

**THE WEAPONS OF MASS DESTRUCTION (WMD)
PREVENTION AND PREPAREDNESS ACT OF 2009
SECTION-BY-SECTION**

TITLE I: ENHANCED BIOSECURITY

This title enhances the government’s oversight of laboratories by requiring DHS to issue security regulations focused on laboratories working with the most dangerous pathogens – thus ensuring that security requirements are commensurate with the risks that those pathogens pose.

Sect. 101: Designation of Tier I Agents

This section directs the HHS Secretary to establish a Tier I designation for pathogens that have significant potential to be used effectively in a biological attack. Tier 1 agents reflect the most dangerous subset of the current Select Agent Program classification and have clear biological weapon potential. Pathogens are automatically designated as Tier I if the DHS Secretary has issued a Material Threat Determination for them, unless the HHS Secretary in coordination with the DHS Secretary determine otherwise. Finally, this section directs the Secretary of Agriculture to establish a Tier I designation for those pathogens affecting agriculture consistent with those measures described for pathogens affecting human health.

Sect. 102: Enhanced Biosecurity Measures

This section directs the DHS Secretary to establish biosecurity standards for laboratories handling Tier I pathogens through a “negotiated rule-making” process that includes research institutions and other key stakeholders. Such standards shall cover topics including personnel reliability, staff training, and risk assessments and shall be designed to minimize disincentives to biological research. The HHS and USDA Secretaries are directed to amend their regulations enforcing the Select Agent Program in order to avoid any overlap or conflict with the security regulations promulgated by the DHS Secretary under this section. To minimize the administrative burden on laboratories handling Tier I agents, this section requires (1) that DHS and HHS shall simultaneously inspect laboratories handling public health Tier I pathogens and that DHS and USDA shall simultaneously inspect laboratories handling agricultural Tier I pathogens, to the extent practicable, and (2) that such simultaneous inspections be conducted under a common set of procedures across the relevant departments.

Sect. 103: Laboratory and Facility Registration and Database

This section requires the HHS Secretary, in coordination with the DHS and USDA Secretaries, to mandate the registration of laboratories that have technology or work on pathogens that have sufficient potential to pose a threat to public health and safety or to animal or plant health but for which the potential to be used effectively in a biological attack has not been clearly established. The registration is intended to provide awareness as to their location and facilitate the distribution of biosafety and biosecurity best practices. This section also directs the HHS and USDA Secretaries to review pathogens currently designated as part of the Select Agent Program to determine if they more accurately belong in this new registry category.

Sect. 104: Background Checks

This section directs the Attorney General to consult with the DHS Secretary in considering whether individuals having or applying for access to selected pathogens should be restricted because they have knowing involvement with a terrorist organization.

Sect. 105: Biological Laboratory Protection

This section permits the DHS Secretary to award \$50 million in grants for each fiscal year 2010-2013 to academic and nonprofit organizations to improve security at laboratories that handle Tier I pathogens. It also directs DHS to encourage laboratories currently handling agents listed under the Select Agent Program to undergo voluntary DHS vulnerability assessments.

Sect. 106: Biosecurity Information Sharing

This section directs the DHS Secretary to ensure that State, local, and tribal governments have access to relevant safety and security information concerning registered biological laboratories in their jurisdictions consistent with classified or sensitive information provisions and privacy laws.

TITLE II: RESPONSE TO A WEAPON OF MASS DESTRUCTION ATTACK

This title enhances the nation's capabilities for rapid response to prevent WMD attacks from inflicting mass casualties by providing critical protective information to people in the vicinity of an attack and dispensing life-saving medications into victims' hands. This title also advances the government's bioforensic capabilities to apprehend attackers and to prevent follow-on attacks.

Subtitle A: Ensuring Access to Medical Countermeasures During Emergencies

Sect. 201: National Medical Countermeasures Dispensing Strategy

This section requires the HHS Secretary, in coordination with the DHS Secretary and the Postmaster General, to develop a National Medical Countermeasure (MCM) Dispensing Strategy. This strategy shall describe federal agencies' roles generally and assistance to State, local, and tribal governments for MCM dispensing.

