

111TH CONGRESS
1ST SESSION

S. _____

To prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons 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; AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Weapons of Mass Destruction Prevention and Prepared-
6 ness Act of 2009” or the “WMD Prevention and Pre-
7 paredness Act of 2009”.

8 (b) TABLE OF CONTENTS.—The table of contents is
9 as follows:

2

Sec. 1. Short title; and table of contents.

TITLE I—ENHANCED BIOSECURITY

- Sec. 101. Designation of tier I agents.
- Sec. 102. Enhanced biosecurity measures.
- Sec. 103. **【Laboratory and facility registration】**.
- Sec. 104. Background checks.
- Sec. 105. Biological laboratory protection.

TITLE II—RESPONSE TO A WEAPON OF MASS DESTRUCTION
ATTACKSubtitle A—Ensuring Access to Medical Countermeasures During
Emergencies

- Sec. 201. National Medical Countermeasure Dispensing Strategy.
- Sec. 202. Tailoring of the national medical countermeasure dispensing strategy.
- Sec. 203. Expansion in the use of the U.S. Postal Service to deliver medical countermeasures.
- Sec. 204. Dispensing medical countermeasures through employers.
- Sec. 205. Personal medkits for emergency response providers.
- Sec. 206. General public medkit pilot program.

Subtitle B—Bioforensics Capabilities and Strategy

- Sec. 211. Bioforensics capabilities and strategy.

Subtitle C—Communications Planning

- Sec. 221. Communications planning.
- Sec. 222. Plume modeling.

TITLE III—INTERNATIONAL MEASURES TO PREVENT BIOLOGICAL
TERRORISMSubtitle A—Prevention and Protection Against International Biological
Threats

- Sec. 301. International Threat Assessment: Tier I Pathogen Facilities.
- Sec. 302. Strengthening international biosecurity.
- Sec. 303. Promoting secure biotechnology advancement.

Subtitle B—Global Pathogen Surveillance

- Sec. 321. Short title.
- Sec. 322. Findings; purpose.
- Sec. 323. Definitions.
- Sec. 324. Eligibility for assistance.
- Sec. 325. Restriction.
- Sec. 326. Fellowship program.
- Sec. 327. In-country training in laboratory techniques and disease and syndrome surveillance.
- Sec. 328. Assistance for the purchase and maintenance of public health laboratory equipment and supplies.
- Sec. 329. Assistance for improved communication of public health information.
- Sec. 330. Assignment of public health personnel to United States missions and international organizations.

- Sec. 331. Expansion of certain United States Government laboratories abroad.
 Sec. 332. Assistance for international health networks and expansion of Field Epidemiology Training Programs.
 Sec. 333. Reports.
 Sec. 334. Authorization of appropriations.

TITLE IV—GOVERNMENT ORGANIZATION

- Sec. 401. Intelligence on weapons of mass destruction.
 Sec. 402. Intelligence community language capabilities and cultural knowledge.
 Sec. 403. Counterterrorism technology assessments.
 Sec. 404. **United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.**

TITLE V—EMERGENCY MANAGEMENT AND CITIZEN ENGAGEMENT

- Sec. 501. Communication of threat information and alerts.
 Sec. 502. Guidelines concerning weapons of mass destruction.
 Sec. 503. Individual and community preparedness.

1 **TITLE I—ENHANCED** 2 **BIOSECURITY**

3 **SEC. 101. DESIGNATION OF TIER I AGENTS.**

4 (a) AMENDMENTS TO THE PUBLIC HEALTH SERVICE
 5 ACT.—Section 351A of the Public Health Service Act (42
 6 U.S.C. 262a) is amended—

7 (1) in subsection (a)—

8 (A) by redesignating paragraph (2) as
 9 paragraph (3);

10 (B) by inserting after paragraph (1) the
 11 following:

12 “(2) TIER I AGENTS.—

13 “(A) DESIGNATION.—Not later than 180
 14 days after the date of enactment of the Weap-
 15 ons of Mass Destruction Prevention and Pre-
 16 paredness Act of 2009, the Secretary, in con-

1 sultation with the Secretary of Homeland Secu-
2 rity, shall designate as ‘Tier I agents’ those
3 agents and toxins listed under paragraph
4 (1)(A)—

5 “(i) for which the Secretary of Home-
6 land Security has issued a Material Threat
7 Determination under section 319F–2(e)(2)
8 regarding the agent or toxin, unless the
9 Secretary of Health and Human Services
10 determines that such inclusion is unwar-
11 ranted; or

12 “(ii) that meet the criteria under sub-
13 paragraph (B).

14 “(B) CRITERIA.—In determining whether
15 to classify an agent or toxin as a Tier I agent
16 under subparagraph (A), the Secretary, in con-
17 sultation with the Secretary of Homeland Secu-
18 rity, shall consider—

19 “(i) whether the agent or toxin has
20 significant potential to be used effectively
21 in a biological attack;

22 “(ii) whether the risk posed by the
23 agent or toxin requires additional biosecu-
24 rity measures, beyond those required under

1 subsection (b), to prevent misuse domesti-
2 cally or abroad;

3 “(iii) information available from any
4 biological or bioterrorism risk assessments
5 conducted by the Department of Homeland
6 Security or other relevant assessments by
7 other departments or the intelligence com-
8 munity; and

9 “(iv) such other criteria and informa-
10 tion that the Secretary determines appro-
11 priate and relevant.

12 “(C) EVALUATION OF TIER I AGENTS.—
13 The Secretary, in consultation with the Sec-
14 retary of Homeland Security, shall—

15 “(i) on an ongoing basis, consider the
16 inclusion of additional agents or toxins on
17 the list of Tier I agents, as appropriate;
18 and

19 “(ii) at least biennially, review the list
20 of Tier I agents to determine whether any
21 agents or toxins should be removed from
22 the list.”; and

23 (C) in paragraph (3), as redesignated, by
24 striking “list under paragraph (1)” and insert-
25 ing “lists under paragraphs (1) and (2)”;

1 (2) in subsection (1), by adding at the end the
2 following:

3 “(9) The term ‘Tier I overlap agent’ means a
4 biological agent or toxin that—

5 “(A) is listed pursuant to subsection
6 (a)(2); and

7 “(B) is listed pursuant to section
8 212(a)(2) of the Agricultural Bioterrorism Pro-
9 tection Act of 2002.”.

10 (b) AMENDMENTS TO THE AGRICULTURAL BIOTER-
11 RORISM PROTECTION ACT OF 2002.—Section 212(a) of
12 the Agricultural Bioterrorism Protection Act of 2002 (7
13 U.S.C. 8401(a)) is amended—

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

16 (2) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) TIER I AGENTS.—

19 “(A) DESIGNATION.—Not later than 180
20 days after the date of enactment of the Weap-
21 ons of Mass Destruction Prevention and Pre-
22 paredness Act of 2009, the Secretary, in con-
23 sultation with the Secretary of Homeland Secu-
24 rity, shall designate as ‘Tier I agents’ those
25 agents and toxins listed under paragraph (1)—

1 “(i) for which the Secretary of Home-
2 land Security has issued a Material Threat
3 Determination under section 319F–2(c)(2)
4 of the Public Health Service Act (42
5 U.S.C. 247d–6b(c)(2)) regarding the agent
6 or toxin, unless the Secretary of Agri-
7 culture determines that such inclusion is
8 unwarranted; or

9 “(ii) that meet the criteria under sub-
10 paragraph (B).

11 “(B) CRITERIA.—In determining whether
12 to classify an agent as a Tier I agent under
13 subparagraph (A), the Secretary, in consulta-
14 tion with the Secretary of Homeland Security,
15 shall consider—

16 “(i) whether the agent or toxin has
17 significant potential to be used effectively
18 in a biological attack;

19 “(ii) whether the risk posed by the
20 agent or toxin requires additional biosecu-
21 rity measures, beyond those required under
22 subsection (b), to prevent misuse domesti-
23 cally or abroad;

24 “(iii) information available from any
25 biological or bioterrorism risk assessments

1 conducted by the Department of Homeland
2 Security or other relevant assessments by
3 other agencies or departments; and

4 “(iv) such other criteria and informa-
5 tion that the Secretary determines appro-
6 priate and relevant.

7 “(C) EVALUATION OF TIER I AGENTS.—
8 The Secretary, in consultation with the Sec-
9 retary of Homeland Security, shall—

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

14 “(ii) at least biennially, review the list
15 of Tier I agents to determine whether any
16 agents or toxins should be removed from
17 the list.”; and

18 (3) by striking “list under paragraph (1)” and
19 inserting “lists under paragraphs (1) and (2)”.

20 **SEC. 102. ENHANCED BIOSECURITY MEASURES.**

21 (a) IN GENERAL.—Title III of the Homeland Secu-
22 rity Act (6 U.S.C. 181 et seq.) is amended by adding at
23 the end the following:

24 **“SEC. 318. ENHANCED BIOSECURITY MEASURES.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) AGENT OR TOXIN.—The term ‘agent or
2 toxin’ means an agent or toxin regulated under sec-
3 tion 351A(a)(1) of the Public Health Service Act or
4 section 212(a)(1) of the Agricultural Bioterrorism
5 Protection Act of 2002.

6 “(2) TIER I AGENT.—The term ‘Tier I agent’
7 means an agent or toxin so designated under section
8 351A(a)(2) of the Public Health Service Act or sec-
9 tion 212(a)(2) of the Agricultural Bioterrorism Pro-
10 tection Act of 2002.

11 “(b) REGULATIONS.—The Secretary, in consultation
12 with the Secretary of Health and Human Services and the
13 Secretary of Agriculture, shall through a negotiated rule-
14 making under subchapter III of chapter 5 of title 5,
15 United States Code, establish enhanced biosecurity meas-
16 ures for entities registered under section 351A(d) of the
17 Public Health Service Act (42 U.S.C. 262a(d)) to use in
18 handling Tier I agents, which shall include—

19 “(1) standards for personnel reliability pro-
20 grams;

21 “(2) standards for training and requirements
22 for responsible officials, lab personnel, and support
23 personnel employed by entities registered under sec-
24 tion 351A(d) of the Public Health Service Act (42
25 U.S.C. 262a(d));

1 “(3) standards for performing laboratory risk
2 assessments;

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

5 “(5) any other standards determined necessary
6 by the Secretary; and

7 “(6) procedures, with appropriate restrictions
8 on access, for sharing information, including vulner-
9 ability assessments, site security plans, and other se-
10 curity related information, as the Secretary deter-
11 mines appropriate, with State, local, and tribal gov-
12 ernment officials, including law enforcement officials
13 and emergency response providers.

14 “(c) NEGOTIATED RULEMAKING COMMITTEE.—The
15 negotiated rulemaking committee established by the Sec-
16 retary under subsection (b) shall include representatives
17 from—

18 “(1) the Department, including the Office of
19 Intelligence and Analysis, Office of Infrastructure
20 Protection, Science and Technology Directorate, and
21 Office of Health Affairs;

22 “(2) the Department of Health and Human
23 Services, including the Centers for Disease Control
24 and Prevention;

1 “(3) the Department of Agriculture, including
2 the Animal and Plant Health Inspection Service;

3 “(4) the Department of Defense;

4 “(5) the Federal Bureau of Investigation;

5 “(6) for profit research institutions;

6 “(7) academic research institutions;

7 “(8) nonprofit research institutions; and

8 “(9) other interested parties, as the Secretary
9 determines appropriate.

10 “(d) **TIME REQUIREMENT.**—The procedures for the
11 negotiated rulemaking conducted under subsection (b)
12 shall be conducted in a timely manner to ensure that—

13 “(1) any recommendations with respect to pro-
14 posed regulations are provided to the Secretary not
15 later than 6 months after the date of enactment of
16 this section; and

17 “(2) a final rule is promulgated not later than
18 12 months after the date of enactment of this sec-
19 tion.

20 “(e) **FACTORS TO BE CONSIDERED.**—In developing
21 proposed and final standards under subsection (b), the
22 Secretary and the negotiated rulemaking committee shall
23 consider factors including—

24 “(1) the recommendations of the Commission
25 on the Prevention of Weapons of Mass Destruction

1 Proliferation and Terrorism (established under sec-
2 tion 1851 of the Implementing Recommendations of
3 the 9/11 Commission Act of 2007 (Public Law 110–
4 53; 121 Stat. 501)), the National Science Advisory
5 Board for Biosecurity (established under section 205
6 of the Pandemic and All-Hazards Preparedness Act
7 (Public Law 109–417; 120 Stat. 2851)), the Trans-
8 Federal Task Force on Optimizing Biosafety and
9 Biocontainment Oversight, and any working group
10 established under Executive Order 13486 (74 Fed.
11 Reg. 2289) relating to strengthening laboratory bio-
12 security; and

13 “(2) how any disincentives to biological re-
14 search arising from enhanced biosecurity measures
15 can be minimized.

16 “(f) IMPLEMENTATION OF ENHANCED BIOSECURITY
17 MEASURES.—

18 “(1) IN GENERAL.—Each registered entity that
19 works with Tier I agents shall establish procedures
20 that meet or exceed the standards promulgated
21 under subsection (b).

22 “(2) TRAINING STANDARDS.—The Secretary of
23 Health and Human Services, in consultation with
24 the Secretary, shall accredit training programs that

1 meet the standards promulgated under subsection
2 (b).

3 “(3) PERSONNEL RELIABILITY PROGRAMS.—
4 The Secretary, in consultation with, where appro-
5 priate, the Secretary of Health and Human Services
6 and the Secretary of Agriculture, shall evaluate and
7 ensure the implementation of, and compliance with,
8 personnel reliability programs at laboratories that
9 handle Tier I agents developed under the regulations
10 promulgated under subsection (b).

11 “(4) RISK ASSESSMENTS.—The Secretary, in
12 consultation with, where appropriate, the Secretary
13 of Health and Human Services and the Secretary of
14 Agriculture, shall ensure that facilities handling Tier
15 I agents submit laboratory risk assessments that
16 comply with the standards promulgated under sub-
17 section (b).

18 “(5) SECURITY PLANS.—The Secretary, in con-
19 sultation with, where appropriate, the Secretary of
20 Health and Human Services and the Secretary of
21 Agriculture, shall ensure that facilities handling Tier
22 I agents submit site security plans that comply with
23 the standards promulgated under subsection (b).

