

## HR 5498

### WMD Prevention and Preparedness Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Emergency Management

**Introduced:** Jun 10, 2010

**Current Status:** Placed on the Union Calendar, Calendar No. 411.

**Latest Action:** Placed on the Union Calendar, Calendar No. 411. (Dec 22, 2010)

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## Sponsor

**Name:** Rep. Pascrell, Bill, Jr. [D-NJ-8]

**Party:** Democratic • **State:** NJ • **Chamber:** House

## Cosponsors (11 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Jun 10, 2010
Rep. King, Peter T. [R-NY-3]	R · NY		Jun 10, 2010
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Jun 10, 2010
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Jun 10, 2010
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Jun 23, 2010
Rep. Carney, Christopher P. [D-PA-10]	D · PA		Jun 23, 2010
Rep. Green, Al [D-TX-9]	D · TX		Jun 23, 2010
Rep. Jackson Lee, Sheila [D-TX-18]	D · TX		Jun 23, 2010
Rep. Miller, Candice S. [R-MI-10]	R · MI		Jun 23, 2010
Rep. Richardson, Laura [D-CA-37]	D · CA		Jun 23, 2010
Rep. Dent, Charles W. [R-PA-15]	R · PA		Jun 24, 2010

## Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred to	Jun 30, 2010
Energy and Commerce Committee	House	Discharged From	Dec 22, 2010
Foreign Affairs Committee	House	Discharged From	Nov 18, 2010
Homeland Security Committee	House	Discharged from	Jun 23, 2010
Intelligence (Permanent Select) Committee	House	Discharged From	Nov 18, 2010
Transportation and Infrastructure Committee	House	Referred to	Jun 11, 2010

## Subjects & Policy Tags

### Policy Area:

Emergency Management

## Related Bills

Bill	Relationship	Last Action
111 S 1649	Related bill	<b>Dec 17, 2010:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 705.
111 HR 5057	Related bill	<b>Jun 18, 2010:</b> Referred to the Subcommittee on Horticulture and Organic Agriculture.

WMD Prevention and Preparedness Act of 2010 - **Title I: Intelligence Matters** - (Sec. 101) Requires the Director of National Intelligence to develop, implement, and report to Congress regarding: (1) a National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction (WMD); and (2) a National Intelligence Strategy for Countering Biological Threats.

**Title II: Homeland Security Matters** - (Sec. 201) Amends the Homeland Security Act of 2002 (HSA) to establish in the Office of Intelligence and Analysis of the Department of Homeland Security (DHS) a unit for WMD intelligence and information sharing. Directs the Secretary of DHS (the Secretary), acting through the Under Secretary for Intelligence and Analysis, to: (1) integrate into the homeland security, intelligence, and information sharing process national biosecurity and biodefense stakeholders; (2) leverage homeland security capabilities and structures to enhance prevention, detection, preparedness, and collective response, attribution, and recovery efforts for a biological attack or other phenomena that may have serious health consequences; and (3) advance partnerships between DHS and other federal agencies in assessing potential threats and risks from the intentional use of biological agents by terrorists or other actors.

Directs the Secretary to: (1) produce biennial Bioterrorism Risk Assessments; (2) enhance domestic preparedness for and collective response to terrorism by conducting annual risk assessments regarding the threat, vulnerability, and consequences of theft or other procurement of radiological materials that could be used by a terrorist in a radiological dispersion device; and (3) establish enhanced biosecurity measures for persons or laboratories that possess, use, or transfer Tier I Material Threat Agents (agents and toxins that are determined by the Secretary to present a material threat to the population). Directs the Secretary of Agriculture (USDA) and the Secretary of Health and Human Services (HHS) to provide to the Secretary a list of laboratories and other locations where Tier I Material Threat Agents are present in the United States and its territories.

Authorizes the Secretary, acting through the Administrator of the Federal Emergency Management Agency (FEMA), to: (1) award grants based on risk to academic and nonprofit organizations and to state, local, and tribal governments that possess, use, or transfer Tier I Material Threat Agents to enhance security at laboratories; and (2) assist such entities in improving and promoting individual and community preparedness and collective response to WMD and terrorist attacks involving biological, chemical, radiological, and nuclear weapons against the United States.

Directs the Secretary to: (1) establish procedures for the sharing of homeland security information with state, local, and tribal government officials; (2) periodically review and recommend updates to criminal laws that relate to the evolving risks of misuse of life sciences by terrorists and others; (3) conduct investigations and enforce criminal violations of customs and export laws; (4) ensure that homeland security information concerning terrorist threats is provided to state, local, and tribal authorities and the public; (5) examine the state of domestic and global biosurveillance and submit a national strategy for biosurveillance; (6) carry out a program to detect a biological attack or event.