Sect. 202: Tailoring of the National Medical Countermeasure Dispensing Strategy

This section requires tailoring the National MCM Dispensing Strategy to individual metropolitan areas and localities. In addition, the DHS Secretary shall review State, local, and tribal governments' abilities to dispense MCMs including transportation and security.

Sect. 203: Expansion in the Use of the U.S. Postal Service to Deliver Medical Countermeasures

This section expands the program for using the Postal Service to deliver MCMs to five additional cities within one year and fifteen additional cities within two years.

Sect. 204: Dispensing Medical Countermeasures Through Employers

This section directs federal agencies to develop plans to dispense MCMs to their employees and to create best practices for MCM dispensing among private-sector entities.

Sect. 205: Personal “Medkits” for Emergency Response Providers

This section creates a program to provide personal medical kits to emergency response providers and members of their families.

Sect. 206: General Public “Medkit” Pilot Program

This section creates a study of the feasibility of providing personal medkits to the public.

Subtitle B: Bioforensics Capabilities and Strategy

Sect. 211: Bioforensics Capabilities and Strategy

This section authorizes a National Bioforensics Analysis Center and a repository collection at DHS as the lead federal facility to conduct technical forensic analysis following a bioattack in order to determine “attribution” (*i.e.*, to identify the perpetrators). It directs federal agencies to participate in the repository and to encourage participation by public and private pathogen collections. Finally, this section directs the DHS Secretary to develop a National Bioforensics Strategy laying out federal agencies’ roles in analyzing bioforensic evidence, coordination with State, local, and tribal governments, and development of collection standards.

Subtitle C: Communications Planning

Sect. 221: Communications Planning

This section directs the DHS Secretary acting through the FEMA Administrator, in consultation with State, local, and tribal officials, to develop prescribed messages and message templates to provide information to affected populations after natural disasters, acts of terrorism, and other man-made disasters.

Sect. 222: Plume Modeling

This section directs the DHS Secretary to develop a strategy for rapidly creating plume models in order to develop and disseminate citizen protective action guidance following a nuclear, radiological, chemical, or biological explosion or release.

TITLE III: INTERNATIONAL MEASURES TO PREVENT BIOLOGICAL TERRORISM

This title strengthens efforts to prevent international biological weapons proliferation and terrorism. It promotes partnerships with foreign countries to advance their biosecurity efforts and includes provisions to improve global surveillance of dangerous pathogens.

Subtitle A: Prevention and Protection Against International Biological Threats

Sect. 301: International Threat Assessment: Tier I Pathogen Facilities

This section requires that the DNI lead a review of international biosecurity threats. The review shall assess risks by region and country based on the location and security levels of facilities handling Tier I pathogens.

Sect. 302: Strengthening International Biosecurity

This section directs the Secretary of State to provide technical assistance to countries or regions identified by the threat assessment mandated by Section 301 in removing, consolidating, and otherwise improving security for Tier I pathogen collections. The section further directs the Secretary to raise awareness of biological threats internationally, provide physical and other security upgrades to high-risk laboratories, and train countries in biosecurity best practices.

Sect. 303: Promoting Secure Biotechnology Advancement

This section directs the Secretary of State to develop a strategy for promoting international adherence to agreements regarding WMD including the Biological Weapons Convention and World Health Organization International Health regulations. The section also directs the Secretary to work with public and private entities across the international community to promote international biosecurity.

Subtitle B: Global Pathogen Surveillance

Sects. 321-4: Short Title; Findings and Purpose; Definitions; Eligibility for Assistance

The short title for this subtitle is the “Global Pathogen Surveillance Act of 2009.” This section also sets forth the eligibility requirements for assistance under this subtitle.

Sect. 325: Restriction

This section limits the access to selected pathogens by foreign nationals participating in programs created by the subtitle.

Sect. 326: Fellowship Program

This section establishes a fellowship program for foreign nationals in public health and bioterrorism fields provided that the individuals agree to work in public health or public health-related positions in their home countries for 4 years.