24 “(6) LABORATORY INSPECTION.—

1 “(A) INSPECTIONS BY THE DEPARTMENT
2 OF HEALTH AND HUMAN SERVICES.—The Sec-
3 retary of Health and Human Services and the
4 Secretary shall, with a focus on public health
5 threats, jointly inspect laboratories that handle
6 Tier I agents for compliance with regulations
7 promulgated under the Select Agent Program
8 under section 351A(a)(2) of the Public Health
9 Service Act or section 212(a)(2) of the Agricul-
10 tural Bioterrorism Protection Act of 2002.

11 “(B) INSPECTIONS BY THE DEPARTMENT
12 OF AGRICULTURE.—The Secretary of Agri-
13 culture and the Secretary shall, with a focus on
14 agricultural threats, jointly inspect laboratories
15 that handle Tier I agents for compliance with
16 the regulations promulgated under the Select
17 Agent Program section 351A(a)(2) of the Pub-
18 lic Health Service Act or section 212(a)(2) of
19 the Agricultural Bioterrorism Protection Act of
20 2002.

21 “(C) PARTICIPATION BY THE DEPART-
22 MENT OF DEFENSE.—The Secretary of Defense
23 may participate in the inspections described in
24 subparagraphs (A) and (B) in cases where the
25 laboratories being inspected receive funding

1 from the Department of Defense for work with
2 Tier I agents.

3 “(D) JOINT INSPECTIONS FOR SELECT
4 AGENT PROGRAM COMPLIANCE.—In the case
5 where a non-Federal laboratory is subject to Se-
6 lect Agent Program Compliance inspection by
7 multiple agencies, such agencies shall, to the
8 maximum extent practicable, conduct such in-
9 spections jointly and follow a common set of in-
10 spection criteria.

11 “(E) INSPECTION REPORTS.—Inspection
12 reports conducted under this paragraph shall be
13 made available to each Federal agency that
14 supports select agent research at the institution
15 that is the subject of the inspection report.”.

16 (b) REPORT.—Not later than 60 days after the date
17 of enactment of this Act, the Secretary of Homeland Secu-
18 rity, the Secretary of Agriculture, and the Secretary of
19 Health and Human Services shall jointly report to the
20 Committee on Homeland Security and Governmental Af-
21 fairs, the Committee on Health, Education, Labor, and
22 Pensions, the Committee on Agriculture, Nutrition, and
23 Forestry, and the Committee on Armed Services of the
24 Senate and the Committee on Homeland Security, the
25 Committee on Energy and Commerce, the Committee on

1 Agriculture, and the Committee on Armed Services of the
2 House of Representatives regarding how the Secretary of
3 Homeland Security, the Secretary of Agriculture, and the
4 Secretary of Health and Human Services intend to comply
5 with the requirements under section 318 of the Homeland
6 Security Act, as added by subsection (a), and shall detail
7 what additional resources, if any, will be required to so
8 comply.

9 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There
10 are authorized to be appropriated such sums as may be
11 necessary to carry out this section and the amendments
12 made by this section.

13 (d) **TECHNICAL AND CONFORMING AMENDMENT.**—
14 The table of contents in section 1(b) of the Homeland Se-
15 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
16 inserting after the item relating to section 317 the fol-
17 lowing:

“Sec. 318. Enhanced biosecurity measures.”.

18 **SEC. 103. [LABORATORY AND FACILITY REGISTRATION].**

19 **[TBD]**

20 **SEC. 104. BACKGROUND CHECKS.**

21 Section 351A(e)(3)(A) of the Public Health Service
22 Act (42 U.S.C. 262a(e)(3)(A)) is amended by adding at
23 the end the following: “In identifying whether an indi-
24 vidual is within a category specified in subparagraph
25 (B)(ii)(II), the Attorney General shall consult with the

1 Secretary of Homeland Security to determine if the De-
2 partment of Homeland Security possesses any information
3 relevant to the identification of such an individual by the
4 Attorney General.”.

5 **SEC. 105. BIOLOGICAL LABORATORY PROTECTION.**

6 (a) **ACADEMIC AND NONPROFIT HIGH CONTAINMENT**
7 **BIOLOGICAL LABORATORY PROTECTION GRANTS.—**

8 (1) **GRANTS AUTHORIZED.—**The Secretary of
9 Homeland Security, acting through the Adminis-
10 trator of the Federal Emergency Management Agen-
11 cy, may award grants to academic and nonprofit or-
12 ganizations to implement security improvements at
13 laboratories that handle Tier I agents or toxins, as
14 so designated under section 351A(a)(2) of the Public
15 Health Service Act or section 212(a)(2) of the Agri-
16 cultural Bioterrorism Protection Act of 2002.

17 (2) **AUTHORIZATION OF APPROPRIATIONS.—**
18 There are authorized to be appropriated to the De-
19 partment of Homeland Security to carry out this
20 subsection, **【TBD】** for each of fiscal years 2010
21 through 2013.

22 (b) **VOLUNTARY VULNERABILITY ASSESSMENTS.—**In
23 carrying out section 201(d)(2) of the Homeland Security
24 Act of 2002 (6 U.S.C. 121(d)(2)), the Secretary of Home-
25 land Security shall encourage the voluntary participation

1 of laboratories working with biological agents and toxins,
2 as so designated under section 351A(a)(1) of the Public
3 Health Service Act (42 U.S.C. 262a(a)(1)) or section
4 212(a)(1) of the Agricultural Bioterrorism Protection Act
5 of 2002 (7 U.S.C. 8401(a)(1)), commensurate with the
6 risks such agents and toxins pose.

7 **TITLE II—RESPONSE TO A WEAP-**
8 **ON OF MASS DESTRUCTION**
9 **ATTACK**

10 **Subtitle A—Ensuring Access to**
11 **Medical Countermeasures Dur-**
12 **ing Emergencies**

13 **SEC. 201. NATIONAL MEDICAL COUNTERMEASURE DIS-**
14 **PENSING STRATEGY.**

15 Title III of the Public Health Service Act (42 U.S.C.
16 241 et seq.) is amended by inserting after section 319M
17 the following:

18 **“SEC. 319N. NATIONAL MEDICAL COUNTERMEASURE DIS-**
19 **PENSING STRATEGY.**

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘appropriate committees of Con-
22 gress’ means—

23 “(A) the Committee on Homeland Security
24 and Governmental Affairs and the Committee

1 on Health, Education, Labor, and Pensions of
2 the Senate; and

3 “(B) the Committee on Homeland Secu-
4 rity, the Committee on Energy and Commerce,
5 and the Committee on Oversight and Govern-
6 ment Reform of the House of Representatives;

7 “(2) the term ‘dispense’ means to provide pro-
8 phylaxis and other related medical material to an af-
9 fected population in response to a threat or incident;
10 and

11 “(3) the term ‘medical countermeasures’ means
12 a drug or biological product used to mitigate, pre-
13 vent, or treat harm from any biological agent (in-
14 cluding organisms that cause an infectious disease)
15 or toxin or chemical, radiological, or nuclear threat
16 that may cause a public health emergency.

17 “(b) STRATEGY.—The Secretary, in coordination
18 with the Secretary of Homeland Security and the Post-
19 master General, shall develop, coordinate, and maintain
20 a National Medical Countermeasure Dispensing Strategy
21 (referred to in this section as the ‘National MCM Dis-
22 pensing Strategy’).

23 “(c) CONTENTS.—The National MCM Dispensing
24 Strategy shall—

1 “(1) encompass all aspects of the Federal role
2 in dispensing medical countermeasures (referred to
3 in this section as ‘MCMs’) and describe methods by
4 which the Federal Government may assist State,
5 local, and tribal governments to dispense MCMs;

6 “(2) address a variety of geographical areas,
7 population densities, and demographics;

8 “(3) create a multilayered approach for the dis-
9 pensing of MCMs that includes redundancies;

10 “(4) address—

11 “(A) a staffing plan for dispensing MCMs,
12 including—

13 “(i) for MCM dispensing locations;

14 and

15 “(ii) for dispensing through the
16 United States Postal Service;

17 “(B) requirements for timeliness of MCM
18 dispensing;

19 “(C) appropriateness, effectiveness, and ef-
20 ficiency of differing methods of MCM dis-
21 pensing;

22 “(D) measures and evaluations of MCM
23 dispensing effectiveness and efficiency;

24 “(E) liability issues associated with MCM
25 dispensing, considering—

1 “(i) the volunteer force;

2 “(ii) medical personnel;

3 “(iii) potential adverse reactions to
4 medications;

5 “(iv) participating employees of the
6 United States Postal Service; and

7 “(v) security personnel;

8 “(F) security issues, including—

9 “(i) partnerships with law enforce-
10 ment; and

11 “(ii) necessary levels of security to
12 protect MCM dispensing locations and re-
13 lated personnel, participating employees of
14 the United States Postal Service, and
15 transportation of MCMs;

16 “(G) communications issues, including—

17 “(i) communications between the Fed-
18 eral, State, local, and tribal government of-
19 ficials that may be involved in dispensing
20 MCMs;

21 “(ii) communications between the gov-
22 ernment and private sector; and

23 “(iii) the creation of prescribed pub-
24 lic message statements informing people
25 how they can acquire MCMs;

1 “(H) transportation of MCMs to dis-
2 pensing locations;

3 “(I) implementation and operations of dis-
4 pensing plans;

5 “(J) necessary levels of Federal technical
6 assistance in developing MCM dispensing capa-
7 bilities; and

8 “(K) any other topics that the Secretary
9 determines appropriate;

10 “(5) in coordination with the Secretary of
11 Homeland Security, include a plan to develop a pre-
12 incident public information campaign that will in-
13 form the public of—

14 “(A) personal preparedness for a biological
15 attack or naturally occurring disease outbreak;

16 “(B) options for obtaining MCMs;

17 “(C) options for receiving medical care
18 during a public health emergency; and

19 “(D) any other issues that the Secretary
20 determines appropriate; and

21 “(6) be exercised regularly in various jurisdic-
22 tions.

23 “(d) COORDINATION.—Where appropriate, the Sec-
24 retary, in coordination with the Secretary of Homeland
25 Security and the Postmaster General, shall coordinate

1 with State, local, and tribal government officials, private
2 sector, and nongovernmental organizations in development
3 of the National MCM Dispensing Strategy.

4 “(e) REPORTS TO CONGRESS.—

5 “(1) IN GENERAL.—The Secretary, in coordina-
6 tion with the Secretary of Homeland Security and
7 the Postmaster General, shall—

8 “(A) not later than 180 days after the date
9 of enactment of this section, submit the Na-
10 tional MCM Dispensing Strategy to the appro-
11 priate committees of Congress; and

12 “(B) not later than 180 days after the
13 submission of the Strategy under subparagraph
14 (A), submit an implementation plan for such
15 Strategy to the appropriate committees of Con-
16 gress.

17 “(2) STATUS REPORT.—Not later than 1 year
18 after the submission of the implementation plan
19 under paragraph (1)(B), the Secretary, in coordina-
20 tion with the Secretary of Homeland Security and
21 the Postmaster General, shall submit to the appro-
22 priate committees of Congress a report describing
23 the status of the activities taken pursuant to the im-
24 plementation plan.”.

1 **SEC. 202. TAILORING OF THE NATIONAL MEDICAL COUN-**
2 **TERMEASURE DISPENSING STRATEGY.**

3 (a) IN GENERAL.—

4 (1) PLANS.—The Secretary of Health and
5 Human Services, in coordination with the Secretary
6 of Homeland Security and, where appropriate, the
7 Postmaster General, shall tailor the National MCM
8 Dispensing Strategy established under section 319N
9 of the Public Health Service Act (as added by sec-
10 tion 201) for—

11 (A) Cities Readiness Initiative jurisdictions
12 and other densely populated metropolitan areas
13 deemed at highest risk of being the target of a
14 terrorist attack;

15 (B) representative localities of varying geo-
16 graphic sizes, population densities, and demo-
17 graphics; and

18 (C) any other unique or specific local needs
19 the Secretary of Health and Human Services
20 deems appropriate.

21 (2) CONSULTATION WITH STATE, LOCAL, AND
22 TRIBAL GOVERNMENTS.—In fulfilling the require-
23 ments of paragraph (1), the Secretary of Health and
24 Human Services, in coordination with the Secretary
25 of Homeland Security and, where appropriate, the

1 Postmaster General, shall consult with State, local,
2 and tribal officials.

3 (3) REVIEW.—The Secretary of Homeland Se-
4 curity, during and in conjunction with the creation
5 of tailored National MCM Dispensing Strategy plans
6 under paragraph (1), shall—

7 (A) provide a review of transportation and
8 logistics capabilities for moving medical coun-
9 termeasures from State, local, and tribal receiv-
10 ing, staging, and storing sites to dispensing lo-
11 cations;

12 (B) review security plans and capabilities
13 for protecting transportation of medical coun-
14 termeasures and dispensing locations;

15 (C) work in coordination with the Post-
16 master General to review security for protecting
17 United States Postal Service employees per-
18 forming dispensing;

19 (D) assist State, local, and tribal govern-
20 ments in building partnerships with law en-
21 forcement to perform security for medical coun-
22 termeasure transportation and dispensing;

23 (E) assist State, local, and tribal govern-
24 ments in working with emergency response pro-

1 viders to create appropriate roles for their par-
2 ticipation in the tailored Strategy plans; and

3 (F) determine other assistance that may be
4 offered to State, local, and tribal governments
5 with respect to logistics, transportation, secu-
6 rity, or other issues that the Secretary of
7 Homeland Security determines appropriate.

8 (b) DEFINITION.—In this section, the term “emer-
9 gency response provider” has the meaning given that term
10 in section 2 of the Homeland Security Act of 2002 (6
11 U.S.C. 101).

12 **SEC. 203. EXPANSION IN THE USE OF THE U.S. POSTAL**
13 **SERVICE TO DELIVER MEDICAL COUNTER-**
14 **MEASURES.**

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services, in coordination with the Postmaster
17 General and the Secretary of Homeland Security, shall ex-
18 pand existing pilot programs to utilize the United States
19 Postal Service to deliver medical countermeasures in a
20 public health emergency.

21 (b) TIMELINE.—The Postmaster General shall in-
22 crease the ability of the United States Postal Service to
23 deliver medical countermeasures to homes in—

1 (1) 5 additional Cities Readiness Initiative ju-
2 risdictions not later than 1 year after the date of en-
3 actment of this Act; and

4 (2) 15 additional Cities Readiness Initiative ju-
5 risdictions not later than 2 years after the date of
6 enactment of this Act.

