

Calendar No. 577114TH CONGRESS
2^D SESSION**S. 2967****[Report No. 114-306]**

To amend the Homeland Security Act of 2002 to require the Office of Management and Budget to execute a national biodefense strategy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2016

Mr. JOHNSON (for himself and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

AUGUST 30, 2016

Reported under authority of the order of the Senate of July 14, 2016, by Mr. JOHNSON, with amendments and an amendment to the title

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Homeland Security Act of 2002 to require the Office of Management and Budget to execute a national biodefense strategy, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Biodefense
3 Strategy Act of 2016”.

4 **SEC. 2. BIODEFENSE STRATEGY.**

5 (a) IN GENERAL.—Title V of the Homeland Security
6 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
7 at the end the following:

8 **“SEC. 526 527. NATIONAL BIODEFENSE STRATEGY.**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘biodefense’ means any involve-
11 ment in mitigating the risks of major biological inci-
12 dents and public health emergencies to the United
13 States, including with respect to—

14 “(A) threat awareness;

15 “(B) prevention and protection;

16 “(C) surveillance and detection;

17 “(D) response and recovery; and

18 “(E) attribution of an intentional biological
19 incident;

20 ~~“(2) the term ‘biodefense enterprise’ means the~~
21 ~~programs, projects, activities, and resources across~~
22 ~~the Federal Government that are involved in bio-~~
23 ~~defense;~~

24 ~~“(3)(2) the term ‘Council’ means the Bio-~~
25 ~~defense Coordination Council established under sub-~~
26 ~~section (b); and~~

1 “(3) the term ‘Federal biodefense enterprise’
2 *means the programs, projects, activities, and resources*
3 *across the Federal Government that are involved in*
4 *biodefense; and*

5 “(4) the term ‘Strategy’ means the National
6 Biodefense Strategy required to be established under
7 subsection (b)(5).

8 “(b) BIODEFENSE COORDINATION COUNCIL.—

9 “(1) ESTABLISHMENT.—The President shall es-
10 tablish a Biodefense Coordination Council, which
11 shall be comprised of, at a minimum—

12 “(A) the Secretary of Health and Human
13 Services;

14 “(B) the Secretary of Agriculture;

15 “(C) the Secretary of Defense;

16 “(D) the Secretary of ~~Homeland Security~~;

17 “(E) the Secretary of State;

18 “(F) the Director of National Intelligence;

19 and

20 “(G) the Administrator of the Environ-
21 mental Protection Agency.

22 “(2) DUTIES.—The Council shall—

23 “(A) provide the expertise necessary to de-
24 velop the Strategy; and

1 “(B) in coordination with the Office of
2 Management and Budget, review, prioritize, and
3 align necessary biodefense activities and spend-
4 ing across the Federal Government, in a man-
5 ner consistent with the Strategy.

6 “(3) ROTATING CHAIR.—During the 4-year pe-
7 riod beginning on the date on which the Council is
8 established, and each 4-year period thereafter, each
9 of the 4 Secretaries described in subparagraphs (A)
10 through (D) of paragraph (1) shall serve as the
11 chairperson for the Council for 1 year. The first
12 chairperson of the Council shall be the Secretary of
13 Health and Human Services.

14 “(4) PRESIDENT’S ANNUAL BUDGET.—The rec-
15 ommendations of the Council shall inform the budg-
16 et submitted by the President under section 1105 of
17 title 31, United States Code, with respect to bio-
18 defense activities.

19 “(5) STRATEGY.—The President shall develop a
20 National Biodefense Strategy to direct and align the
21 inter-governmental and multi-disciplinary efforts of
22 the Federal Government towards an effective and
23 continuously improving biodefense enterprise, includ-
24 ing threat awareness, prevention and protection, sur-

1 veillance and detection, and response and recovery to
2 major biological incidents.

3 “(c) COORDINATION.—

4 “(1) COUNCIL.—In developing the Strategy, the
5 President shall utilize the Council.

