the Secretary of Health  
24 and Human Services that—

1           “(1) the countermeasure has qualified for appli-  
2           cation through successful test and demonstration; or

3           “(2) the Director does not believe that quali-  
4           fication for application through successful test and  
5           demonstration is reasonably achievable.

6           “(d) RESPONSIBILITY OF PROJECT BIOSHIELD.—  
7 For countermeasures identified under subsection  
8 (a)(4)(A) that are qualified for application through suc-  
9 cessful test and demonstration, including but not limited  
10 to those countermeasures certified to have qualified for ap-  
11 plication through successful test and demonstration by the  
12 Director of BARDA, the Assistant Secretary of Health  
13 and Human Services for Preparedness and Response shall  
14 use the Project BioShield special reserve fund to procure  
15 the countermeasure if the countermeasure meets the re-  
16 quirements for emergency use authorization described in  
17 subsection (a)(3)(B).

18           “(e) NO REQUIREMENT FOR FOOD AND DRUG AD-  
19 MINISTRATION GENERAL USE APPROVAL.—The Secretary  
20 shall ensure that the Directors of NIH and BARDA and  
21 the Assistant Secretary of Health and Human Services for  
22 Preparedness and Response do not discontinue any re-  
23 search, development, or procurement of a countermeasure  
24 identified under subsection (a)(4)(A) because the Food  
25 and Drug Administration has not, or decides against, ap-



1 proving or licensing the countermeasure for general use  
2 under chapter V of the Federal Food, Drug, and Cosmetic  
3 Act or section 351 of this Act, as applicable.

4 “(f) ENTREPRENEURIAL RISK.—The Secretary shall  
5 require the Directors of NIH and BARDA and the Assist-  
6 ant Secretary of Health and Human Services for Pre-  
7 paredness and Response to demonstrate a reasonably ag-  
8 gressive level of entrepreneurial risk in research, develop-  
9 ment, and procurement of each countermeasure identified  
10 under subsection (a)(4)(A).

11 “(g) DEFINITIONS.—In this section:

12 “(1) The term ‘BARDA’ means the Biomedical  
13 Advanced Research and Development Authority es-  
14 tablished under section 319L(c).

15 “(2) The term ‘NIH’ means the National Insti-  
16 tutes of Health.

17 “(3) The term ‘Project Bioshield’ means the  
18 Federal medical countermeasure procurement pro-  
19 gram established by Public Law 108–276.”.

## 20 **TITLE IV—FOREIGN RELATIONS** 21 **MATTERS**

### 22 **SEC. 401. INTERNATIONAL COLLABORATION AND INFORMA-** 23 **TION SHARING RELATING TO BIOSECURITY.**

24 The Secretary of State, in coordination with the Sec-  
25 retary of Homeland Security, the Secretary of Agriculture,

1 the Secretary of Health and Human Services, and the  
2 heads of other appropriate Federal agencies, shall—

3           (1) support efforts in other countries and re-  
4 gions to develop mechanisms and capabilities for re-  
5 porting to United Nations organizations validated  
6 data on biological attacks or other phenomena that  
7 may have serious health consequences for the United  
8 States, including wide-scale fatalities or infectious  
9 disease outbreaks;

10           (2) engage other Federal and nongovernmental  
11 entities and other countries to advance awareness  
12 and understanding of the risk posed by information  
13 derived from the life sciences that has the potential  
14 for misuse to cause harm, and advance recommenda-  
15 tions on how best to address such risk;

16           (3) engage such entities and countries to pro-  
17 mote greater awareness and understanding of the  
18 global availability of and access to life science tech-  
19 nologies and materials; and

20           (4) promote the development and use of mecha-  
21 nisms for reporting, preserving, and sharing data on  
22 Federal programs and investments in international  
23 scientific, agricultural, medical, and public health  
24 collaborations in support of efforts to enhance global  
25 biosecurity.

1 **SEC. 402. INTERNATIONAL ENGAGEMENT TO ENHANCE BIO-**  
2 **DEFENSE AND BIOSECURITY.**

3 The Secretary of State, in coordination and consulta-  
4 tion with the Secretary of Homeland Security, and the  
5 heads other appropriate Federal agencies, shall—

6 (1) support efforts of other countries to estab-  
7 lish and build capacity to effectively implement legis-  
8 lation criminalizing the development or use of bio-  
9 logical weapons or acts of bioterrorism;

10 (2) engage other countries and international  
11 nongovernmental entities to develop and establish  
12 common standards, guidance, and best practices for  
13 actions relevant to preventing acts of bioterrorism  
14 and the illicit use of life sciences;

15 (3) support the efforts of other countries to en-  
16 hance biosecurity and safety practices at laboratories  
17 and other facilities with materials that could be used  
18 in biological weapons or in an act of bioterrorism;

19 (4) promote the development and adoption of  
20 international guidance for the safety and security of  
21 high-risk pathogens and toxins; and

22 (5) promote information sharing relating to  
23 threats and best practices between the intelligence  
24 community, Federal law enforcement, and inter-  
25 national law enforcement and security officials.