7 (c) USPS MEDKITS.—The Secretary of Health and
8 Human Services, in coordination with the Postmaster
9 General and the Secretary of Homeland Security, shall,
10 on a biennial basis, reevaluate the contents of medkits pro-
11 vided to enrolled United States Postal Service employees
12 under the U.S. Postal Service Dispensing Plan.

13 (d) CONTENT CONSIDERATION.—In establishing the
14 appropriate contents for medkits under subsection (c), the
15 Secretary of Health and Human Services shall—

16 (1) consider information available from any bio-
17 logical or bioterrorism risk assessments conducted
18 by the Department of Homeland Security or other
19 relevant assessments by other departments or the in-
20 telligence community;

21 (2) consider the criteria described in section
22 351A(a)(1)(B) of the Public Health Service Act (42
23 U.S.C. 262a(a)(1)(B));

24 (3) consult with private and public organiza-
25 tions, as appropriate; and

1 (4) consider such other criteria and information
2 that the Secretary of Health and Human Services
3 and the Secretary of Homeland Security determine
4 appropriate.

5 (e) REPORT.—Not later than 18 months after the
6 date of enactment of this Act, the Secretary of Health and
7 Human Services, the Postmaster General, and the Sec-
8 retary of Homeland Security shall submit to the appro-
9 priate committees of Congress a report on the implemen-
10 tation of this section.

11 (f) DEFINITIONS.—In this section—

12 (1) the term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Homeland Security
15 and Governmental Affairs and the Committee
16 on Health, Education, Labor, and Pensions of
17 the Senate; and

18 (B) the Committee on Homeland Security,
19 the Committee on Energy and Commerce, and
20 the Committee on Oversight and Government
21 Reform of the House of Representatives;

22 (2) the term “medkit” means a cache of anti-
23 biotics and other medical countermeasures to be
24 used during a public health emergency; and

1 (3) the term “public health emergency” means
2 a public health emergency declared by the Secretary
3 of Health and Human Services under section 319 of
4 the Public Health Service Act (42 U.S.C. 247d).

5 (g) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as may be
7 necessary to carry out this section.

8 **SEC. 204. DISPENSING MEDICAL COUNTERMEASURES**
9 **THROUGH EMPLOYERS.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “appropriate committees of Con-
12 gress” means—

13 (A) the Committee on Homeland Security
14 and Governmental Affairs and the Committee
15 on Health, Education, Labor, and Pensions of
16 the Senate; and

17 (B) the Committee on Homeland Security
18 and the Committee on Energy and Commerce
19 of the House of Representatives;

20 (2) the terms “biological agent” and “toxin”
21 have the meanings given those terms in section 178
22 of title 18, United States Code;

23 (3) the term “covered Federal facility” means
24 a Federal facility determined by the Secretary of
25 Health and Human Services, in coordination with

1 the Secretary of Homeland Security, to be of suffi-
2 cient size, workforce level, and geographic location to
3 warrant developing a plan for receiving and dis-
4 pensing medical countermeasures to employees work-
5 ing in the Federal facility;

6 (4) the term “dispense” means to provide pro-
7 phylaxis and other related medical material to an af-
8 fected population in response to a threat or incident;
9 and

10 (5) the term “medical countermeasures” means
11 a drug or biological product used to mitigate, pre-
12 vent, or treat harm from any biological agent (in-
13 cluding organisms that cause an infectious disease)
14 or toxin or chemical, radiological, or nuclear threat
15 that may cause a public health emergency.

16 (b) FEDERAL PLAN.—

17 (1) IN GENERAL.—The head of each executive
18 agency, in consultation with the Secretary of Health
19 and Human Services and the Secretary of Homeland
20 Security, shall develop a plan to receive and dispense
21 medical countermeasures to individuals employed by
22 the executive agency—

23 (A) if the individuals work in a covered
24 Federal facility that is likely the target, or lo-
25 cated in an area that is likely a target, of an

1 act of terrorism involving a biological agent or
2 toxin; or

3 (B) in the event of a naturally occurring
4 outbreak of an infectious disease that may re-
5 sult in a national epidemic.

6 (2) CONTENTS.—The plans developed under
7 paragraph (1) shall identify individuals in the cov-
8 ered Federal facility who will be performing receiv-
9 ing and dispensing of medical countermeasures to
10 employees.

11 (3) REVIEW.—The Secretary of Health and
12 Human Services, in coordination with the Secretary
13 of Homeland Security, shall review and approve the
14 plans developed under paragraph (1).

15 (4) EXERCISES.—On a biennial basis, the head
16 of each executive agency shall conduct exercises of
17 the plan developed by the head of the executive
18 agency under paragraph (1).

19 (c) OTHER EMPLOYERS.—The Secretary of Health
20 and Human Services, in coordination with Secretary of
21 Homeland Security, shall establish a set of best practices
22 to guide and promote medical countermeasure dispensing
23 capabilities among private sector entities.

24 (d) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, the Secretary of Health and

1 Human Services, in coordination with the Secretary of
2 Homeland Security, shall submit to the appropriate com-
3 mittees of Congress a report on the implementation of this
4 section.

5 **SEC. 205. PERSONAL MEDKITS FOR EMERGENCY RESPONSE**
6 **PROVIDERS.**

7 (a) IN GENERAL.—Title III of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 181 et seq.), as amended by
9 section 102, is further amended by adding at the end the
10 following:

11 **“SEC. 319. PERSONAL MEDKITS FOR EMERGENCY RE-**
12 **SPONDERS.**

13 “(a) DEFINITIONS.—In this section—

14 “(1) the term ‘appropriate committees of Con-
15 gress’ means—

16 “(A) the Committee on Homeland Security
17 and Governmental Affairs and the Committee
18 on Health, Education, Labor, and Pensions of
19 the Senate; and

20 “(B) the Committee on Homeland Security
21 and the Committee on Energy and Commerce
22 of the House of Representatives;

23 “(2) the term ‘emergency responders’ means an
24 emergency response provider or an active member of
25 a local citizen preparedness organization, including

1 Community Emergency Response Teams, the Med-
2 ical Reserve Corps, the Fire Corps, and the citizen
3 preparedness programs of the American Red Cross;

4 “(3) the term ‘immediate family member’
5 means an individual who is a cohabitating family
6 member or domestic partner;

7 “(4) the term ‘medkit’ means a cache of anti-
8 biotics and other medical countermeasures to be
9 used during a public health emergency;

10 “(5) the term ‘medkit program’ means the pro-
11 gram established under subsection (b); and

12 “(6) the term ‘public health emergency’ means
13 a public health emergency declared by the Secretary
14 of Health and Human Services under section 319 of
15 the Public Health Service Act (42 U.S.C. 247d).

16 “(b) ESTABLISHMENT.—The Secretary, in coordina-
17 tion with the Secretary of Health and Human Services,
18 shall establish a program to distribute medkits to emer-
19 gency responders and immediate family members of emer-
20 gency responders.

21 “(c) MEDKIT PROGRAM COMPONENTS.—

22 “(1) IN GENERAL.—An emergency responder or
23 immediate family member of an emergency re-
24 sponder participating in the medkit program shall—

25 “(A) register with the Secretary;

1 “(B) before the distribution of a medkit,
2 receive training regarding—

3 “(i) the proper use and dosing of
4 medical countermeasures;

5 “(ii) reporting of the use of a medkit;

6 “(iii) the proper storage of a medkit;

7 and

8 “(iv) any other topic determined ap-
9 propriate by the Secretary;

10 “(C) before the distribution of a medkit,
11 undergo appropriate medical screening; and

12 “(D) report the use of a medkit within a
13 reasonable time period, as established by the
14 Secretary.

15 “(2) INVENTORY.—The Secretary shall conduct
16 an annual inventory of medkits distributed under the
17 medkit program.

18 “(d) AUTHORIZATION AND CONTENTS.—

19 “(1) IN GENERAL.—The Secretary shall coordi-
20 nate with the Secretary of Health and Human Serv-
21 ices and the Commissioner of Food and Drugs to—

22 “(A) seek a pre-incident emergency use au-
23 thorization under section 564 of the Federal
24 Food, Drug, and Cosmetic Act (21 U.S.C.

1 360bbb-3) to allow distribution and use of
2 medkits under the medkit program; and

3 “(B) establish the appropriate contents for
4 medkits distributed under the medkit program.

5 “(2) CONTENT CONSIDERATION.—In estab-
6 lishing the appropriate contents for medkits under
7 paragraph (1)(B), the Secretary shall—

8 “(A) consider information available from
9 any biological or bioterrorism risk assessments
10 conducted by the Department of Homeland Se-
11 curity or other relevant assessments by other
12 departments or the intelligence community;

13 “(B) consider the criteria described in sec-
14 tion 351A(a)(1)(B) of the Public Health Serv-
15 ice Act (42 U.S.C. 262a(a)(1)(B));

16 “(C) consult with relevant private and pub-
17 lic organizations; and

18 “(D) consider such other criteria and in-
19 formation that the Secretary and the Secretary
20 of Health and Human Services determine ap-
21 propriate.

22 “(e) REPORT.—Not later than 180 days after the
23 date of enactment of this section, the Secretary shall sub-
24 mit to the appropriate committees of Congress a report
25 on the implementation of this section.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of contents in section 1(b) of the Homeland Se-
6 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
7 inserting after the item relating to section 318, as added
8 by section 102 of this Act, the following:

“Sec. 319. Personal medkits for emergency responders.”.

9 **SEC. 206. GENERAL PUBLIC MEDKIT PILOT PROGRAM.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “medical countermeasures” means
12 a drug or biological product used to mitigate, pre-
13 vent, or treat harm from any biological agent (in-
14 cluding organisms that cause an infectious disease)
15 or toxin or chemical, radiological, or nuclear agent
16 that may cause a public health emergency; and

17 (2) the term “medkit” means a cache of anti-
18 biotics and other medical countermeasures to be
19 used during a public health emergency declared by
20 the Secretary of Health and Human Services under
21 section 319 of the Public Health Service Act (42
22 U.S.C. 247d).

23 (b) PILOT PROGRAM.—The Secretary of Health and
24 Human Services, in coordination with the Secretary of

1 Homeland Security, shall conduct a pilot program to study
2 the feasibility of providing personal medkits to the public.

3 (c) REQUIREMENTS.—In carrying out the pilot pro-
4 gram, the Secretary of Health and Human Services, in
5 coordination with the Secretary of Homeland Security,
6 shall ensure that—

7 (1) enrollment of participants in the pilot pro-
8 gram encompasses a diverse range of municipality
9 sizes, various geographic locations, and different so-
10 cioeconomic statuses;

11 (2) the number of enrolled participants in the
12 program shall be expanded significantly beyond the
13 number of those enrolled in the 2006 St. Louis
14 Medkit evaluation study, conducted by the Centers
15 for Disease Control and Prevention, to at least
16 10,000 participants;

17 (3) the program shall evaluate the ability of
18 households to maintain medkits in the home as di-
19 rected and reserve for emergency use; and

20 (4) prior to obtaining a medkit, participants are
21 required to receive training regarding—

22 (A) proper use and dosing of medical coun-
23 termeasures;

24 (B) reporting of use of medkits;

25 (C) proper storage of medkits; and

1 (D) any other information that the Sec-
2 retary of Health and Human Services and the
3 Secretary of Homeland Security determine ap-
4 propriate.

5 (d) AUTHORIZATION AND CONTENT.—The Secretary
6 of Health and Human Services and the Secretary of
7 Homeland Security shall coordinate with the Commis-
8 sioner of Food and Drugs—

9 (1) to obtain an emergency use authorization
10 under section 564 of the Federal Food, Drug, and
11 Cosmetic Act (21 U.S.C. 360bbb–3) to allow dis-
12 tribution of medkits for the purpose of the pilot pro-
13 gram; and

14 (2) to establish the appropriate contents of
15 medkits to the public for the pilot program.

16 (e) REPORT.—

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—In this subsection, the term “appropriate
19 committees of Congress” means—

20 (A) the Committee on Homeland Security
21 and Governmental Affairs and the Committee
22 on Health, Education, Labor, and Pensions of
23 the Senate; and

1 (B) the Committee on Homeland Security
2 and the Committee on Energy and Commerce
3 of the House of Representatives.

4 (2) REPORT.—Not later than 90 days after
5 completion of the program under this section, the
6 Secretary of Health and Human Services, in coordi-
7 nation with the Secretary of Homeland Security,
8 shall submit to the appropriate committees of Con-
9 gress a report on the conclusions of such program.
10 The report shall include recommendations and con-
11 clusions on the feasibility of creating a national
12 medkit program, through which medkits would be
13 distributed widely to the public.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as may be
16 necessary to carry out this section.

17 **Subtitle B—Bioforensics**
18 **Capabilities and Strategy**

19 **SEC. 211. BIOFORENSICS CAPABILITIES AND STRATEGY.**

20 (a) IN GENERAL.—Title III of the Homeland Secu-
21 rity Act of 2002 (6 U.S.C. 181 et seq.), as amended by
22 section 205, is further amended by adding at the end the
23 following:

24 **“SEC. 320. BIOFORENSICS CAPABILITIES AND STRATEGY.**

25 “(a) DEFINITIONS.—In this section—

1 “(4) the term ‘national bioforensics repository
2 collection’ means the national bioforensics repository
3 collection established under subsection (c)(1); and

4 “(5) the term ‘national bioforensics strategy’
5 means the national bioforensics strategy developed
6 under subsection (d)(1).

7 “(b) NATIONAL BIOFORENSICS ANALYSIS CEN-
8 TER.—There is in the Department a National Bioforensics
9 Analysis Center which shall—

10 “(1) serve as the lead Federal facility to con-
11 duct and facilitate bioforensic analysis in support of
12 the executive agency with primary responsibility for
13 responding to the biological incident;

14 “(2) maintain the national bioforensics reposi-
15 tory collection as a reference collection of biological
16 agents and toxins for comparative bioforensic identi-
17 fications; and

18 “(3) support threat agent characterization stud-
19 ies and bioforensic assay development.

20 “(c) NATIONAL BIOFORENSIC REPOSITORY COLLEC-
21 TION.—

22 “(1) IN GENERAL.—The National Bioforensics
23 Analysis Center shall maintain a national
24 bioforensics repository collection.

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

3 “(A) receive, store, and distribute biologi-
4 cal threat agents and toxins and related biologi-
5 cal agents and toxins;

6 “(B) serve as a reference collection for
7 comparative bioforensic identifications; and

8 “(C) support threat agent characterization
9 studies and bioforensic assay development.