Requires the Secretary: (1) to direct the Under Secretary for Science and Technology to assess whether the development of screening capabilities for biological agents, pandemic influenza, and other infectious diseases should be undertaken by the Science and Technology Directorate; (2) if the determination is affirmative, to initiate development of safe and effective methods to rapidly screen incoming travelers at ports of entry; and (3) to carry out a program for system assessment and validation of emergency response equipment (SAVER Program).

Establishes in DHS: (1) a National Export Enforcement Coordination Network; (2) an Integrated Consortium of Laboratory Networks; and (3) a National Bioforensics Analysis Center.

Requires the Secretary to: (1) develop voluntary guidance for police, fire, emergency medical services, emergency management, and public health personnel for responding to a release of chemical, biological, radiological, or nuclear material; (2) acquire, use, and disseminate timely integrated plume models (assessments of the location and prediction of the spread of pathogens resulting from an explosion or release of nuclear, radioactive, chemical, or biological substances) to enable rapid response activities; and (3) issue guidance for clean-up and restoration of indoor and outdoor areas that have been affected by the release of a biological agent.

(Sec. 203) Expresses the sense of Congress that the field of synthetic genomics has the potential to facilitate enormous gains in fundamental discovery and biotechnological applications but also has inherent dual-use homeland security risks that must be managed. Directs the Secretary, through the Under Secretary for Science and Technology, to examine and report on the homeland security implications of the dual-use nature of synthetic genomics.

(Sec. 204) Expands the list of entities to which the Secretary disseminates information to include state, local, tribal, and private entities and, as appropriate, the public, to assist in preventing, deterring, or responding to terrorist acts against the United States.

(Sec. 205) Moves the National Biosurveillance Integration Center (NBIC) from the Office of Health Affairs to the Office of Intelligence and Analysis. Requires the Secretary to report annually on the status of operations at the NBIC and efforts to integrate the biosurveillance efforts of federal, state, local, and tribal authorities.

(Sec. 206) Directs the Secretary to report to specified congressional committees on the SAVER Program.

(Sec. 207) Directs the Secretary, acting through the Under Secretary for Science and Technology, to seek to enter into an agreement with the National Academy of Sciences to study the role of forensic science in homeland security and issue recommendations to enhance the homeland security capability to investigate attacks from WMD, terrorist incidents, and other crimes investigated by DHS.

(Sec. 208) Directs the Secretary and the Secretary of Agriculture (USDA) to harmonize regulations under HSA, the Public Health Service Act (PHSA), and the Agricultural Bioterrorism Protection Act of 2002 to ensure that they are not redundant or in conflict with regulations promulgated regarding radiological materials security.

Amends the Post-Katrina Emergency Management Reform Act of 2006 to direct the Secretary, through the FEMA Administrator, to develop a communications plan for informing the public regarding preventing, preparing for, and responding to attacks from WMD and terrorist acts.

Directs the Administrator to: (1) develop and provide to state, local, and tribal authorities pre-scripted messages and message templates to quickly disseminate critical information to the public in anticipation of, during, or in the immediate aftermath of a WMD attack or terrorist incident, which shall be included in DHS's Lessons Learned Information Sharing system; and (2) incorporate such messages or templates into exercises conducted under the National Exercise Program.

(Sec. 210) Directs the EPA Administrator, in coordination with the FEMA Administrator, to assess capability gaps in environmental recovery preparedness and provide guidance to state, local and tribal authorities to facilitate environmental recovery from a chemical, biological, radiological, or nuclear attack.

(Sec. 211) Amends HSA to include medical readiness training and research and community resiliency for public health and healthcare critical infrastructure within criteria for the designation of colleges or universities as centers for homeland security.

**Title III: Public Health Matters** - (Sec. 301) Amends PHSA to direct the HHS Secretary to: (1) periodically update a National Medical Countermeasure Dispensing Strategy to enhance preparedness and collective response to an attack with any chemical, biological, radiological, or nuclear material; and (2) review and reassess determinations as to whether agents continue to present a material threat against the U.S. population sufficient to affect national security and homeland security.

(Sec. 303) Requires the HHS Secretary to review the adequacy of domestic vaccination and antimicrobial dispensing policy, guidance, and information provided to the public in light of any known terrorist risk of a biological attack or other phenomena that may have serious health consequences for the United States.