6 “(2) OTHER AGENCIES.—In developing the
7 Strategy, the President may utilize—

8 “(A) the Secretary of Commerce;

9 “(B) the Attorney General; and

10 “(C) any other Federal department or
11 agency the President determines appropriate,
12 *agency, or interagency body the President deter-*
13 *mines appropriate, including the Public Health*
14 *Emergency Medical Countermeasures Enterprise.*

15 ~~“(3) PRIVATE SECTOR ENTITIES.—The Presi-~~
16 ~~dent may receive input on elements of the Strategy~~
17 ~~from private sector biodefense entities.~~

18 “(3) OTHER ENTITIES.—*The President may re-*
19 *ceive input on elements of the Strategy from private*
20 *sector biodefense entities and State, local, tribal, and*
21 *territorial governments.*

22 “(4) ACADEMIC INSTITUTIONS.—The President
23 may receive input on elements of the Strategy from
24 academic institutions.

1 “(d) COORDINATION WITH EXISTING STRATEGIES.—
2 The Strategy shall serve as a comprehensive guide for
3 United States biodefense that directs and harmonizes all
4 other strategies or plans established or maintained by a
5 Federal department or agency with respect to biodefense.

6 “(e) CONTENTS.—

7 “(1) REQUIREMENTS.—The Strategy shall in-
8 clude, at a minimum—

9 “(A) a comprehensive description of the
10 entities and positions of leadership with respon-
11 sibility, authority, and accountability for imple-
12 menting, overseeing, and coordinating Federal
13 biodefense activities described in subsection
14 (b)(5), including a description of how such enti-
15 ties coordinate on each aspect of biodefense;

16 “(B) a review of current and previous col-
17 laborative efforts between the Armed Forces
18 and the civilian sector of the Federal Govern-
19 ment on biodefense activities and coordination;

20 “(C) a detailed analysis of the—

21 “(i) relevant recommendations issued
22 by external biodefense review panels or
23 commissions, and the extent to which the
24 recommendations have been considered and

1 implemented by Federal departments and
2 agencies;

3 “(ii) lessons learned from the response
4 of the Federal Government to public health
5 emergencies occurring within the 5 years
6 preceding the submission of the strategy;

7 “(iii) risks associated with major bio-
8 logical incidents;

9 “(iv) resources and capabilities needed
10 to address identified risks;

11 “(v) resource and capability gaps in
12 the biodefense enterprise, including gaps
13 in—

14 “(I) each category of biodefense
15 activity described in subsection (a)(1);

16 “(II) identification and research
17 of emerging biological threats;

18 “(III) programs, projects, and
19 activities in effect before the date of
20 enactment of this section;

21 “(IV) strategies and implementa-
22 tion plans related to biodefense activi-
23 ties in effect before the date of enact-
24 ment of this section;

1 ~~“(V) the ability to reallocate Fed-~~
2 ~~eral resources to address risks posed~~
3 ~~by emerging biological threats; and~~

4 ~~“(VI) meeting the needs of vul-~~
5 ~~nerable populations during the re-~~
6 ~~sponse to and recovery from a public~~
7 ~~health emergency; and~~

8 ~~“(vi) prioritization and allocation of~~
9 ~~investment across the biodefense enter-~~
10 ~~prise;~~

11 ~~“(D)(B) 5-year goals, priorities, and~~
12 ~~metrics to improve and strengthen the ability of~~
13 ~~the Federal Government to prevent, detect, re-~~
14 ~~spond to, and recover from a major biological~~
15 ~~incident;~~

16 ~~“(E)(C) short- and long-term research and~~
17 ~~development projects or initiatives planned to~~
18 ~~improve biodefense capability; and~~

19 ~~“(F)(D) recommendations for legislative~~
20 ~~action needed to expedite progression toward~~
21 ~~the goals identified in the Strategy.~~

22 ~~“(2) CONSIDERATIONS.—In developing the~~
23 ~~Strategy, the President may consider—~~

24 ~~“(A) the trade-offs made between differing~~
25 ~~goals and requirements, due to constraints in~~

1 expected assets and resources over the time pe-
2 riod of such goals and requirements; and

3 “(B) any other analysis the President de-
4 termines appropriate.