10 “(3) PARTICIPATION.—

11 “(A) IN GENERAL.—The Secretary, the
12 Attorney General, the Secretary of Health and
13 Human Services, the Secretary of Agriculture,
14 the Secretary of Defense, and the head of any
15 other appropriate executive agency with a bio-
16 logical agent or toxin collection that is useful
17 for the bioforensic analysis of biological inci-
18 dents, performance of biological threat agent
19 characterization studies, or development of bio-
20 forensic assays shall provide all relevant biologi-
21 cal agents and toxins, as determined by the
22 Secretary, which shall not include any variola
23 virus, to the national bioforensics repository col-
24 lection.

1 “(B) OTHER BIOLOGICAL AGENTS AND
2 TOXINS.—The Secretary shall encourage the
3 contribution of public and private biological
4 agent and toxin collections to the national
5 bioforensics repository collection that were col-
6 lected or created with support from a Federal
7 grant or contract and that support the func-
8 tions described in paragraph (2).

9 “(4) ACCESS.—The Secretary shall—

10 “(A) provide an executive agency that sub-
11 mits a biological agent or toxin to the national
12 bioforensics repository collection with access to
13 the national bioforensics repository collection;
14 and

15 “(B) establish a mechanism to provide
16 public and private entities with access to the
17 national bioforensics repository collection, as
18 appropriate, for academic analysis of a biologi-
19 cal agent or toxin in the national bioforensics
20 repository collection.

21 “(5) REPORT.—

22 “(A) IN GENERAL.—Not later than 180
23 days after the date of enactment of this section,
24 the Secretary, in consultation with the Attorney
25 General, the Secretary of Health and Human

1 Services, the Secretary of Agriculture, the Sec-
2 retary of Defense, and the head of any other
3 appropriate executive agency that will partici-
4 pate in or contribute to the national
5 bioforensics repository collection, shall submit
6 to the appropriate committees of Congress a re-
7 port regarding the national bioforensics reposi-
8 tory collection.

9 “(B) CONTENTS.—The report submitted
10 under subparagraph (A) shall—

11 “(i) discuss the status of the estab-
12 lishment of the national bioforensics repos-
13 itory collection;

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

19 “(iii) examine any access or participa-
20 tion issues affecting the establishment of
21 the national bioforensics repository collec-
22 tion or the ability to support bioforensic
23 analysis, threat characterization studies, or
24 bioforensic assay development, including—

45

1 “(I) intellectual property con-
2 cerns;

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

7 “(III) costs for the national
8 bioforensics repository collection asso-
9 ciated with accessing domestic and
10 international biological agent and
11 toxin collections;

12 “(IV) costs incurred by domestic
13 and international biological agent and
14 toxin collections to allow broad access
15 or contribute biological agents or tox-
16 ins to the national bioforensics reposi-
17 tory collection; and

18 “(V) access to the national
19 bioforensics repository collection by
20 public and private researchers to sup-
21 port threat characterization studies
22 and bioforensic assay development;
23 and

24 “(iv) other issues determined appro-
25 priate by the Secretary.

1 “(d) NATIONAL BIOFORENSIC STRATEGY.—

2 “(1) IN GENERAL.—The Secretary, in coordina-
3 tion with the Attorney General, the Secretary of
4 Health and Human Services, the Secretary of Agri-
5 culture, the Secretary of Defense, and the head of
6 any other appropriate executive agency, as deter-
7 mined by the Secretary, shall develop, coordinate,
8 and maintain a national bioforensics strategy.

9 “(2) CONTENTS.—The national bioforensics
10 strategy shall—

11 “(A) provide for a coordinated approach
12 across all executive agencies with responsibil-
13 ities for analyzing evidence from a bioterrorism
14 act, biological agent or toxin based criminal act,
15 or inadvertent biological agent or toxin release
16 for attribution purposes;

17 “(B) describe the roles and responsibilities
18 of all relevant executive agencies;

19 “(C) establish mechanisms, in coordination
20 with State, local, and tribal governments, for
21 coordinating with law enforcement agencies in
22 analyzing bioforensic evidence;

23 “(D) include guidance for collecting, proc-
24 essing, and analyzing samples; and

1 “(E) provide for a coordinated approach
2 across all executive agencies to support threat
3 agent characterization research, funding, and
4 assay development.

5 “(3) REPORT.—Not later than 180 days after
6 the date of enactment of this section, the Secretary,
7 in consultation with the Attorney General, the Sec-
8 retary of Health and Human Services, the Secretary
9 of Agriculture, the Secretary of Defense, and the
10 head of any other appropriate executive agency, as
11 determined by the Secretary, shall submit to the ap-
12 propriate committees of Congress the national
13 bioforensics strategy.

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as may be
16 necessary to carry out this section.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of contents in section 1(b) of the Homeland Se-
19 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
20 inserting after the item relating to section 319, as added
21 by section 205 of this Act, the following:

“Sec. 320. Bioforensics capabilities and strategy.”.

1 **Subtitle C—Communications**
2 **Planning**

3 **SEC. 221. COMMUNICATIONS PLANNING.**

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

7 **“SEC. 525. COMMUNICATIONS PLANNING.**

8 “(a) INCORPORATION OF COMMUNICATIONS
9 PLANS.—

10 “(1) IN GENERAL.—Consistent with the obliga-
11 tions of the Department under sections 653(a)(4)
12 and 653(b) of the Post-Katrina Emergency Manage-
13 ment Reform Act of 2006 (6 U.S.C. 701 note) and
14 the National Response Framework, the Secretary,
15 through the Administrator of the Federal Emer-
16 gency Management Agency, shall incorporate into
17 each scenario-based operations plan a communica-
18 tions plan for providing information to the public re-
19 lated to preventing, preparing for, protecting
20 against, and responding to imminent natural disas-
21 ters, acts of terrorism, and other man-made disas-
22 ters, including incidents involving the use of weapons
23 of mass destruction and other potentially cata-
24 strophic events.

1 “(2) CONSULTATION.—In developing commu-
2 nications plans under paragraph (1), the Secretary
3 shall consult with State, local, and tribal govern-
4 ments and coordinate, as the Secretary considers ap-
5 propriate, with other Federal departments and agen-
6 cies that have responsibilities under the National Re-
7 sponse Framework and other relevant Federal de-
8 partments and agencies.

9 “(b) PRESCRIPTED MESSAGES AND MESSAGE TEM-
10 PLATES.—

11 “(1) IN GENERAL.—As part of the communica-
12 tion plans, the Administrator shall develop
13 prescribed messages or message templates, as ap-
14 propriate, to be provided to State, local, and tribal
15 officials so that those officials can quickly and rap-
16 idly disseminate critical information to the public in
17 anticipation or in the immediate aftermath of a dis-
18 aster or incident.

19 “(2) DEVELOPMENT AND DESIGN.—The
20 prescribed messages or message templates shall—

21 “(A) be developed, as the Secretary deter-
22 mined appropriate, in consultation with State,
23 local, and tribal governments and in coordina-
24 tion with other Federal departments and agen-
25 cies that have responsibilities under the Na-

1 tional Response Framework and other relevant
2 Federal departments and agencies;

3 “(B) be designed to provide State, local,
4 and tribal governments with accurate, essential,
5 and appropriate information and instructions to
6 the population directly affected by a disaster or
7 incident, including information related to evacu-
8 ation, sheltering in place, and issues of imme-
9 diate health and safety; and

10 “(C) be designed to provide accurate, es-
11 sential, and appropriate technical information
12 and instructions to emergency response pro-
13 viders and medical personnel responding to a
14 disaster or incident.

15 “(c) COMMUNICATIONS FORMATS.—In developing the
16 prescribed messages or message templates required under
17 subsection (b), the Administrator shall develop each such
18 prescribed message or message template in multiple for-
19 mats to ensure delivery—

20 “(1) in cases where the usual communications
21 infrastructure is unusable as a result of the nature
22 of a disaster or incident; and

23 “(2) to individuals with disabilities or other spe-
24 cial needs and individuals with limited English pro-
25 ficiency in accordance with section 616 of the Post-

1 Katrina Emergency Management Reform Act of
2 2006 (6 U.S.C. 701 note).

3 “(d) DISSEMINATION AND TECHNICAL ASSIST-
4 ANCE.—The Administrator shall ensure that all
5 prescribed messages and message templates developed
6 under this section are made available to State, local, and
7 tribal governments so that those governments may incor-
8 porate them, as appropriate, into their emergency plans.
9 The Administrator shall also make available relevant tech-
10 nical assistance to those governments to support commu-
11 nications planning.

12 “(e) EXERCISES.—To ensure that the prescribed
13 messages or message templates developed under this sec-
14 tion can be effectively utilized in a disaster or incident,
15 the Administrator shall ensure that such prescribed mes-
16 sages or message templates are incorporated into exercises
17 conducted under the National Exercise Program described
18 in section 648 of the Post-Katrina Emergency Manage-
19 ment Reform Act of 2006 (6 U.S.C. 701 note).

20 “(f) REPORT.—Not later than 1 year after the date
21 of the enactment of this section, the Administrator shall
22 submit to the Committee on Homeland Security and Gov-
23 ernmental Affairs of the Senate and the Committee on
24 Homeland Security of the House of Representatives a copy
25 of the communications plans required to be developed

1 under this section, including prescribed messages or mes-
2 sage templates developed in conjunction with the plans
3 and a description of the means that will be used to deliver
4 such messages in a natural disaster, act of terrorism, or
5 other man-made disaster.”.

6 (b) TABLE OF CONTENTS.—The table of contents in
7 section 1(b) of the Homeland Security Act of 2002 (6
8 U.S.C. 101) is amended by inserting after the item relat-
9 ing to section 524 the following:

“Sec. 525. Communications planning.”.

10 **SEC. 222. PLUME MODELING.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Homeland Security
15 and Governmental Affairs, the Committee on
16 Energy and Natural Resources, the Committee
17 on Armed Services, and the Committee on
18 Health, Education, Labor, and Pensions of the
19 Senate; and

20 (B) the Committee on Homeland Security,
21 the Committee on Energy and Commerce, and
22 the Committee on Armed Services of the House
23 of Representatives;

1 (2) the term “executive agency” has the mean-
2 ing given that term in section 2 of the Homeland
3 Security Act of 2002 (6 U.S.C. 101);

4 (3) the term “integrated plume model” means
5 a plume model that integrates protective action guid-
6 ance and other information as the Secretary of
7 Homeland Security determines appropriate; and

8 (4) the term “plume model” means the assess-
9 ment of the location and prediction of the spread of
10 nuclear, radioactive, or chemical fallout and biologi-
11 cal pathogens resulting from an explosion or release
12 of nuclear, radioactive, chemical, or biological sub-
13 stances.

14 (b) DEVELOPMENT.—

15 (1) IN GENERAL.—The Secretary of Homeland
16 Security shall develop and disseminate integrated
17 plume models to enable rapid response activities fol-
18 lowing a nuclear, radiological, chemical, or biological
19 explosion or release.

20 (2) SCOPE.—The Secretary of Homeland Secu-
21 rity shall—

22 (A) ensure the rapid development and dis-
23 tribution of integrated plume models to appro-
24 priate officials of the Federal Government and
25 State, local, and tribal governments to enable

1 immediate response to a nuclear, radiological,
2 chemical, or biological incident; and

3 (B) establish mechanisms for dissemina-
4 tion by appropriate emergency response officials
5 of the integrated plume models described in
6 paragraph (1) to nongovernmental organiza-
7 tions and the public to enable appropriate re-
8 sponse activities by individuals.

9 (3) CONSULTATION WITH OTHER DEPART-
10 MENTS AND AGENCIES.—In developing the inte-
11 grated plume models described in this section, the
12 Secretary of Homeland Security shall consult, as ap-
13 propriate, with—

14 (A) the Secretary of Energy, the Secretary
15 of Defense, the Secretary of Health and Human
16 Services, and the heads of other executive agen-
17 cies determined appropriate by the Secretary of
18 Homeland Security; and

19 (B) State, local, and tribal governments
20 and nongovernmental organizations.

21 (c) EXERCISES.—The Secretary of Homeland Secu-
22 rity shall ensure that the development and dissemination
23 of integrated plume models are assessed during exercises
24 administered by the Department of Homeland Security.

1 (d) REPORTING.—Not later than 180 days after the
2 date of enactment of this Act, and every year thereafter,
3 the Secretary of Homeland Security shall submit to the
4 appropriate committees of Congress a report regarding—

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

7 (2) lessons learned from assessing the develop-
8 ment and dissemination of integrated plume models
9 during exercises administered by the Department of
10 Homeland Security, and plans for improving the de-
11 velopment and dissemination of integrated plume
12 models, as appropriate.

13 **TITLE III—INTERNATIONAL**
14 **MEASURES TO PREVENT BIO-**
15 **LOGICAL TERRORISM**

16 **Subtitle A—Prevention and Protec-**
17 **tion Against International Bio-**
18 **logical Threats**

19 **SEC. 301. INTERNATIONAL THREAT ASSESSMENT: TIER I**
20 **PATHOGEN FACILITIES.**

21 (a) REVIEW.—Not later than 6 months after the date
22 of the enactment of this Act, the Director of National In-
23 telligence, in coordination with the Secretary of State, the
24 Secretary of Homeland Security, the Secretary of Health
25 and Human Services, and the heads of other appropriate

1 Federal agencies, shall complete a global review of inter-
2 national biological security threats to the United States.

3 (b) CONTENT.—The review under this section shall—

4 (1) identify the location of biocontainment fa-
5 cilities handling an agent or toxin designated as a
6 Tier I agent under section 351A(a)(2) of the Public
7 Health Service Act or section 212(a)(2) of the Agri-
8 cultural Bioterrorism Protection Act of 2002 (in this
9 subtitle referred to as a “Tier I agent”) and other
10 dangerous pathogens outside the United States;

11 (2) describe the security measures of the facili-
12 ties identified under paragraph (2);

13 (3) assess global biological risks, including by
14 describing regions or countries with the greatest bio-
15 logical security risk, taking into account factors such
16 as—

17 (A) the presence and capabilities of a for-
18 eign terrorist organization;

19 (B) the location of highest risk pathogen
20 collections; and

21 (C) the location of biological laboratories
22 operating with inadequate security measures;
23 and

24 (4) assess any gaps in knowledge about inter-
25 national biosecurity threats.

1 (c) UPDATES.—The Director shall update the review
2 under this section as new or revised intelligence becomes
3 available, but not less frequently than biennially.