Sect. 327: In-Country Training in Laboratory Techniques and Disease and Syndrome Surveillance

This section directs the Secretary of State to develop short training courses in foreign locales on tracking and identifying pathogens responsible for infectious diseases.

Sect. 328: Assistance for the Purchase and Maintenance of Public Health Laboratory Equipment and Supplies

This section authorizes the President to assist eligible developing countries, as defined in Section 323, in purchasing and maintaining public health laboratory supplies and equipment.

Sect. 329: Assistance for Improved Communication of Public Health Information

This section authorizes the President to assist eligible developing countries, as defined in Section 323, in purchasing and maintaining communications and information technology necessary to collect, analyze, and transmit public health information.

Sect. 330: Assignment of Public Health Personnel to United States Missions and International Organizations

This section authorizes an agency head to assign an employee, with the employee's and the Secretary of State's concurrence, to a diplomatic mission or international health organization in order to enhance disease or pathogen surveillance in developing countries.

Sect. 331: Expansion of Certain United States Government Laboratories Abroad

This section permits the Director of the Centers for Disease Control and Prevention and the Secretary of Defense to expand certain laboratories in eligible developing countries, as defined in Section 323.

Sect. 332: Assistance for International Health Networks and Expansion of Field Epidemiology Training Programs

This section authorizes the President to assist the enhancement of the surveillance and reporting capabilities of the World Health Organization and other international health networks and to establish new international health networks. The section further authorizes the HHS Secretary to establish new international Field Epidemiology Training Programs in eligible developing countries, as defined in Section 323.

Sects. 333-4: Reports

These sections direct the Secretary of State to report to Congress on implementation and authorize appropriations to carry out activities under this subtitle.

TITLE IV: GOVERNMENT ORGANIZATION

This title improves U.S. Intelligence capabilities concerning WMD and terrorism. In addition, this title strengthens the science and technical capabilities available to Congress for assessing counterterrorism technology under legislative consideration.

Sect. 401: Intelligence on Weapons of Mass Destruction

This section requires the DNI to develop a strategy for improving intelligence capabilities concerning WMD. This strategy shall include hiring scientists, collaborating with

nongovernmental experts, developing innovative collection techniques against countries and transnational actors such as criminal enterprises, and improving information-sharing.

Sect. 402: Intelligence Language Capabilities and Cultural Knowledge

This section requires the DNI to develop a strategy for recruiting employees with critical language skills and cultural backgrounds relevant to counterterrorism based on predicted needs over a ten-year time horizon.

Sect. 403: Counterterrorism Technology Assessment

This section strengthens the science and technical capabilities of the Congressional Research Service and the Government Accountability Office for providing Congress with assessments of counterterrorism technology in order to inform Congress's consideration of legislative proposals on such matters.

TITLE V: EMERGENCY MANAGEMENT AND CITIZEN ENGAGEMENT

This title improves domestic preparedness by requiring the provision of terrorism-related threat information to the public, the development of guidelines for State, local, and tribal governments and other entities to respond to a WMD attack, and the improvement of individual and community preparedness.

Sect. 501: Improved Communications of Threat Information and Alerts

This section requires the DHS Secretary, in coordination with the FBI Director, to provide terrorism-related threat and risk assessments to the public.

Sect. 502: Guidelines Concerning Weapons of Mass Destruction

This section requires the DHS Secretary to develop guidelines for State, local, and tribal governments, nongovernmental organizations, and the private sector for responding to a WMD attack. The Secretary is also required to establish a process for inventorying and updated existing guidelines and identifying new guidelines needed.

Sect. 503: Citizen and Community Preparedness

This section requires the FEMA Administrator to assist State, local, and tribal governments in promoting individuals' and communities' preparedness for natural disasters, acts of terrorism, and other man-made disasters. Such assistance shall include developing guidelines, compiling best practices, and providing training materials. This section also requires the Administrator to appoint a Director of Community Preparedness to oversee the Agency's activities in this area. Finally, this section permits the Administrator to make grants to States to support individual and community preparedness and authorizes a graduated level of funding for such grants – from \$15 million in FY 2010 to \$40 million in FY 2015.