

111TH CONGRESS
2^D 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.

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

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 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 propriate, 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 scripted 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.

○