4 (d) REPORT.—Not later than 6 months after the date
5 of the enactment of this Act, and biennially thereafter, the
6 Director shall submit an unclassified report that summa-
7 rizes the findings of the review or update and, as appro-
8 priate, an annex containing the classified review or update
9 to—

10 (1) the Select Committee on Intelligence of the
11 Senate;

12 (2) the Committee on Armed Services of the
13 Senate;

14 (3) the Committee on Health, Education,
15 Labor, and Pensions of the Senate;

16 (4) the Committee on Homeland Security and
17 Governmental Affairs of the Senate;

18 (5) the Permanent Select Committee on Intel-
19 ligence of the House of Representatives.

20 (6) the Committee on Armed Services of the
21 House of Representatives;

22 (7) the Committee on Energy and Commerce of
23 the House of Representatives; and

24 (8) the Committee on Homeland Security of the
25 House of Representatives.

1 **SEC. 302. STRENGTHENING INTERNATIONAL BIOSECURITY.**

2 (a) TECHNICAL AND FINANCIAL ASSISTANCE AU-
3 THORIZED.—The Secretary of State, in coordination with
4 the Secretary of Health and Human Services, the Sec-
5 retary of Agriculture, the Secretary of Homeland Security,
6 and other appropriate agencies, shall provide technical and
7 financial assistance, including the activities described in
8 subsection (b), to countries or regions identified by the
9 Threat Assessment mandated in section 301.

10 (b) AUTHORIZED ACTIVITIES.—

11 (1) REDUCING AND SECURING DANGEROUS
12 PATHOGEN COLLECTIONS.—The Secretary of State
13 shall—

14 (A) provide assistance to remove or con-
15 solidate Tier I agents and other dangerous
16 pathogen collections spread among multiple lo-
17 cations within a country or region into facilities
18 with appropriate safety and security;

19 (B) provide assistance to replace dan-
20 gerous or obsolete pathogen isolation techniques
21 with modern diagnostic tools to improve safety
22 and security and to reduce the number and size
23 of dangerous pathogen collections in high risk
24 regions and countries;

25 (C) encourage countries to eliminate stores
26 of Tier I agents and other dangerous pathogen

1 collections in exchange for facilitating access to
2 state-of-the-art civilian research at international
3 facilities;

4 (D) provide assistance to identify and se-
5 cure Tier I agents and other dangerous patho-
6 gen collections in high risk regions and coun-
7 tries; and

8 (E) carry out such other activities as the
9 Secretary of State considers necessary to
10 achieve the purposes of this subtitle.

11 (2) PREVENTION AND PROTECTION.—The Sec-
12 retary of State shall—

13 (A) raise awareness of international bio-
14 logical threats with foreign governments, aca-
15 demic institutions, and industrial laboratories
16 handling Tier I agents and other dangerous
17 pathogen collections through conferences, semi-
18 nars and workshops;

19 (B) provide physical security upgrades at
20 high risk laboratories;

21 (C) train foreign partners in high risk re-
22 gions on best laboratory biosecurity practices
23 within facilities handling Tier I agents and
24 other dangerous pathogen collections;

1 (D) assist foreign countries in establishing
2 personnel reliability measures, as part of a com-
3 prehensive laboratory management system;

4 (E) partner with foreign governments, lab-
5 oratories, and scientists in activities that
6 strengthen and reinforce best biological safety
7 and security practices within facilities handling
8 Tier I agents and other dangerous pathogen
9 collections;

10 (F) enhance information sharing through
11 regular meetings of relevant United States and
12 foreign government agencies with subject mat-
13 ter expertise on pathogen security and labora-
14 tory best practices in high risk regions;

15 (G) increase support for United States
16 science and technology agreements and initia-
17 tives in high risk regions and countries, includ-
18 ing collaborative projects in the areas of bioter-
19 rorism prevention, infectious disease control,
20 disease surveillance, bioforensics, laboratory bio-
21 safety, and hazardous waste management; and

22 (H) develop laboratory biosafety and bio-
23 security standards and guidelines, including
24 personnel reliability measures, for facilities han-

1 dling Tier I agents and other dangerous patho-
2 gen collections.

3 (3) SCIENCE AND TECHNOLOGY EXCHANGE.—

4 The Secretary of State shall—

5 (A) promote research and development col-
6 laboration on highly infectious human, animal
7 and plant disease agents in facilities with ap-
8 propriate safety and security measures;

9 (B) provide opportunities for foreign sci-
10 entists, particularly those located in highest risk
11 countries identified in section 301, to receive
12 training in the United States on biological safe-
13 ty and security best practices, standard oper-
14 ating procedures, and maintenance for high
15 containment facilities; and

16 (C) facilitate the secure exchange of re-
17 search samples between laboratories in the
18 United States and foreign national laboratories
19 for the development of vaccines and diagnostics
20 for Tier I agents and other dangerous patho-
21 gens.

22 **SEC. 303. PROMOTING SECURE BIOTECHNOLOGY ADVANCE-**
23 **MENT.**

24 (a) PLAN TO PROMOTE INTERNATIONAL ADHER-
25 ENCE TO INTERNATIONAL AGREEMENTS.—The Secretary

1 of State, in coordination with appropriate agencies, shall
2 produce and implement a plan for promoting international
3 adherence to, and implementation of, frameworks, trea-
4 ties, and other international agreements regarding weap-
5 ons of mass destruction, including the Biological Weapons
6 Convention, World Health Organization International
7 Health regulations, and United Nations Security Council
8 Resolution 1540.

9 (b) BIOTECHNOLOGY DISCUSSIONS.—

10 (1) IN GENERAL.—The Secretary of State shall
11 pursue discussions with government, academic, and
12 industry representatives in countries that possess es-
13 tablished or emerging biotechnology sectors or are
14 identified as high-risk countries in the Threat As-
15 sessment required under section 301.

16 (2) TOPICS.—Topics to be discussed under
17 paragraph (1) shall include—

18 (A) multilateral initiatives intended to pro-
19 mote safe and secure biotechnology;

20 (B) norms and safeguards necessary to
21 prevent the misuse of biotechnology;

22 (C) multilateral initiatives intended to
23 counter the threat of biological terrorism; and

1 (D) other topics on international biosecu-
2 rity that the Secretary of State considers to be
3 relevant.

4 **Subtitle B—Global Pathogen**
5 **Surveillance**

6 **SEC. 321. SHORT TITLE.**

7 This subtitle may be cited as the “Global Pathogen
8 Surveillance Act of 2009”.

9 **SEC. 322. FINDINGS; PURPOSE.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The frequency of the occurrence of biologi-
13 cal events that could threaten the national security
14 of the United States has increased and is likely in-
15 creasing. The threat to the United States from such
16 events includes threats from diseases that infect hu-
17 mans, animals, or plants regardless of whether such
18 diseases are introduced naturally, accidentally, or in-
19 tentiously.

20 (2) Bioterrorism poses a grave national security
21 threat to the United States. The insidious nature of
22 a bioterrorist attack, the likelihood that the recogni-
23 tion of such an attack would be delayed, and the
24 underpreparedness of the domestic public health in-
25 frastructure to respond to such an attack could re-

1 sult in catastrophic consequences following a biological
2 cal weapons attack against the United States.

3 (3) The ability to recognize that a country or
4 organization is carrying out a covert biological weapons
5 programs is dependent on a number of indications
6 and warnings. A critical component of this recognition
7 is the timely detection of sentinel events such as
8 community-level outbreaks that could be the earliest
9 indication of an emerging bioterrorist program in a
10 foreign country. Early detection of such events may
11 enable earlier counterproliferation intervention.
12 vention.

13 (4) A contagious pathogen engineered as a biological
14 weapon and developed, tested, produced, or released in
15 a foreign country could quickly spread to the United States.
16 Considering the realities of international travel, trade,
17 and migration patterns, a dangerous pathogen appearing
18 naturally, accidentally, or intentionally anywhere in the
19 world can spread to the United States in a matter of days,
20 before any effective quarantine or isolation measures
21 could be implemented.
22 could be implemented.

23 (5) To combat bioterrorism effectively and ensure
24 that the United States is fully prepared to prevent,
25 recognize, and contain a biological weapons at-

1 tack or emerging infectious disease, measures to
2 strengthen the domestic public health infrastructure
3 and improve domestic event detection, surveillance,
4 and response, while absolutely essential, are not suf-
5 ficient.

6 (6) The United States should enhance coopera-
7 tion with the World Health Organization, regional
8 international health organizations, and individual
9 countries, including data sharing with appropriate
10 agencies and departments of the United States, to
11 help detect and quickly contain infectious disease
12 outbreaks or a bioterrorism agent before such a dis-
13 ease or agent is spread.

14 (7) The World Health Organization has done
15 an impressive job in monitoring infectious disease
16 outbreaks around the world, notably in the April
17 2000 establishment and subsequent operation of the
18 Global Outbreak Alert and Response Network.

19 (8) The capabilities of the World Health Orga-
20 nization depend on the timeliness and quality of the
21 data and information the Organization receives from
22 the countries that are members of the Organization,
23 pursuant to the 2005 revision of the International
24 Health Regulations. Developing countries, in par-

1 ticular, often lack the necessary resources to build
2 and maintain effective public health infrastructures.

3 (9) Developing countries could benefit from—

4 (A) better trained public health profes-
5 sionals and epidemiologists to recognize disease
6 patterns;

7 (B) appropriate laboratory equipment for
8 diagnosis of pathogens;

9 (C) disease reporting systems that—

10 (i) are based on disease and syndrome
11 surveillance; and

12 (ii) could enable an effective response
13 to a biological event to begin at the earliest
14 possible opportunity;

15 (D) a narrowing of the existing technology
16 gap in disease and syndrome surveillance capa-
17 bilities, based on reported symptoms, and real-
18 time information dissemination to public health
19 officials; and

20 (E) appropriate communications equip-
21 ment and information technology to efficiently
22 transmit information and data within national,
23 international regional, and international health
24 networks, including inexpensive, Internet-based
25 geographic information systems and relevant

1 telephone-based systems for early recognition
2 and diagnosis of diseases.

3 (10) An effective international capability to de-
4 tect, monitor, and quickly diagnose infectious disease
5 outbreaks will offer dividends not only in the event
6 of biological weapons development, testing, produc-
7 tion, and attack, but also in the more likely cases of
8 naturally occurring infectious disease outbreaks that
9 could threaten the United States. Furthermore, a
10 robust surveillance system will serve to deter or con-
11 tain terrorist use of biological weapons, mitigating
12 the intended effects of such malevolent uses.

13 (b) PURPOSES.—The purposes of this subtitle are as
14 follows:

15 (1) To enhance the capability of the inter-
16 national community, through international health or-
17 ganizations and individual countries, to detect, iden-
18 tify, and contain infectious disease outbreaks, wheth-
19 er the cause of those outbreaks is intentional human
20 action or natural in origin.

21 (2) To enhance the training of public health
22 professionals and epidemiologists from eligible devel-
23 oping countries in advanced Internet-based disease
24 and syndrome surveillance systems, in addition to
25 traditional epidemiology methods, so that such pro-

1 professionals and epidemiologists may better detect, di-
2 agnose, and contain infectious disease outbreaks, es-
3 pecially such outbreaks caused by the pathogens that
4 may be likely to be used in a biological weapons at-
5 tack.

6 (3) To provide assistance to eligible developing
7 countries to purchase appropriate communications
8 equipment and information technology to detect,
9 analyze, and report biological threats, including—

10 (A) relevant computer equipment, Internet
11 connectivity mechanisms, and telephone-based
12 applications to effectively gather, analyze, and
13 transmit public health information for infec-
14 tious disease surveillance and diagnosis; and

15 (B) appropriate computer equipment and
16 Internet connectivity mechanisms—

17 (i) to facilitate the exchange of Geo-
18 graphic Information Systems-based disease
19 and syndrome surveillance information;
20 and

21 (ii) to effectively gather, analyze, and
22 transmit public health information for in-
23 fectious disease surveillance and diagnosis.

24 (4) To make available greater numbers of pub-
25 lic health professionals who are employed by the

1 Government of the United States to international re-
2 gional and international health organizations, inter-
3 national regional and international health networks,
4 and United States diplomatic missions, as appro-
5 priate.

6 (5) To expand the training and outreach activi-
7 ties of United States laboratories located in foreign
8 countries, including the Centers for Disease Control
9 and Prevention or Department of Defense labora-
10 tories, to enhance the public health capabilities of
11 developing countries.

12 (6) To provide appropriate technical assistance
13 to existing international regional and international
14 health networks and, as appropriate, seed money for
15 new international regional and international net-
16 works.

17 **SEC. 323. DEFINITIONS.**

18 In this subtitle:

19 (1) **ELIGIBLE DEVELOPING COUNTRY.**—The
20 term “eligible developing country” means any devel-
21 oping country that—

22 (A) has agreed to the objective of fully
23 complying with requirements of the World
24 Health Organization on reporting public health
25 information on outbreaks of infectious diseases;

1 (B) has not been determined by the Sec-
2 retary of State, for purposes of section 40 of
3 the Arms Export Control Act (22 U.S.C. 2780),
4 section 620A of the Foreign Assistance Act of
5 1961 (22 U.S.C. 2371), or section 6(j) of the
6 Export Administration Act of 1979 (as in effect
7 pursuant to the International Emergency Eco-
8 nomic Powers Act; 50 U.S.C. 1701 et seq.), to
9 have repeatedly provided support for acts of
10 international terrorism, unless the Secretary of
11 State exercises a waiver certifying that it is in
12 the national interest of the United States to
13 provide assistance under the provisions of this
14 subtitle; and

15 (C) is a party to the Convention on the
16 Prohibition of the Development, Production and
17 Stockpiling of Bacteriological (Biological) and
18 Toxin Weapons and on Their Destruction, done
19 at Washington, London, and Moscow April 10,
20 1972 (26 UST 583).

21 (2) ELIGIBLE NATIONAL.—The term “eligible
22 national” means any citizen or national of an eligible
23 developing country who—

24 (A) does not have a criminal background;

1 (B) is not on any immigration or other
2 United States watch list; and

3 (C) is not affiliated with any foreign ter-
4 rorist organization.

5 (3) INTERNATIONAL HEALTH ORGANIZATION.—
6 The term “international health organization” in-
7 cludes the World Health Organization, regional of-
8 fices of the World Health Organization, and such
9 similar international organizations as the Pan Amer-
10 ican Health Organization.

11 (4) LABORATORY.—The term “laboratory”
12 means a facility for the biological, microbiological,
13 serological, chemical, immuno-hematological,
14 hematological, biophysical, cytological, pathological,
15 or other medical examination of materials derived
16 from the human body for the purpose of providing
17 information for the diagnosis, prevention, or treat-
18 ment of any disease or impairment of, or the assess-
19 ment of the health of, human beings.