(Sec. 304) Directs the USCA and HHS Secretaries: (1) to issue regulations to create a top tier of select agents that present a material threat to the United States (Tier I Material Threat Agents); (2) on an ongoing basis, to consider whether other agents should be designated Tier I Material Threat agents; and (3) at least biennially, determine whether agents should be removed from such list of Tier I Material Threat agents. Includes as criteria for such designation: (1) whether the agent or toxin can be used effectively in a biological attack; and (2) information available from biological or bioterrorism risk assessments. Requires all Tier I Material Threat Agents to be added to the select agents list.

(Sec. 305) Directs the Attorney General to coordinate with the Secretary, the Secretary of Defense (DOD), and the Secretary of State to determine whether such officials possess any information relevant to the identification of individuals who should not be given access to select agents because they are reasonably suspected of knowing involvement with an organization that engages in terrorism or intentional crimes of violence.

(Sec. 306) Directs the HHS Secretary to develop a comprehensive research, development, and acquisition process to counter the biological threat that employs the inherent functions, capabilities, authorities, and responsibilities of the National Institutes of Health (NIH), the Biodefense Advanced Research and Development Authority (BARDA), and Project BioShield (a federal medical countermeasure procurement program). Requires the process to: (1) assign NIH and BARDA responsibility for research and development of technologies and Project BioShield responsibility for procurement of technologies; and (2) include a formal agreement among NIH, BARDA, and Project BioShield that identifies the need for any specific biological countermeasure and the current technology readiness level of the countermeasure and that requires the development of the biological countermeasure from the current technology readiness level through its procurement.

Directs the HHS Secretary to: (1) ensure that the Directors of NIH and BARDA and the Assistant Secretary for Preparedness and Response do not discontinue research, development, or procurement of a countermeasure identified because the Food and Drug Administration (FDA) has not approved or licensed the countermeasure for general use; and (2) require such Directors and Assistant Secretary to aggressively pursue innovative research, development, and procurement of each countermeasure identified.

**Title IV: Foreign Relations Matters** - (Sec. 401) Directs the Secretary of State to: (1) support efforts in other countries to develop mechanisms and capabilities for reporting to United Nations organizations validated data on biological attacks or other phenomena that may have serious health consequences for the United States; (2) establish and build capacity to effectively implement legislation criminalizing the development or use of biological weapons or acts of bioterrorism; (3) convene and lead an interagency task force on best practices for global biopreparedness; and (4) promote implementation of and compliance with the Biological and Toxin Weapons Convention.

Expresses: (1) the sense of Congress that preparedness for a chemical, biological, radiological, or nuclear incident must be undertaken not only domestically but also internationally; and (2) support for efforts to provide an international forum

for discussion of key health security policies with international dimensions; and (3) support for the establishment of a formal U.S. interagency task force to develop best practices and recommendations for implementation of a global preparedness architecture that could enhance global preparedness.

## **Actions Timeline**

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- **Dec 22, 2010:** Committee on Energy and Commerce discharged.
- **Dec 22, 2010:** Placed on the Union Calendar, Calendar No. 411.
- **Dec 21, 2010:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Dec. 22, 2010.
- **Dec 17, 2010:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Dec. 21, 2010.
- **Dec 3, 2010:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Dec. 17, 2010.
- **Nov 18, 2010:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 111-659, Part I.
- **Nov 18, 2010:** Committee on Agriculture discharged.
- **Nov 18, 2010:** Committee on Transportation discharged.
- **Nov 18, 2010:** Committee on Foreign Affairs discharged.
- **Nov 18, 2010:** Committee on Intelligence (Permanent) discharged.
- **Nov 18, 2010:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Dec. 3, 2010.
- **Jun 30, 2010:** Referred to the Subcommittee on Horticulture and Organic Agriculture.
- **Jun 23, 2010:** Committee Consideration and Mark-up Session Held.
- **Jun 23, 2010:** Ordered to be Reported (Amended) by the Yeas and Nays: 26 - 0.
- **Jun 23, 2010:** Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology Discharged.
- **Jun 15, 2010:** Referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.
- **Jun 15, 2010:** Subcommittee Hearings Held.
- **Jun 11, 2010:** Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
- **Jun 10, 2010:** Introduced in House
- **Jun 10, 2010:** Referred to House Homeland Security
- **Jun 10, 2010:** Referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Agriculture, Transportation and Infrastructure, Foreign Affairs, and Intelligence (Permanent Select), 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.
- **Jun 10, 2010:** Referred to House Energy and Commerce
- **Jun 10, 2010:** Referred to House Agriculture
- **Jun 10, 2010:** Referred to House Transportation and Infrastructure
- **Jun 10, 2010:** Referred to House Foreign Affairs
- **Jun 10, 2010:** Referred to House Intelligence (Permanent)