

HR 4034

WMD Prevention and Preparedness Act of 2014

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Chamber: House

Policy Area: Emergency Management

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Sponsor

Name: Rep. Pascrell, Bill, Jr. [D-NJ-9]

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. King, Peter T. [R-NY-2]	R · NY		Feb 11, 2014

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Feb 14, 2014
Foreign Affairs Committee	House	Referred To	Feb 11, 2014
Homeland Security Committee	House	Referred to	Feb 27, 2014
Homeland Security Committee	House	Referred to	Feb 27, 2014
Intelligence (Permanent Select) Committee	House	Referred To	Feb 11, 2014
Transportation and Infrastructure Committee	House	Referred to	Feb 12, 2014
Transportation and Infrastructure Committee	House	Referred to	Feb 12, 2014

Subjects & Policy Tags

Policy Area:

Emergency Management

Related Bills

Bill	Relationship	Last Action
113 HR 1542	Related bill	Jul 23, 2013: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

WMD Prevention and Preparedness Act of 2014 - **Title I: A National Biodefense Enterprise** - Requires the President to assign a member of the National Security Council as Special Assistant to the President for Biodefense to: (1) serve as the President's principal advisor regarding coordination of federal biodefense policy; (2) identify inefficiencies in existing biodefense activities and the actions necessary to overcome them; (3) lead the development of a coordinated National Biodefense Plan, a coordinated National Biosurveillance Strategy, and a coordinated national research and development strategy and implementation plan for microbial forensics; (4) oversee, in coordination with the Director of the Office of Management and Budget (OMB), the development of a comprehensive cross-cutting biodefense budget analysis to inform prioritization of resources and ensure that biodefense challenges are adequately addressed; and (5) conduct ongoing oversight and evaluation of implementation of federal biodefense activities by relevant government agencies.

Directs the Special Assistant to submit to the President and update as necessary a National Biodefense Plan that:

- defines the scope and purpose of a national biodefense capability;
- identifies biological risks to the nation and activities and tasks to be performed to address them;
- defines organizational roles, responsibilities, and coordination of federal, state, local, and tribal authorities with respect to such activities and tasks;
- defines research and development needs for improving the capacity for threat awareness and prevention, protection, response, and recovery;
- identifies biodefense assets, interdependencies, and capability gaps;
- provides goals and performance measures;
- identifies resource and investment needs;
- integrates and supports the strategies outlined in Presidential Policy Directives 2 and 8 and Homeland Security Presidential Directives 5, 9, 10, 18, and 21, the National Biosurveillance Strategy, and the National Medical Countermeasure Dispensing Strategy;
- is consistent with the National Response Framework;
- incorporates input from federal, state, local, and tribal stakeholders; and
- provides planning guidance to biosecurity and biodefense stakeholders.

Directs the Special Assistant to publish and update every four years a National Biosurveillance Strategy that:

- identifies the purpose and scope of a nationally integrated biosurveillance capability;
- establishes objectives and performance measures to guide the development of such capability;
- defines and prioritizes costs, benefits, and resource and investment needs, with particular attention to leveraging existing resources;
- delineates federal, state, local, tribal, and private roles and responsibilities; and
- describes how the Strategy is integrated with related national strategies.

Requires the Special Assistant to publish an implementation plan for such Strategy that includes a plan for: (1) advancing situational awareness of biological threats; (2) fostering information sharing among national biosecurity and biodefense stakeholders to identify potential threats, reduce vulnerabilities, and improve collective response to and investigations of suspected biological attacks; and (3) enhancing the capability of the federal government to rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems.

Requires the Special Assistant concurrent with the submission of the President's annual budget to Congress, a comprehensive cross-cutting biodefense budget analysis that delineates and integrates the biodefense expenditure requests for the Departments of Agriculture (USDA), Commerce, Defense (DOD), Energy (DOE), Health and Human Services (HHS), Homeland Security (DHS), Justice, State, and Veterans Affairs (VA), the Environmental Protection Agency (EPA), and the National Science Foundation (NSF).

Title II: Intelligence Matters - Requires the Director of National Intelligence (DNI) to develop and implement: (1) a National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction that is designed to improve U.S. capabilities to collect, analyze, and disseminate intelligence related to weapons of mass destruction (WMD); and (2) a plan to implement such Strategy. Requires such Strategy to: (1) identify and address core capabilities needed for successful intelligence collection on WMD; (2) include methods for the recruitment, training, and retention of a workforce with expertise in the collection, analysis, and dissemination of intelligence related to all types of WMD and science and technology related to WMD, as well as expertise in science and technology relating to risks posed by WMD; and (3) include methods for information sharing and collaboration with non-federal national biosecurity and biodefense stakeholders.

Requires the implementation plan to include: (1) actions necessary to increase the effectiveness and efficiency of the sharing of intelligence on WMD throughout the Intelligence Community and with other federal partners; (2) methods to disseminate intelligence products to national biosecurity and biodefense stakeholders in classified and unclassified formats to increase the effectiveness and efficiency of information sharing; and (3) actions necessary to provide open-source intelligence relating to WMD to appropriate governmental authorities and private entities.