20 (5) DISEASE AND SYNDROME SURVEILLANCE.—
21 The term “disease and syndrome surveillance”
22 means the recording of clinician-reported symptoms
23 (patient complaints) and signs (derived from phys-
24 ical examination and laboratory data) combined with

1 simple geographic locators to track the emergence of
2 a disease in a population.

3 **SEC. 324. ELIGIBILITY FOR ASSISTANCE.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), assistance may be provided to an eligible developing
6 country under any provision of this subtitle only if the gov-
7 ernment of the eligible developing country—

8 (1) permits personnel from the World Health
9 Organization and the Centers for Disease Control
10 and Prevention to investigate outbreaks of infectious
11 diseases within the borders of such country; and

12 (2) provides pathogen surveillance data to the
13 appropriate agencies and departments of the United
14 States and to international health organizations.

15 (b) WAIVER.—The Secretary of State may waive the
16 prohibition set out in subsection (a) if the Secretary of
17 State determines that it is in the national interest of the
18 United States to provide such a waiver.

19 (c) PRIOR NOTICE OF WAIVERS.—A waiver pursuant
20 to subsection (b) may not be executed until 15 days after
21 the Secretary of State provides to the Committee on For-
22 eign Relations of the Senate and the Committee on For-
23 eign Affairs of the House of Representatives written notice
24 of the intent to issue such waiver and the reasons for
25 doing so.

1 **SEC. 325. RESTRICTION.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of this subtitle, no foreign national participating in
4 a program authorized under this subtitle shall have access,
5 during the course of such participation, to a select agent
6 or toxin described in section 73.4 of title 42, Code of Fed-
7 eral Regulations (or any corresponding similar regulation)
8 or an overlap select agent or toxin described in section
9 73.5 of such title (or any corresponding similar regulation)
10 that may be used as, or in, a biological weapon, except
11 in a supervised and controlled setting.

12 (b) RELATIONSHIP TO REGULATIONS.—The restric-
13 tion set out in subsection (a) may not be construed to limit
14 the ability of the Secretary of Health and Human Services
15 to prescribe, through regulation, standards for the han-
16 dling of a select agent or toxin or an overlap select agent
17 or toxin described in such subsection.

18 **SEC. 326. FELLOWSHIP PROGRAM.**

19 (a) ESTABLISHMENT.—There is established a fellow-
20 ship program under which the Secretary of State, in con-
21 sultation with the Secretary of Health and Human Serv-
22 ices and the Secretary of Homeland Security and subject
23 to the availability of appropriations, shall award fellow-
24 ships to eligible nationals to pursue public health edu-
25 cation or training, as follows:

1 (1) MASTER OF PUBLIC HEALTH DEGREE.—
2 Graduate courses of study leading to a master of
3 public health degree with a concentration in epidemi-
4 ology from an institution of higher education in the
5 United States with a Center for Public Health Pre-
6 paredness, as determined by the Director of the Cen-
7 ters for Disease Control and Prevention.

8 (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY
9 TRAINING.—Advanced public health training in epi-
10 demiology for public health professionals from eligi-
11 ble developing countries to be carried out at the
12 Centers for Disease Control and Prevention, an ap-
13 propriate facility of a State, or an appropriate facil-
14 ity of another agency or department of the United
15 States (other than a facility of the Department of
16 Defense or a national laboratory of the Department
17 of Energy) for a period of not less than 6 months
18 or more than 12 months.

19 (b) SPECIALIZATION IN BIOTERRORISM RE-
20 SPONSE.—In addition to the education or training speci-
21 fied in subsection (a), each recipient of a fellowship under
22 this section (in this section referred to as a “fellow”) may
23 take courses of study at the Centers for Disease Control
24 and Prevention or at an equivalent facility on diagnosis
25 and containment of likely bioterrorism agents.

1 (c) FELLOWSHIP AGREEMENT.—

2 (1) IN GENERAL.—A fellow shall enter into an
3 agreement with the Secretary of State under which
4 the fellow agrees—

5 (A) to maintain satisfactory academic
6 progress, as determined in accordance with reg-
7 ulations issued by the Secretary of State and
8 confirmed in regularly scheduled updates to the
9 Secretary of State from the institution pro-
10 viding the education or training on the progress
11 of the fellow's education or training;

12 (B) upon completion of such education or
13 training, to return to the fellow's country of na-
14 tionality or last habitual residence (so long as
15 it is an eligible developing country) and com-
16 plete at least 4 years of employment in a public
17 health position in the government or a non-
18 governmental, not-for-profit entity in that coun-
19 try or, with the approval of the Secretary of
20 State, complete part or all of this requirement
21 through service with an international health or-
22 ganization without geographic restriction; and

23 (C) that, if the fellow is unable to meet the
24 requirements described in subparagraph (A) or
25 (B), the fellow shall reimburse the United

1 States for the value of the assistance provided
2 to the fellow under the fellowship program, to-
3 gether with interest at a rate that—

4 (i) is determined in accordance with
5 regulations issued by the Secretary of
6 State; and

7 (ii) is not higher than the rate gen-
8 erally applied in connection with other
9 Federal loans.

10 (2) WAIVERS.—The Secretary of State may
11 waive the application of subparagraph (B) or (C) of
12 paragraph (1) on a case by case basis if the Sec-
13 retary of State determines that—

14 (A) it is in the national interest of the
15 United States to provide such a waiver; or

16 (B) humanitarian considerations require
17 such a waiver.

18 (d) AGREEMENT.—The Secretary of State, in con-
19 sultation with the Secretary of Health and Human Serv-
20 ices and the Secretary of Homeland Security, is authorized
21 to enter into an agreement with the government of an eli-
22 gible developing country under which such government
23 agrees—

1 (1) to establish a procedure for the nomination
2 of eligible nationals for fellowships under this sec-
3 tion;

4 (2) to guarantee that a fellow will be offered a
5 professional public health position within the devel-
6 oping country upon completion of the fellow's stud-
7 ies; and

8 (3) to submit to the Secretary of State a certifi-
9 cation stating that a fellow has concluded the min-
10 imum period of employment in a public health posi-
11 tion required by the fellowship agreement, including
12 an explanation of how the requirement was met.

13 (e) PARTICIPATION OF UNITED STATES CITIZENS.—
14 On a case-by-case basis, the Secretary of State may pro-
15 vide for the participation of a citizen of the United States
16 in the fellowship program under the provisions of this sec-
17 tion if—

18 (1) the Secretary of State determines that it is
19 in the national interest of the United States to pro-
20 vide for such participation; and

21 (2) the citizen of the United States agrees to
22 complete, at the conclusion of such participation, at
23 least 5 years of employment in a public health posi-
24 tion in an eligible developing country or at an inter-
25 national health organization.

1 (f) USE OF EXISTING PROGRAMS.—The Secretary of
2 State, with the concurrence of the Secretary of Health and
3 Human Services, may elect to use existing programs of
4 the Department of Health and Human Services to provide
5 the education and training described in subsection (a) if
6 the requirements of subsections (b), (c), and (d) will be
7 substantially met under such existing programs.

8 **SEC. 327. IN-COUNTRY TRAINING IN LABORATORY TECH-**
9 **NIQUES AND DISEASE AND SYNDROME SUR-**
10 **VEILLANCE.**

11 (a) LABORATORY TECHNIQUES.—

12 (1) IN GENERAL.—The Secretary of State, after
13 consultation with the Secretary of Health and
14 Human Services, the Secretary of Defense, and the
15 Secretary of Homeland Security and in conjunction
16 with elements of those departments that engage in
17 activities of this type overseas, and subject to the
18 availability of appropriations, shall provide assist-
19 ance for short training courses for eligible nationals
20 who are laboratory technicians or other public health
21 personnel in laboratory techniques relating to the
22 identification, diagnosis, and tracking of pathogens
23 responsible for possible infectious disease outbreaks.

24 (2) LOCATION.—The training described in
25 paragraph (1) shall be held outside the United

1 States and may be conducted in facilities of the Cen-
2 ters for Disease Control and Prevention located in
3 foreign countries or in Overseas Medical Research
4 Units of the Department of Defense, as appropriate.

5 (3) COORDINATION WITH EXISTING PRO-
6 GRAMS.—The Secretary of State shall coordinate the
7 training described in paragraph (1), where appro-
8 priate, with existing programs and activities of inter-
9 national health organizations.

10 (b) DISEASE AND SYNDROME SURVEILLANCE.—

11 (1) IN GENERAL.—The Secretary of State, after
12 consultation with the Secretary of Health and
13 Human Services, the Secretary of Defense, and the
14 Secretary of Homeland Security and in conjunction
15 with elements of those departments that engage in
16 activities of this type overseas, and subject to the
17 availability of appropriations, shall establish and
18 provide assistance for short training courses for eli-
19 gible nationals who are health care providers or
20 other public health personnel in techniques of dis-
21 ease and syndrome surveillance reporting and rapid
22 analysis of syndrome information using geographic
23 information system tools.

24 (2) LOCATION.—The training described in
25 paragraph (1) shall be conducted via the Internet or

1 in appropriate facilities located in a foreign country,
2 as determined by the Secretary of State.

3 (3) COORDINATION WITH EXISTING PRO-
4 GRAMS.—The Secretary of State shall coordinate the
5 training described in paragraph (1), where appro-
6 priate, with existing programs and activities of inter-
7 national regional and international health organiza-
8 tions.

9 **SEC. 328. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT AND SUPPLIES.**

12 (a) AUTHORIZATION.—The President is authorized to
13 provide, on such terms and conditions as the President
14 may determine, assistance to eligible developing countries
15 to purchase and maintain the public health laboratory
16 equipment and supplies described in subsection (b).

17 (b) EQUIPMENT AND SUPPLIES COVERED.—The
18 equipment and supplies described in this subsection are
19 equipment and supplies that are—

20 (1) appropriate, to the extent possible, for use
21 in the intended geographic area;

22 (2) necessary to collect, analyze, and identify
23 expeditiously a broad array of pathogen strains,
24 which may cause disease outbreaks or may be used
25 in a biological weapon;

1 (3) compatible with general standards set forth
2 by the World Health Organization and, as appro-
3 priate, the Centers for Disease Control and Preven-
4 tion, to ensure interoperability with international re-
5 gional and international public health networks; and

6 (4) not defense articles, defense services, or
7 training, as such terms are defined in the Arms Ex-
8 port Control Act (22 U.S.C. 2751 et seq.).

9 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
10 tion shall be construed to exempt the exporting of goods
11 and technology from compliance with applicable provisions
12 of the Export Administration Act of 1979 (as in effect
13 pursuant to the International Emergency Economic Pow-
14 ers Act; 50 U.S.C. 1701 et seq.).

15 (d) **LIMITATION.**—Amounts appropriated to carry
16 out this section shall not be made available for the pur-
17 chase from a foreign country of equipment or supplies
18 that, if made in the United States, would be subject to
19 the Arms Export Control Act (22 U.S.C. 2751 et seq.)
20 or likely be barred or subject to special conditions under
21 the Export Administration Act of 1979 (as in effect pursu-
22 ant to the International Emergency Economic Powers Act;
23 50 U.S.C. 1701 et seq.).

24 (e) **PROCUREMENT PREFERENCE.**—In the use of
25 grant funds authorized under subsection (a), preference

1 should be given to the purchase of equipment and supplies
2 of United States manufacture. The use of amounts appro-
3 priated to carry out this section shall be subject to section
4 604 of the Foreign Assistance Act of 1961 (22 U.S.C.
5 2354).

6 (f) COUNTRY COMMITMENTS.—The assistance pro-
7 vided under this section for equipment and supplies may
8 be provided only if the eligible developing country that re-
9 ceives such equipment and supplies agrees to provide the
10 infrastructure, technical personnel, and other resources re-
11 quired to house, maintain, support, secure, and maximize
12 use of such equipment and supplies.

13 **SEC. 329. ASSISTANCE FOR IMPROVED COMMUNICATION**
14 **OF PUBLIC HEALTH INFORMATION.**

15 (a) ASSISTANCE FOR PURCHASE OF COMMUNICATION
16 EQUIPMENT AND INFORMATION TECHNOLOGY.—The
17 President is authorized to provide, on such terms and con-
18 ditions as the President may determine, assistance to eligi-
19 ble developing countries to purchase and maintain the
20 communications equipment and information technology
21 described in subsection (b), and the supporting equipment,
22 necessary to effectively collect, analyze, and transmit pub-
23 lic health information.

24 (b) COVERED EQUIPMENT.—The communications
25 equipment and information technology described in this

1 subsection are communications equipment and informa-
2 tion technology that—

3 (1) are suitable for use under the particular
4 conditions of the geographic area of intended use;

5 (2) meet the standards set forth by the World
6 Health Organization and, as appropriate, the Sec-
7 retary of Health and Human Services, to ensure
8 interoperability with like equipment of other coun-
9 tries and international organizations; and

10 (3) are not defense articles, defense services, or
11 training, as those terms are defined in the Arms Ex-
12 port Control Act (22 U.S.C. 2751 et seq.).

13 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
14 tion shall be construed to exempt the exporting of goods
15 and technology from compliance with applicable provisions
16 of the Export Administration Act of 1979 (as in effect
17 pursuant to the International Emergency Economic Pow-
18 ers Act; 50 U.S.C. 1701 et seq.).

19 (d) **LIMITATION.**—Amounts appropriated to carry
20 out this section shall not be made available for the pur-
21 chase from a foreign country of communications equip-
22 ment or information technology that, if made in the
23 United States, would be subject to the Arms Export Con-
24 trol Act (22 U.S.C. 2751 et seq.) or likely be barred or
25 subject to special conditions under the Export Administra-

1 tion Act of 1979 (as in effect pursuant to the Inter-
2 national Emergency Economic Powers Act; 50 U.S.C.
3 1701 et seq.).

4 (e) **PROCUREMENT PREFERENCE.**—In the use of
5 grant funds under subsection (a), preference should be
6 given to the purchase of communications equipment and
7 information technology of United States manufacture. The
8 use of amounts appropriated to carry out this section shall
9 be subject to section 604 of the Foreign Assistance Act
10 of 1961 (22 U.S.C. 2354).

11 (f) **ASSISTANCE FOR STANDARDIZATION OF REPORT-**
12 **ING.**—The President is authorized to provide, on such
13 terms and conditions as the President may determine,
14 technical assistance and grant assistance to international
15 health organizations to facilitate standardization in the re-
16 porting of public health information between and among
17 developing countries and international health organiza-
18 tions.

