

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**H. R. 3263**

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a medical countermeasures program, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PORTMAN

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS Medical Counter-

5 measures Act”.

6 **SEC. 2. MEDICAL COUNTERMEASURES PROGRAM.**

7 (a) IN GENERAL.—Subtitle C of title XIX of the

8 Homeland Security Act of 2002 (6 U.S.C. 597) is amend-

9 ed by adding at the end the following:

1 **“SEC. 1932. MEDICAL COUNTERMEASURES.**

2 “(a) IN GENERAL.—Subject to the availability of ap-  
3 propriations, the Secretary shall, as appropriate, establish  
4 a medical countermeasures program within the compo-  
5 nents of the Department to—

6 “(1) facilitate personnel readiness and protec-  
7 tion for the employees and working animals of the  
8 Department in the event of a chemical, biological,  
9 radiological, nuclear, or explosives attack, naturally  
10 occurring disease outbreak, other event impacting  
11 health, or pandemic; and

12 “(2) support the mission continuity of the De-  
13 partment.

14 “(b) OVERSIGHT.—The Secretary, acting through the  
15 Chief Medical Officer of the Department, shall—

16 “(1) provide programmatic oversight of the  
17 medical countermeasures program established under  
18 subsection (a); and

19 “(2) develop standards for—

20 “(A) medical countermeasure storage, se-  
21 curity, dispensing, and documentation;

22 “(B) maintaining a stockpile of medical  
23 countermeasures, including antibiotics,  
24 antivirals, antidotes, therapeutics, and radio-  
25 logical countermeasures, as appropriate;

1           “(C) ensuring adequate partnerships with  
2           manufacturers and executive agencies that en-  
3           able advance prepositioning by vendors of in-  
4           ventories of appropriate medical counter-  
5           measures in strategic locations nationwide,  
6           based on risk and employee density, in accord-  
7           ance with applicable Federal statutes and regu-  
8           lations;

9           “(D) providing oversight and guidance re-  
10          garding the dispensing of stockpiled medical  
11          countermeasures;

12          “(E) ensuring rapid deployment and dis-  
13          pensing of medical countermeasures in a chem-  
14          ical, biological, radiological, nuclear, or explo-  
15          sives attack, naturally occurring disease out-  
16          break, other event impacting health, or pan-  
17          demic;

18          “(F) providing training to employees of the  
19          Department on medical countermeasures; and

20          “(G) supporting dispensing exercises.

21          “(c)   MEDICAL   COUNTERMEASURES   WORKING  
22   GROUP.—The Secretary, acting through the Chief Medical  
23   Officer of the Department, shall establish a medical coun-  
24   termeasures working group comprised of representatives  
25   from appropriate components and offices of the Depart-

1 ment to ensure that medical countermeasures standards  
2 are maintained and guidance is consistent.

3 “(d) MEDICAL COUNTERMEASURES MANAGE-  
4 MENT.—Not later than 120 days after the date on which  
5 appropriations are made available to carry out subsection  
6 (a), the Chief Medical Officer shall develop and submit  
7 to the Secretary an integrated logistics support plan for  
8 medical countermeasures, including—

9 “(1) a methodology for determining the ideal  
10 types and quantities of medical countermeasures to  
11 stockpile and how frequently such methodology shall  
12 be reevaluated;

13 “(2) a replenishment plan; and

14 “(3) inventory tracking, reporting, and rec-  
15 onciliation procedures for existing stockpiles and  
16 new medical countermeasure purchases.

17 “(e) TRANSFER.—Not later than 120 days after the  
18 date of enactment of this section, the Secretary shall  
19 transfer all medical countermeasures-related pro-  
20 grammatic and personnel resources from the Under Sec-  
21 retary for Management to the Chief Medical Officer.

22 “(f) STOCKPILE ELEMENTS.—In determining the  
23 types and quantities of medical countermeasures to stock-  
24 pile under subsection (d), the Secretary, acting through  
25 the Chief Medical Officer of the Department—

1           “(1) shall use a risk-based methodology for  
2           evaluating types and quantities of medical counter-  
3           measures required; and

4           “(2) may use, if available—

5                   “(A) chemical, biological, radiological, and  
6           nuclear risk assessments of the Department;  
7           and

8                   “(B) guidance on medical countermeasures  
9           of the Office of the Assistant Secretary for Pre-  
10          paredness and Response and the Centers for  
11          Disease Control and Prevention.

12          “(g) BRIEFING.—Not later than 180 days after the  
13          date of enactment of this section, the Secretary shall pro-  
14          vide a briefing to the Committee on Homeland Security  
15          and Governmental Affairs of the Senate and the Com-  
16          mittee on Homeland Security of the House of Representa-  
17          tives regarding—

18                   “(1) the plan developed under subsection (d);

19          and

20                   “(2) implementation of the requirements of this  
21          section.

22          “(h) DEFINITION.—In this section, the term ‘medical  
23          countermeasures’ means antibiotics, antivirals, antidotes,  
24          therapeutics, radiological countermeasures, and other  
25          countermeasures that may be deployed to protect the em-

1 ployees and working animals of the Department in the  
2 event of a chemical, biological, radiological, nuclear, or ex-  
3 plosives attack, naturally occurring disease outbreak,  
4 other event impacting health, or pandemic.”.

5 (b) CLERICAL AMENDMENT.—The table of contents  
6 in section 1(b) of the Homeland Security Act of 2002 is  
7 amended by inserting after the item relating to section  
8 1931 the following:

“Sec. 1932. Medical countermeasures.”.