5 “(3) ANALYSIS.—*The Strategy shall include an*
6 *appendix, which shall contain—*

7 “(A) *a review of current and previous col-*
8 *laborative efforts between the Armed Forces and*
9 *the civilian sector of the Federal Government on*
10 *biodefense activities and coordination;*

11 “(B) *a detailed analysis of the—*

12 “(i) *relevant recommendations issued*
13 *by external biodefense review panels or com-*
14 *missions, and the extent to which the rec-*
15 *ommendations have been considered and*
16 *implemented by Federal departments and*
17 *agencies;*

18 “(ii) *lessons learned from the response*
19 *of the Federal Government to public health*
20 *emergencies occurring within the 5 years*
21 *preceding the submission of the strategy;*

22 “(iii) *risks associated with major bio-*
23 *logical incidents;*

24 “(iv) *resources and capabilities needed*
25 *to address identified risks; and*

1 “(v) resource and capability gaps in
2 the Federal biodefense enterprise, including
3 gaps in—

4 “(I) each category of biodefense
5 activity described in subsection (a)(1);

6 “(II) identification and research
7 of emerging biological threats;

8 “(III) programs, projects, and ac-
9 tivities in effect before the date of en-
10 actment of this section;

11 “(IV) strategies and implementa-
12 tion plans related to biodefense activi-
13 ties in effect before the date of enact-
14 ment of this section;

15 “(V) the ability to reallocate Fed-
16 eral resources to address risks posed by
17 emerging biological threats; and

18 “(VI) meeting the needs of vulner-
19 able populations during the response to
20 and recovery from a public health
21 emergency; and

22 “(C) prioritization and allocation of invest-
23 ment across the Federal biodefense enterprise.

24 “(f) DEADLINE.—Not later than 24 months after the
25 date of enactment of this section and ~~notwithstanding in~~

1 *accordance with* subsection (k), the President shall submit
2 the Strategy to the Committee on Homeland Security and
3 Governmental Affairs of the Senate and the Committee
4 on Homeland Security of the House of Representatives.

5 “(g) STATUS UPDATES.—Not later than 180 days
6 after the date of enactment of this section, and every 180
7 days thereafter until the date on which the Strategy is
8 submitted to the congressional committees described in
9 subsection (f), the President shall submit to such congress-
10 sional committees an update on the status of the Strategy.

11 “(h) REQUIREMENT.—~~Notwithstanding~~ *In accord-*
12 *ance with* subsection (k), the Strategy shall be made avail-
13 able on a public Internet website.

14 “(i) FIVE-YEAR UPDATE.—Beginning 5 years after
15 the date on which the Strategy is submitted to the con-
16 gressional committees described in subsection (f), and not
17 less frequently than every 5 years thereafter, the President
18 shall update the Strategy.

19 “(j) ANNUAL BIODEFENSE EXPENDITURES RE-
20 PORT.—

21 “(1) IN GENERAL.—Not later than 30 days
22 after the date on which the President submits a
23 budget to Congress under section 1105 of title 31,
24 United States Code, the President shall submit to
25 the appropriate congressional committees a report

1 detailing the total amount of expenditures on bio-
2 defense activities by all Federal departments and
3 agencies *and how the expenditures relate to the goals*
4 *and priorities required under subsection (e)(1)(B).*

5 “(2) REQUIREMENT.—The first report sub-
6 mitted under paragraph (1) shall provide historical
7 context by detailing the total amount of expenditures
8 on biodefense for the 3 preceding fiscal years, in ad-
9 dition to the fiscal year requirements for the fiscal
10 year covered by the report.

11 “(k) CLASSIFIED ANNEX.—To the fullest extent pos-
12 sible, any reports required to be made publicly available
13 under this section shall be unclassified, but may include
14 classified annexes that shall be submitted concurrently to
15 the congressional homeland security committees.”.

16 (b) TABLE OF CONTENTS.—The table of contents in
17 section 1(b) of the Homeland Security Act of 2002 (6
18 U.S.C. 101 note) is amended by inserting after the item
19 relating to section ~~525~~ 526 the following:

“Sec. ~~526~~527. National Biodefense Strategy.”.

Amend the title so as to read: “A bill to amend the
Homeland Security Act of 2002 to require the President
to execute a national biodefense strategy, and for other
purposes.”.

Calendar No. 577

114TH CONGRESS
2^D SESSION

S. 2967

[Report No. 114-306]

A BILL

To amend the Homeland Security Act of 2002 to require the Office of Management and Budget to execute a national biodefense strategy, and for other purposes.

AUGUST 30, 2016

Reported with amendments and an amendment to the
title