19 (g) **COUNTRY COMMITMENTS.**—The assistance pro-
20 vided under this section for communications equipment
21 and information technology may be provided only if the
22 eligible developing country that receives such equipment
23 and technology agrees to provide the infrastructure, tech-
24 nical personnel, and other resources required to house,

1 maintain, support, secure, and maximize use of such
2 equipment and technology.

3 **SEC. 330. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**
4 **UNITED STATES MISSIONS AND INTER-**
5 **NATIONAL ORGANIZATIONS.**

6 (a) IN GENERAL.—Upon the request of the chief of
7 a diplomatic mission of the United States or of the head
8 of an international regional or international health organi-
9 zation, and with the concurrence of the Secretary of State
10 and of the employee concerned, the head of an agency or
11 department of the United States may assign to the mis-
12 sion or the organization any officer or employee of the
13 agency or department that occupies a public health posi-
14 tion within the agency or department for the purpose of
15 enhancing disease and pathogen surveillance efforts in de-
16 veloping countries.

17 (b) REIMBURSEMENT.—The costs incurred by an
18 agency or department of the United States by reason of
19 the detail of personnel under subsection (a) may be reim-
20 bursed to that agency or department out of the applicable
21 appropriations account of the Department of State if the
22 Secretary of State determines that the agency or depart-
23 ment may otherwise be unable to assign such personnel
24 on a non-reimbursable basis.

1 **SEC. 331. EXPANSION OF CERTAIN UNITED STATES GOV-**
2 **ERNMENT LABORATORIES ABROAD.**

3 (a) IN GENERAL.—Subject to the availability of ap-
4 propriations and with the concurrence of the government
5 of each host country, the Director of the Centers for Dis-
6 ease Control and Prevention and the Secretary of Defense
7 shall each—

8 (1) increase the number of personnel assigned
9 to laboratories of the Centers for Disease Control
10 and Prevention or the Department of Defense, as
11 appropriate, located in eligible developing countries
12 that conduct research and other activities with re-
13 spect to infectious diseases; and

14 (2) expand the operations of such laboratories,
15 especially with respect to the implementation of on-
16 site training of foreign nationals and activities af-
17 fecting the region in which the country is located.

18 (b) COOPERATION AND COORDINATION BETWEEN
19 LABORATORIES.—Subsection (a) shall be carried out in
20 such a manner as to foster cooperation and avoid dupli-
21 cation between and among laboratories.

1 **SEC. 332. ASSISTANCE FOR INTERNATIONAL HEALTH NET-**
2 **WORKS AND EXPANSION OF FIELD EPIDEMI-**
3 **LOGY TRAINING PROGRAMS.**

4 (a) **AUTHORITY.**—The President is authorized, on
5 such terms and conditions as the President may deter-
6 mine, to provide assistance for the purposes of—

7 (1) enhancing the surveillance and reporting ca-
8 pabilities of the World Health Organization and ex-
9 isting international regional and international health
10 networks; and

11 (2) developing new international regional and
12 international health networks.

13 (b) **EXPANSION OF FIELD EPIDEMIOLOGY TRAINING**
14 **PROGRAMS.**—The Secretary of Health and Human Serv-
15 ices is authorized to establish new country or regional
16 international Field Epidemiology Training Programs in el-
17 igible developing countries, with the concurrence of the
18 government of each host country.

19 **SEC. 333. REPORTS.**

20 Not later than 90 days after the date of enactment
21 of this Act, the Secretary of State, in conjunction with
22 the Secretary of Health and Human Services, the Sec-
23 retary of Defense, and the Secretary of Homeland Secu-
24 rity, shall submit to the Committee on Foreign Relations
25 and the Committee on Homeland Security and Govern-
26 mental Affairs of the Senate and the Committee on For-

1 eign Affairs and the Committee on Homeland Security of
2 the House of Representatives a report on the implementa-
3 tion of programs under this subtitle, including an estimate
4 of the level of funding required to carry out such pro-
5 grams.

6 **SEC. 334. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
8 to subsection (c), there are authorized to be appropriated
9 for the purpose of carrying out activities under this sub-
10 title the following amounts:

11 (1) \$40,000,000 for fiscal year 2010.

12 (2) \$75,000,000 for fiscal year 2011.

13 (b) AVAILABILITY OF FUNDS.—The amounts appro-
14 priated pursuant to subsection (a) are authorized to re-
15 main available until expended.

16 (c) LIMITATION ON OBLIGATION OF FUNDS.—Not
17 more than 10 percent of the amount appropriated pursu-
18 ant to subsection (a)(1) may be obligated before the date
19 on which a report is submitted, or required to be sub-
20 mitted, whichever first occurs, under section 333.

21 **TITLE IV—GOVERNMENT**

22 **ORGANIZATION**

23 **SEC. 401. INTELLIGENCE ON WEAPONS OF MASS DESTRUC-**
24 **TION.**

25 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Select Committee on Intelligence,
5 the Committee on Appropriations, the Com-
6 mittee on Armed Services, and the Committee
7 on Homeland Security and Governmental Af-
8 fairs of the Senate; and

9 (B) the Permanent Select Committee on
10 Intelligence, the Committee on Appropriations,
11 the Committee on Armed Services, and the
12 Committee on Homeland Security of the House
13 of Representatives.

14 (2) DIRECTOR.—The term “Director” means
15 the Director of National Intelligence.

16 (3) INTELLIGENCE COMMUNITY.—The term
17 “intelligence community” has the meaning given
18 that term in section 3 of the National Security Act
19 of 1947 (50 U.S.C. 401a).

20 (4) WEAPONS OF MASS DESTRUCTION.—The
21 term “weapons of mass destruction” means—

22 (A) any weapon that is designed, intended,
23 or has the capability to cause death, illness, or
24 serious bodily injury to a significant number of
25 persons through the release, dissemination, or

1 impact of toxic or poisonous chemicals or their
2 precursors;

3 (B) any weapon involving a biological
4 agent, toxin, or vector (as such terms are de-
5 fined in section 178 of title 18, United States
6 Code) that is designed, intended, or has the ca-
7 pability to cause death, illness, or serious bodily
8 injury to a significant number of persons; or

9 (C) any weapon that is designed, intended,
10 or has the capability to release radiation or ra-
11 dioactivity causing death, illness, or serious
12 bodily injury to a significant number of persons.

13 (b) STRATEGY FOR IMPROVING INTELLIGENCE CAPA-
14 BILITIES.—

15 (1) REQUIREMENT FOR STRATEGY.—Not later
16 than 120 days after the date of the enactment of
17 this Act, the Director shall develop, implement, and
18 submit to the appropriate committees of Congress a
19 strategy for improving the capabilities of the United
20 States for the collection, analysis, and dissemination
21 of intelligence related to weapons of mass destruc-
22 tion, including intelligence related to the relationship
23 between weapons of mass destruction and terrorism.

1 (2) ELEMENTS.—The strategy required by
2 paragraph (1) shall include a description of each of
3 the following:

4 (A) Methods for recruitment, training, and
5 retention of individuals with expertise in the
6 collection, analysis, and dissemination of intel-
7 ligence related to weapons of mass destruction,
8 including appropriate scientific and technical
9 expertise.

10 (B) Methods for collaboration, as appro-
11 priate, with individuals with expertise described
12 in subparagraph (A) who are employed by non-
13 governmental entities or who are foreign nation-
14 als.

15 (C) Analytic questions and gaps in infor-
16 mation related to intelligence on weapons of
17 mass destruction, including such intelligence
18 concerning state actors and nonstate actors,
19 such as smugglers, criminal enterprises, and
20 financiers, that will be used to guide intelligence
21 collection.

22 (D) Activities for the development of inno-
23 vative human and technical intelligence collec-
24 tion capabilities and techniques.

1 (E) Actions necessary to increase the effec-
2 tiveness and efficiency of the sharing of intel-
3 ligence on weapons of mass destruction
4 throughout the intelligence community, includ-
5 ing a description of statutory, regulatory, pol-
6 icy, technical, security, or other barriers that
7 prevent such sharing, and, as appropriate, the
8 development of uniform standards across the
9 intelligence community for such sharing.

10 (F) Actions necessary to identify and over-
11 come activities by a foreign government or per-
12 son to deny or deceive the intelligence commu-
13 nity concerning intelligence regarding weapons
14 of mass destruction.

15 (G) Specific objectives to be accomplished
16 during each year of the first 5-year period after
17 the strategy is submitted to the appropriate
18 committees of Congress and tasks to accomplish
19 such objectives, including—

20 (i) a list prioritizing such objectives
21 and tasks; and

22 (ii) a schedule for meeting such objec-
23 tives and carrying out such tasks.

1 (H) Assignments of roles and responsibil-
2 ities to elements of the intelligence community
3 to implement the strategy.

4 (I) The personnel, financial, and other re-
5 sources necessary to implement the strategy
6 and a plan for obtaining such resources.

7 (J) Metrics for measuring the effectiveness
8 and efficiency of the strategy.

9 (K) A schedule for assessment, review,
10 and, as appropriate, revision of the strategy.

11 (3) REQUIREMENT TO CONSULT.—In devel-
12 oping the strategy required by paragraph (1), the
13 Director shall consult with appropriate officials of
14 the United States including the Under Secretary of
15 Defense for Acquisition, Technology, and Logistics
16 and the Under Secretary for Science and Technology
17 of the Department of Homeland Security.

18 (4) FORM.—The strategy required by para-
19 graph (1) may be submitted in a classified form.

20 (c) REQUIREMENT FOR REPORTS.—

21 (1) IN GENERAL.—Not less frequently than
22 once during each 180-day period after the date of
23 the submission of the strategy required by sub-
24 section (b)(1) to the appropriate committees of Con-
25 gress, the Director shall submit to the appropriate

1 committees of Congress a report on the implementa-
2 tion of such strategy.

3 (2) CONTENT.—Each report required by para-
4 graph (1) shall include the following:

5 (A) An assessment of whether the objec-
6 tives and tasks referred to in subsection
7 (b)(2)(G) have been accomplished in accordance
8 with the proposed schedule.

9 (B) Data corresponding to the metrics re-
10 quired by subsection (b)(2)(J) for measuring
11 the effectiveness and efficiency of the strategy.

12 (C) An assessment of the actions of the
13 elements of the intelligence community to im-
14 plement the strategy.

15 (D) An assessment of whether the per-
16 sonnel, financial, and other resources available
17 are sufficient to implement the strategy.

18 (E) A description of any revisions to, or
19 plans to revise, any component of the strategy.

20 **SEC. 402. INTELLIGENCE COMMUNITY LANGUAGE CAPA-**
21 **BILITIES AND CULTURAL KNOWLEDGE.**

22 (a) DEFINITIONS.—In this section, the terms “appro-
23 priate committees of Congress”, “Director”, and “intel-
24 ligence community” have the meaning given such terms
25 in section 401.

1 (b) STRATEGY FOR IMPROVING LANGUAGE CAPA-
2 BILITIES AND CULTURAL KNOWLEDGE.—

3 (1) REQUIREMENT FOR STRATEGY.—Not later
4 than 180 days after the date of the enactment of
5 this Act, the Director shall develop, implement, and
6 submit to the appropriate committees of Congress a
7 strategy for improving the recruiting, training, and
8 retention of employees of the elements of the intel-
9 ligence community who possess critical language ca-
10 pabilities and cultural backgrounds relevant to coun-
11 tering terrorism, including individuals who are first
12 or second-generation United States citizens and
13 United States citizens with immediate relatives who
14 are foreign nationals.

15 (2) ELEMENTS.—The strategy required by
16 paragraph (1) shall include a description of each of
17 the following:

18 (A) The current and projected needs of the
19 intelligence community during 1-, 3-, 5-, and
20 10-year periods, beginning on the date the
21 strategy is submitted to the appropriate com-
22 mittees of Congress, for employees with critical
23 language capabilities and cultural backgrounds
24 relevant to countering terrorism.

1 (B) Actions necessary to recruit, train, and
2 retain employees with such capabilities or back-
3 grounds.

4 (C) Barriers to effective recruitment, train-
5 ing, and retention of employees with such capa-
6 bilities or backgrounds, including security clear-
7 ance processing, and actions necessary to over-
8 come such barriers.

9 (D) Specific objectives to be accomplished
10 during each year of the first 5-year period be-
11 ginning on the date that the strategy is sub-
12 mitted to the appropriate committees of Con-
13 gress and tasks to accomplish such objectives,
14 including—

15 (i) a list prioritizing such objectives
16 and tasks; and

17 (ii) a schedule for meeting such objec-
18 tives and carrying out such tasks.

19 (E) Assignments of roles and responsibil-
20 ities to elements of the intelligence community
21 to carry out the strategy.

22 (F) The personnel, financial, and other re-
23 sources necessary to implement the strategy,
24 and a plan for obtaining such resources.

1 (G) Metrics for measuring the effectiveness
2 and efficiency of the strategy.

3 (H) A schedule for assessment, review,
4 and, as appropriate, revision of the strategy.

5 (c) REQUIREMENT FOR REPORTS.—

6 (1) IN GENERAL.—Not less frequently than
7 once during each 180-day period after the date of
8 the submission of the strategy required by sub-
9 section (b)(1) to the appropriate committees of Con-
10 gress, the Director shall submit to the appropriate
11 committees of Congress a report on the implementa-
12 tion of such strategy.

13 (2) CONTENT.—Each report required by para-
14 graph (1) shall include the following:

15 (A) An assessment of whether the objec-
16 tives referred to in subsection (b)(2)(D) have
17 been accomplished in accordance with the pro-
18 posed schedule.

19 (B) Data corresponding to the metrics re-
20 quired by subsection (b)(2)(G) for measuring
21 the effectiveness and efficiency of the strategy.

22 (C) An assessment of the actions by the
23 elements of the intelligence community to im-
24 plement the strategy.

1 (D) An assessment of whether the per-
2 sonnel, financial, and other resources available
3 are sufficient to implement the strategy.

4 (E) A description of any revisions to, or
5 plans to revise, any component of the strategy.

6 **SEC. 403. COUNTERTERRORISM TECHNOLOGY ASSESS-**
7 **MENTS.**

8 (a) AGENCY DEFINED.—In this section, the term
9 “agency” means any department, agency, or instrumen-
10 tality of the executive branch of the Government.

