

HR 3016

To amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes.

**Congress:** 107 (2001–2003, Ended)

**Chamber:** House

**Policy Area:** Crime and Law Enforcement

**Introduced:** Oct 3, 2001

**Current Status:** Supplemental report filed by the Committee on Energy and Commerce, H. Rept. 107-231, Part II.

**Latest Action:** Supplemental report filed by the Committee on Energy and Commerce, H. Rept. 107-231, Part II. (Nov 6, 2001)

**Official Text:** <https://www.congress.gov/bill/107th-congress/house-bill/3016>

Sponsor

**Name:** Rep. Tauzin, W. J. (Billy) [R-LA-3]

**Party:** Republican • **State:** LA • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Dingell, John D. [D-MI-16]	D · MI		Oct 3, 2001

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported By	Nov 6, 2001
Judiciary Committee	House	Discharged From	Oct 16, 2001

Subjects & Policy Tags

**Policy Area:**

Crime and Law Enforcement

Related Bills

No related bills are listed.

**Title I: Bioterrorism Prevention** - Amends the Federal criminal code to set penalties for: (1) possessing, using, or exercising control over a select agent (i.e., a biological agent or toxin that is listed and not exempt under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)) in a manner constituting reckless disregard for the public health and safety, knowing the agent to be a biological agent or toxin; (2) causing bodily injury to another in the course of a violation; (3) possessing such agents without registration; and (4) transferring such agents to an unregistered person.

Prohibits restricted persons (i.e., specified persons prohibited by the code from owning a handgun) from possessing, or taking specified actions with respect to, select agents. Allows the Secretary of Health and Human Services to designate categories or individuals who may be admitted to the United States on non-immigrant visas to permit them to work with such agents.

Amends the AEDPA to direct the Secretary to: (1) provide by regulation for the establishment and enforcement of standards and procedures governing the possession and use of biological agents and toxins in order to protect the public health and safety, including safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for other criminal purposes; and (2) promulgate an interim final rule.

Prohibits the disclosure under the Freedom of Information Act of agency information that identifies a person, or the geographic location of a person, who is registered pursuant to such regulations and any site-specific information relating to the type, quantity, or identity of a listed biological agent or toxin or the site-specific security mechanisms in place to protect such agents and toxins, except for disclosures for purposes of protecting public health and safety or to congressional committees or subcommittees, with appropriate jurisdiction, upon request.

Establishes civil penalties of up to \$250,000 in the case of an individual and \$500,000 in the case of entities for violation of AEDPA regulations regarding transfers of listed biological agents.

Directs the Secretary to report to Congress on compliance with the existing and expanded regulatory regime for control of select agents and to provide recommendations for administrative or legislative initiatives.

**Title II: Cable Television Privacy Provisions** - Amends the Communications Act of 1934 (the Act) to replace provisions regarding disclosure of information concerning a cable subscriber to a governmental entity pursuant to a court order with provisions regarding a governmental entity's access to information collected and maintained by a multichannel video programming distributor (MVPD) or any other person relating to the selection of video programming.

Specifies that nothing in the Act restricts, impairs, conditions, or otherwise affects the authority of a governmental entity to obtain personally identifiable information concerning a subscriber from an MVPD or other person pursuant to specified Federal criminal code provisions, with the following exception. Authorizes a governmental entity to obtain information collected and maintained by an MVPD or other person concerning the selection of video programming by a subscriber of any MVPD pursuant to a court order only if, in the court proceeding relevant to such order: (1) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and (2) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

**Title III: Nuclear Facility Security** - Amends the Atomic Energy Act of 1954 (AEA) to empower the Nuclear Regulatory Commission (NRC) to authorize guards at certain facilities licensed or certified by the NRC to carry and use weapons where necessary in the discharge of their duties and to make arrests without a warrant under specified circumstances.

(Sec. 302) Expands current law authorizing the NRC to regulate the introduction of dangerous weapons into its own facilities to include facilities licensed or certified by the NRC.

(Sec. 303) Expands current law prohibiting the sabotage or attempted sabotage of nuclear facilities to include nuclear waste treatment and disposal facilities and nuclear fuel fabrication facilities. Extends Federal criminal sanctions to the sabotage or attempted sabotage of NRC-licensed or certified facilities during the construction phase when public health and safety may be affected during subsequent facility operation. Increases: (1) the limit on fines from \$10,000 to \$1 million for intentionally and willfully destroying or causing damage to nuclear facilities or nuclear fuel; and (2) the prison term from a ten year limit to up to life in prison without parole.

(Sec. 304) Directs the NRC to conduct a study to assess the vulnerability of NRC certified nuclear facilities to potential terrorist attacks.

(Sec. 305) Amends the AEA to direct the NRC to: (1) commence a rulemaking to consider changes to the design basis threat for facilities licensed by the NRC under the AEA; and (2) issue a final rule, within a year, revising the design basis threat and associated regulations. Sets forth factors to be taken into account. Requires such regulations to: (1) establish requirements for licensees relating to construction, operation, security procedures, and emergency response; (2) require armed escorts for all spent fuel shipments who are capable of repelling attacks by a large number of attackers working as several coordinated teams and using sophisticated techniques and equipment; (3) include the establishment of an Operational Safeguards Response Evaluation program which shall ensure that the operational safeguards response of each facility is tested at least once every two years to determine whether the design basis threat factors identified in regulations issued herein have been adequately addressed (and directs that facilities subject to testing include commercial nuclear powerplants, research reactors, and spent fuel storage facilities and associated support facilities and equipment); and (4) be reviewed and revised as appropriate at least once every five years.

## Actions Timeline

---

- **Nov 6, 2001:** Supplemental report filed by the Committee on Energy and Commerce, H. Rept. 107-231, Part II.
- **Nov 6, 2001:** Supplemental report filed by the Committee on Energy and Commerce, H. Rept. 107-231, Part II.
- **Oct 16, 2001:** Committee on Judiciary discharged.
- **Oct 16, 2001:** Committee on Judiciary discharged.
- **Oct 16, 2001:** Placed on the Union Calendar, Calendar No. 148.
- **Oct 12, 2001:** House Committee on Judiciary Granted an extension for further consideration ending not later than Oct. 16, 2001.
- **Oct 9, 2001:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 107-231, Part I.
- **Oct 9, 2001:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 107-231, Part I.
- **Oct 9, 2001:** House Committee on Judiciary Granted an extension for further consideration ending not later than Oct. 12, 2001.
- **Oct 3, 2001:** Introduced in House
- **Oct 3, 2001:** Introduced in House
- **Oct 3, 2001:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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.
- **Oct 3, 2001:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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.
- **Oct 3, 2001:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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.