

109TH CONGRESS
2^D SESSION

H. R. 5028

To amend the Public Health Service Act to improve and expedite the assessment and determination of chemical, biological, radiological and nuclear material threats by the Secretary of Homeland Security under the Project BioShield program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2006

Mr. LINDER (for himself, Mr. LANGEVIN, Mr. MCCAUL of Texas, Mr. SHAYS, Mr. SIMMONS, Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. DENT, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to improve and expedite the assessment and determination of chemical, biological, radiological and nuclear material threats by the Secretary of Homeland Security under the Project BioShield program.

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.**

4 This Act may be cited as the “Project Bioshield Ma-
5 terial Threats Act of 2006”.

1 **SEC. 2. BIOSHIELD PROGRAM; MODIFICATIONS REGARD-**
2 **ING MATERIAL THREATS.**

3 (a) IN GENERAL.—Section 319F–2(c)(2)(A) of the
4 Public Health Service Act (42 U.S.C. 247d–6b(c)(2)(A))
5 is amended—

6 (1) by redesignating clauses (i) and (ii) as sub-
7 clauses (I) and (II), respectively;

8 (2) by moving each of such subclauses two ems
9 to the right;

10 (3) by striking “(A) MATERIAL THREAT.—The
11 Homeland Security Secretary” and inserting the fol-
12 lowing:

13 “(A) MATERIAL THREAT.—

14 “(i) IN GENERAL.—The Homeland
15 Security Secretary”; and

16 (4) by adding at the end the following clauses:

17 “(ii) USE OF EXISTING RISK ASSESS-
18 MENTS.—For the purpose of satisfying the
19 requirements of clause (i) as expeditiously
20 as possible, the Homeland Security Sec-
21 retary shall, as practicable, utilize existing
22 risk assessments that such Secretary con-
23 siderers credible.

24 “(iii) ORDER OF ASSESSMENTS.—

25 “(I) GROUPINGS TO FACILITATE
26 ASSESSMENT OF COUNTER-

1 MEASURES.—In conducting threat as-
2 sements and determinations under
3 clause (i) of chemical, biological, radi-
4 ological, and nuclear agents, the
5 Homeland Security Secretary shall, to
6 the extent practicable and appro-
7 priate, consider the completion of such
8 assessments and determinations for
9 groups of agents toward the goal of
10 facilitating the assessment of counter-
11 measures under paragraph (3) by the
12 Secretary of Health and Human Serv-
13 ices.

14 “(II) CATEGORIES OF COUNTER-
15 MEASURES.—The grouping of agents
16 under subclause (I) by the Homeland
17 Security Secretary shall be designed
18 to facilitate assessments under para-
19 graph (3) by the Secretary of Health
20 and Human Services regarding the
21 following two categories of counter-
22 measures:

23 “(aa) Countermeasures that
24 may address more than one

1 agent identified under clause
2 (i)(II).

3 “(bb) Countermeasures that
4 may address adverse health con-
5 sequences that are common to
6 exposure to different agents.

7 “(III) RULE OF CONSTRUC-
8 TION.—A particular grouping of
9 agents pursuant to subclause (II) is
10 not required under such subclause to
11 facilitate assessments of both cat-
12 egories of countermeasures described
13 in such subclause. A grouping may
14 concern one category and not the
15 other.

16 “(iv) TIME FRAME FOR COMPLETION
17 OF CERTAIN NATIONAL-SECURITY DETER-
18 MINATIONS.—With respect to chemical, bi-
19 ological, radiological, and nuclear agents
20 known to the Homeland Security Secretary
21 as of the day before the date of the enact-
22 ment of the Project Bioshield Material
23 Threats Act of 2006, and which such Sec-
24 retary considers to be capable of signifi-
25 cantly affecting national security, such

1 Secretary shall complete the determina-
2 tions under clause (i)(II) not later than
3 December 31, 2007.

4 “(v) DEFINITION.—For purposes of
5 this subparagraph, the term ‘risk assess-
6 ment’ means a scientific, technically-based
7 analysis of agents that incorporates threat,
8 vulnerability, and consequence informa-
9 tion.”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 510(d) of the Homeland Security Act of 2002 (6 U.S.C.
12 320(d)) is amended—

13 (1) in paragraph (1), by striking “2006,” and
14 inserting “2009,”; and

15 (2) by adding at the end the following:

16 “(3) ADDITIONAL AUTHORIZATION OF APPRO-
17 PRIATIONS REGARDING CERTAIN THREAT ASSESS-
18 MENTS.—For the purpose of providing an additional
19 amount to the Secretary to assist the Secretary in
20 meeting the requirements of clause (iv) of section
21 319F–2(c)(2)(A) of the Public Health Service Act
22 (relating to time frames), there are authorized to be
23 appropriated such sums as may be necessary for fis-
24 cal year 2007, in addition to the authorization of ap-
25 propriations established in paragraph (1). The pur-

1 poses for which such additional amount may be ex-
2 pended include conducting risk assessments regard-
3 ing clause (i)(II) of such section when there are no
4 existing risk assessments that the Secretary con-
5 siders credible.”.

○