11 (b) REQUIREMENT FOR INTERDISCIPLINARY CAPA-
12 BILITY OF THE CONGRESSIONAL RESEARCH SERVICE.—

13 (1) IN GENERAL.—The Director of the Con-
14 gressional Research Service shall establish an inter-
15 disciplinary capability to further the Congressional
16 Research Service’s responsibilities to advise Con-
17 gress pursuant to section 203(d) of the Legislative
18 Reorganization Act of 1946 (2 U.S.C. 166(d)) con-
19 cerning technology or technological applications de-
20 veloped or used for countering terrorism.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to implement
23 this subsection the following amounts:

24 (A) For fiscal year 2011, \$1,500,000.

25 (B) For fiscal year 2012, \$3,000,000.

1 (C) For fiscal year 2013, \$4,500,000.

2 (D) For fiscal year 2014, \$6,000,000.

3 (E) For fiscal year 2015 and for each fis-
4 cal year thereafter, \$7,500,000.

5 (c) ASSESSMENTS OF AVAILABLE TECHNOLOGY.—

6 (1) REQUIREMENT FOR ASSESSMENTS.—Pursu-
7 ant to section 717 of title 31, United States Code,
8 the Comptroller General of the United States shall
9 conduct assessments of technology or technological
10 applications that are—

11 (A) being developed or used or are avail-
12 able to be used for countering terrorism by a
13 program or activity that is carried out by an
14 agency; or

15 (B) proposed to be developed or used or
16 are potentially available to be used pursuant
17 to—

18 (i) a legislative proposal under consid-
19 eration by a committee of the Senate or
20 the House of Representatives; or

21 (ii) a recommendation submitted to
22 Congress by the President or an agency.

23 (2) SCOPE OF ASSESSMENT.—Each assessment
24 of a technology or technological application carried
25 out under paragraph (1) shall evaluate the actual or

1 anticipated impact, effectiveness, or efficiency of the
2 technology or technological application for coun-
3 tering terrorism, including evaluating—

4 (A) any test results related to the tech-
5 nology or technological application;

6 (B) any alternatives to the technology or
7 technological application;

8 (C) the actual or anticipated operational
9 requirements of the technology or technological
10 application, including the logistical needs, per-
11 sonnel training, and procedures for utilizing the
12 technology or technological application;

13 (D) the actual or anticipated costs, as
14 compared to the actual or anticipated benefits
15 of the technology or technological application;

16 (E) any actual or anticipated counter-
17 measures to the technology or technological ap-
18 plication by terrorists; and

19 (F) technology assessments or related re-
20 ports prepared by or for an agency for the tech-
21 nology or technological application.

22 (3) TECHNOLOGY ASSESSMENT CAPABILITY.—

23 (A) REQUIREMENT TO ESTABLISH.—The
24 Comptroller General of the United States shall
25 establish an interdisciplinary capability to per-

1 form the assessments required by paragraph (1)
2 that includes officers and employees who have
3 expertise in science, engineering, technology,
4 homeland security, counterterrorism, or other
5 fields that the Comptroller General considers
6 appropriate to conduct such assessments.

7 (B) APPOINTMENT AND PROCUREMENT.—
8 The Comptroller General shall appoint, pay,
9 and assign officers and employees pursuant to
10 subsection (a) of section 731 of title 31, United
11 States Code, and may procure the services or
12 assistance of experts and consultants pursuant
13 to subsection (e) of such section, in order to ac-
14 quire the expertise in science, technology, or
15 other fields necessary to conduct the assess-
16 ments required by paragraph (1).

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to implement
19 this subsection the following amounts:

20 (A) For fiscal year 2011, \$2,000,000.

21 (B) For fiscal year 2012, \$5,000,000.

22 (C) For fiscal year 2013, \$8,000,000.

23 (D) For fiscal year 2014, \$12,000,000.

24 (E) For fiscal year 2015 and for each fis-
25 cal year thereafter, \$15,000,000.

1 (d) ASSESSMENTS OF FUTURE TECHNOLOGY.—

2 (1) REQUIREMENT FOR ASSESSMENTS.—The
3 Comptroller General of the United States shall, as
4 appropriate, enter into arrangements with the Na-
5 tional Academy of Sciences to assess technology and
6 technological applications that are being developed
7 or could be developed for purposes of countering ter-
8 rorism.

9 (2) SCOPE OF ASSESSMENTS.—Each assess-
10 ment carried out under paragraph (1) shall in-
11 clude—

12 (A) determining trends related to the de-
13 velopment of technology or technological appli-
14 cations and their implications for countering
15 terrorism;

16 (B) identifying particular technology or
17 technological applications that potentially may
18 become available or are necessary for coun-
19 tering terrorism; and

20 (C) recommending investments to be made
21 by an agency in the development of particular
22 technology or technological applications.

23 (3) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to implement
25 this subsection the following amounts:

- 1 (A) For fiscal year 2011, \$1,000,000.
2 (B) For fiscal year 2012, \$2,000,000.
3 (C) For fiscal year 2013, \$3,000,000.
4 (D) For fiscal year 2014, \$4,000,000.
5 (E) For fiscal year 2015 and for each fis-
6 cal year thereafter, \$5,000,000.

7 **SEC. 404. [UNITED STATES COORDINATOR FOR THE PRE-**
8 **VENTION OF WEAPONS OF MASS DESTRUC-**
9 **TION PROLIFERATION AND TERRORISM].**

10 **[TBD]**

11 **TITLE V—EMERGENCY MANAGE-**
12 **MENT AND CITIZEN ENGAGE-**
13 **MENT**

14 **SEC. 501. COMMUNICATION OF THREAT INFORMATION AND**
15 **ALERTS.**

16 (a) **FINDING.**—Congress finds that the Commission
17 on the Prevention of Weapons of Mass Destruction Pro-
18 liferation and Terrorism recommended that “the Federal
19 Government should practice greater openness of public in-
20 formation so that citizens better understand the threat
21 and the risk this threat poses to them.”.

22 (b) **TERRORISM THREAT AWARENESS.**—Section 203
23 of the Homeland Security Act of 2002 (6 U.S.C. 124) is
24 amended by adding at the end the following:

25 “(c) **TERRORISM THREAT AWARENESS.**—

1 “(1) TERRORISM THREAT AWARENESS.—The
2 Secretary, in coordination with the Director of the
3 Federal Bureau of Investigation, shall ensure that
4 information concerning terrorist threats is available
5 to the general public within the United States.

6 “(2) THREAT BULLETINS.—

7 “(A) IN GENERAL.—Consistent with the
8 requirements of subsection (b), the Secretary
9 shall on a timely basis prepare unclassified ter-
10 rorism-related threat and risk assessments.

11 “(B) REQUIREMENTS.—Each assessment
12 required under subparagraph (A) shall—

13 “(i) include guidance to the general
14 public for preventing and responding to
15 acts of terrorism; and

16 “(ii) be made available on the website
17 of the Department and other publicly ac-
18 cessible websites, communication systems,
19 and information networks.

20 “(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL
21 GOVERNMENTS.—The Secretary shall provide to
22 State, local, and tribal governments written guidance
23 on how to disseminate information about terrorism-
24 related threats and risks to the general public within
25 their jurisdictions.

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

6 (c) 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 general public, in order to as-
12 sist in deterring, preventing, or responding to acts of ter-
13 rorism against the United States.”.

14 (d) REPORTING REQUIREMENT.—Not later than 180
15 days after the date of enactment of this Act, the Secretary
16 of Homeland Security shall submit to the Committee on
17 Homeland Security and Governmental Affairs of the Sen-
18 ate and the Committee on Homeland Security of the
19 House of Representatives a report on the implementation
20 of section 203 of the Homeland Security Act of 2002, as
21 amended by subsection (b).

1 **SEC. 502. GUIDELINES CONCERNING WEAPONS OF MASS**
2 **DESTRUCTION.**

3 (a) ESTABLISHMENT OF GUIDELINES.—Not later
4 than 1 year after the date of enactment of this Act, the
5 Secretary of Homeland Security shall—

6 (1) develop guidelines, in coordination with
7 State, local, and tribal governments and representa-
8 tives of emergency response provider organizations,
9 for police, fire, emergency medical services, emer-
10 gency management, and public health personnel, for
11 responding to an explosion or release of nuclear, bio-
12 logical, radiological, or chemical material; and

13 (2) make the guidelines developed under para-
14 graph (1) available to State, local, and tribal govern-
15 ments, nongovernmental organizations, and the pri-
16 vate sector.

17 (b) CONTENTS.—The guidelines developed under sub-
18 section (a)(1) shall contain, at a minimum—

19 (1) protective action guidelines for ensuring the
20 health and safety of emergency response providers;

21 (2) information regarding the effects of the bio-
22 logical, chemical, or radiological agent on those ex-
23 posed to the agent; and

24 (3) information regarding how emergency re-
25 sponse providers and mass care facilities may most
26 effectively deal with individuals affected by an inci-

1 dent involving a nuclear, biological, radiological, or
2 chemical material.

3 (c) REVIEW AND REVISION OF GUIDELINES.—The
4 Secretary of Homeland Security shall—

5 (1) not less frequently than every 2 years, re-
6 view the guidelines developed under subsection
7 (a)(1);

8 (2) make revisions to the guidelines as appro-
9 priate; and

10 (3) make the revised guidelines available to
11 State, local, and tribal governments, nongovern-
12 mental organizations, the private sector, and the
13 general public.

14 (d) PROCEDURES FOR DEVELOPING AND REVISING
15 GUIDELINES.—In carrying out the requirements of this
16 section, the Secretary of Homeland Security shall estab-
17 lish procedures—

18 (1) to inventory any existing relevant hazardous
19 material response guidelines;

20 (2) to enable the public to submit recommenda-
21 tions of areas for which guidelines could be devel-
22 oped under subsection (a)(1);

23 (3) to determine which entities should be con-
24 sulted in developing or revising the guidelines;

1 (4) to prioritize, on a regular basis, guidelines
2 that should be developed or revised; and

3 (5) to develop and disseminate the guidelines in
4 accordance with the prioritization under paragraph
5 (4).

6 (e) CONSULTATIONS.—The Secretary of Homeland
7 Security shall develop and revise the guidelines developed
8 under subsection (a)(1), and the procedures required
9 under subsection (d), in consultation with—

10 (1) the Secretary of Energy;

11 (2) the Secretary of Health and Human Serv-
12 ices;

13 (3) other Federal departments and agencies, as
14 appropriate;

15 (4) the National Advisory Council established
16 under section 508 of the Homeland Security Act of
17 2002 (6 U.S.C. 318);

18 (5) State, local, and tribal governments; and

19 (6) nongovernmental organizations and private
20 industry.

21 (f) REPORTING REQUIREMENTS.—Not later than
22 180 days after the date of enactment of this Act, 1 year
23 after such date of enactment, and annually thereafter, the
24 Secretary of Homeland Security shall provide the Com-
25 mittee on Homeland Security and Governmental Affairs

1 of the Senate and the Committee on Homeland Security
2 of the House of Representatives with—

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

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

7 (3) a list of entities that to which the guidelines
8 described in paragraph (2) were disseminated;

9 (4) a plan for reviewing the guidelines described
10 in paragraph (2), in accordance with subsection (e);

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

15 (6) a plan for developing, revising, and dissemi-
16 nating the guidelines.

17 (g) DEFINITION.—In this section, the term “emer-
18 gency response provider” has the meaning given that term
19 in section 2 of the Homeland Security Act of 2002 (6
20 U.S.C. 101).

21 **SEC. 503. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

22 (a) INDIVIDUAL AND COMMUNITY PREPAREDNESS.—
23 Title V of the Homeland Security Act of 2002 (6 U.S.C.
24 311 et seq.), as amended by section 221, is amended by
25 adding at the end the following:

1 **“SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

2 “(a) IN GENERAL.—The Administrator shall assist
3 State, local, and tribal governments in improving and pro-
4 moting individual and community preparedness for nat-
5 ural disasters, acts of terrorism, and other man-made dis-
6 asters, including incidents involving the use of weapons
7 of mass destruction and other potentially catastrophic
8 events, by—

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

14 “(2) disseminating the guidelines developed
15 under section 502 of the Weapons of Mass Destruc-
16 tion Prevention and Preparedness Act of 2009 to
17 communities and individuals, as appropriate;

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

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

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

1 “(6) such other actions as the Administrator
2 determines appropriate.

3 “(b) COORDINATION.—Where appropriate, the Ad-
4 ministrator shall coordinate with private sector and non-
5 governmental organizations to promote individual and
6 community preparedness.

7 “(c) SUPPORT FOR VOLUNTARY PROGRAMS.—In car-
8 rying out the responsibilities described in subsection (a),
9 the Administrator shall, where appropriate, work with and
10 provide support to individual and community preparedness
11 programs, such as the Community Emergency Response
12 Team Program, Fire Corps, Medical Reserve Corps Pro-
13 gram, Volunteers in Police Service, USAonWatch-Neigh-
14 borhood Watch, and other voluntary programs.

15 “(d) DIRECTOR.—The Administrator shall appoint a
16 Director of Community Preparedness to coordinate and
17 oversee the individual and community preparedness efforts
18 of the Agency.

19 “(e) GRANTS.—

20 “(1) IN GENERAL.—The Administrator may
21 make grants to States to support individual and
22 community preparedness efforts, including through
23 the Citizen Corps Program.

24 “(2) APPROPRIATIONS.—There are authorized
25 to be appropriated for grants under this section—

1 “(A) \$15,000,000 for fiscal year 2010;
2 “(B) \$20,000,000 for fiscal year 2011;
3 “(C) \$25,000,000 for fiscal year 2012;
4 “(D) \$30,000,000 for fiscal year 2013;
5 “(E) \$35,000,000 for fiscal year 2014; and
6 “(F) \$40,000,000 for fiscal year 2015.”.

7 (b) ENHANCING PREPAREDNESS.—Section 504(a) of
8 the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is
9 amended—

10 (1) by redesignating paragraphs (20) and (21)
11 as paragraphs (21) and (22), respectively; and

12 (2) by inserting after paragraph (19) the fol-
13 lowing:

14 “(20) enhancing and promoting the prepared-
15 ness of individuals and communities for natural dis-
16 asters, acts of terrorism, and other man-made disas-
17 ters;”.

18 (c) TABLE OF CONTENTS.—The table of contents in
19 section 1(b) of the Homeland Security Act of 2002 (6
20 U.S.C. 101 et seq.), as amended by section 221, is amend-
21 ed by inserting after the item relating to section 525 the
22 following:

“Sec. 526. Individual and community preparedness.”.