1 **SEC. 403. INTERAGENCY TASK FORCE ON BEST PRACTICES**  
2 **FOR GLOBAL BIOPREPAREDNESS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that preparedness for a chemical, biological, radio-  
5 logical, or nuclear incident must be undertaken not only  
6 domestically but also internationally. Specifically, there is  
7 a need for a global preparedness architecture for such an  
8 event. Congress supports efforts to provide an inter-  
9 national forum for discussion of key health security poli-  
10 cies with international dimensions, and the establishment  
11 of a formal United States interagency task force to de-  
12 velop best practices and recommendations for implementa-  
13 tion of a global preparedness architecture could enhance  
14 global preparedness.

15 (b) ESTABLISHMENT OF TASK FORCE.—The Sec-  
16 retary of State shall convene and lead an interagency task  
17 force to examine—

18 (1) the state of global biopreparedness for a  
19 major biological event;

20 (2) necessary components of a global bio-  
21 preparedness architecture that would advance inter-  
22 national health security, including considerations  
23 of—

24 (A) risk assessments;

25 (B) prevention and deterrence;

26 (C) detection;

- 1 (D) regional stockpiling of medical coun-  
2 termeasures, including considerations of—
- 3 (i) security of the stockpile;
  - 4 (ii) delivery planning; and
  - 5 (iii) legal dimensions of and obstacles  
6 to implementing such an architecture;
- 7 (E) attribution;
- 8 (F) response;
- 9 (G) other elements that should be a com-  
10 ponent of such an architecture; and
- 11 (H) obstacles to implementing such an ar-  
12 chitecture;
- 13 (3) best practices for preparedness based on  
14 lessons learned from domestic efforts to address the  
15 above issues, and that may be applicable internation-  
16 ally;
- 17 (4) activities undertaken through the National  
18 Strategy for Countering Biological Threats and the  
19 International Health Regulations 2005, as well as  
20 other activities deemed relevant by the task force;  
21 and
- 22 (5) the utility of working through existing inter-  
23 national forums as a mechanism for distributing this  
24 information to the international community.

1           (c) MEMBERSHIP.—Members of the task force shall  
2 include representatives from—

3           (1) the Department of Homeland Security;

4           (2) the Department of Health and Human  
5 Services, including the Centers for Disease Control  
6 and Prevention;

7           (3) the Department of Agriculture;

8           (4) the Department of Defense;

9           (5) the Department of Justice;

10          (6) the Department of State;

11          (7) the United States Agency for International  
12 Development;

13          (8) the Director of National Intelligence;

14          (9) other Federal departments and agencies, as  
15 determined appropriate by the Secretary; and

16          (10) other national biosecurity and biodefense  
17 stakeholders, including private sector, including the  
18 pharmaceutical industry and the biological labora-  
19 tory community, as determined appropriate by the  
20 Secretary.

21       (d) REPORT.—Not later than 18 months after the  
22 date of the enactment of this Act, the Secretary shall sub-  
23 mit to the appropriate congressional committees a report  
24 on the findings of the task force established under this  
25 section.

1 **SEC. 404. BIOLOGICAL AND TOXIN WEAPONS CONVENTION.**

2 The Secretary of State shall—

3 (1) promote confidence in effective implementa-  
4 tion of and compliance with the Convention on the  
5 Prohibition of the Development, Production and  
6 Stockpiling of Bacteriological (Biological) and Toxin  
7 Weapons and on their Destruction (commonly re-  
8 ferred to as the “Biological and Toxin Weapons  
9 Convention”) by the States party to the Convention  
10 by promoting transparency with respect to legitimate  
11 activities and pursuing compliance diplomatically to  
12 address concerns;

13 (2) promote universal membership in the Con-  
14 vention;

15 (3) develop an action plan for increasing inter-  
16 national adherence to the Convention; and

17 (4) ensure that United States participation in  
18 Convention meetings is broadly inclusive of rep-  
19 resentatives of relevant Federal departments and  
20 agencies.

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