Requires the DNI to develop and implement: (1) a National Intelligence Strategy for Countering Biological Threats that is integrated into the National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction, and (2) a plan for implementing such Strategy. Requires such Strategy to:

- identify and address target capabilities needed for successful intelligence collection on biological threats;
- include a plan for establishing in the Intelligence Community a cadre of collectors and analysts that are familiar with biological threats, biological science, and biotechnology;
- include a plan for defining the functions, capabilities, and gaps in that Community's workforce with respect to assessing the biological threat;
- include methods for collaboration with non-Intelligence Community technical experts within and outside of the federal government, in particular with state and local biodefense stakeholders;
- include a plan for defining, integrating, focusing, and enhancing existing capabilities in the Intelligence Community dedicated to current and strategic biological threats; and
- include a plan for ensuring the prioritization and sustained commitment of intelligence personnel and resources to address biological threats.

Requires the implementation plan to: (1) include actions necessary to increase the effectiveness and efficiency of the sharing of intelligence through the Intelligence Community on biological weapons and organisms that could be used for biological terrorism; (2) address strategic and tactical human intelligence, measurement and signature intelligence, technical intelligence, medical intelligence, and open-source intelligence activities necessary to implement the Strategy; and (3) include a schedule for regularly evaluating the efforts of the Intelligence Community and progress on understanding and countering biological threats.

Title III: Homeland Security Matters - Amends the HSA to require DHS's Office of Intelligence and Analysis to:

conduct intelligence and information sharing activities consistent with the National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction under this Act and the National Intelligence Strategy for Countering Biological Threats;

- support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks against the nation involving chemical, biological, radiological, and nuclear materials;
- support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;
- support homeland security-focused risk analysis and risk assessments of such hazards by providing relevant quantitative and non-quantitative threat information;
- leverage existing and emerging homeland security capabilities and structures, including fusion centers, to enhance prevention, protection, response, and recovery efforts with respect to a terrorist attack;
- share information and provide tailored analytical support on such threats to state, local, and tribal authorities, as well as other national biosecurity and biodefense stakeholders; and
- coordinate with other relevant DHS components, others in the Intelligence Community, and federal, state, local, and tribal authorities on optimal information sharing mechanisms.

Directs the Secretary to report to specified congressional committees on: (1) the intelligence and information sharing activities described above and of all relevant entities within DHS to counter the threat from WMD, and (2) DHS's activities in accordance with relevant intelligence strategies.

Directs the Under Secretary for Science and Technology to produce and periodically update: (1) a terrorism risk assessment of chemical, biological, radiological, and nuclear threats; and (2) an integrated terrorism risk assessment that assesses all of those threats and compares their relative risks. Directs the Secretary to: (1) convene an interagency task force of relevant subject matter experts to assess and provide recommendations on the adequacy of proposed methodology to be used for such assessments; (2) conduct sensitivity analysis on each assessment to identify and prioritize research activities to close knowledge gaps; (3) consider the evolving threat from an intelligent adversary; (4) share the risk assessments with federal, state, local, and tribal officials with appropriate security clearances and a need for the information in the classified version; and (5) make available an unclassified version for government officials involved in prevention and preparedness for chemical, biological, radiological, and nuclear events.

Requires the Export Enforcement Coordination Center to be maintained in DHS, with capability for coordinating the export enforcement activities. Directs the Center to: (1) enhance federal coordination for law enforcement counter proliferation investigations; (2) address licensing inquiries, reviews, requests, checks, and verifications; and (3) conduct outreach and provide training to the export trade community.

Directs the Administrator of the Federal Emergency Management Agency (FEMA) to: (1) develop a communications plan designed to provide information to the public related to preventing, preparing for, responding to, and recovering from chemical, biological, radiological, and nuclear attacks; and (2) develop and disseminate, through an alerts and warnings system, pre-scripted messages and message templates for state, local, and tribal authorities to quickly disseminate critical information to the public in anticipation of, during, or in the immediate aftermath of such an attack, to be included in DHS's lessons learned information sharing system.

Directs the Secretary to: (1) ensure that homeland security information concerning terrorist threats is provided to state, local, and tribal authorities and the public; and (2) establish a process to optimize opportunities for qualified heads of state, local, and tribal government entities to obtain security clearances so that they may receive classified threat

information.

Directs the Secretary to prepare unclassified threat bulletins that include guidance to the public for preventing and responding to acts of terrorism arising from chemical, biological, radiological, and nuclear threats, which shall be made available on the Internet website of DHS and other publicly accessible Internet websites, communication systems, and information networks.

Directs the Secretary, using information provided by the terrorism risk assessments and material threat assessments and determinations under the Project BioShield Act of 2004, to: (1) provide to state, local, and tribal authorities written guidance on communicating terrorism-related threats and risks to the public; and (2) articulate the governmental rationale for identifying particular communities as being at heightened risk of exploitation.

Directs the FEMA Administrator, to assist government authorities in improving and promoting individual and community preparedness and collective response to terrorist attacks by: (1) developing and disseminating guidance and checklists of recommended actions for individual and community prevention and preparedness efforts, (2) providing information and training materials in support of individual and community preparedness efforts, and (3) conducting individual and community preparedness outreach efforts.

Directs the Secretary to carry out a program to detect a biological attack or event that poses a high risk to homeland security, including by:

- deploying detection capabilities to high risk areas to indicate the presence of biological agents;
- considering multiple deployment strategies, including surge capability;
- providing information to participating laboratories and programs for use in monitoring public health, and biological material or other data from those detectors to participating laboratories and programs for testing and evaluation;
- regularly communicating with, and providing information about the presence of biological agents to, federal, state, and local agencies responsible for public health, law enforcement, and emergency services in a manner that ensures transparency;
- providing advanced planning tools, concepts of operations, standard operating procedures, and training exercises for collective response to and recovery from biological attacks; and
- providing technical assistance to jurisdictions hosting the program to improve their ability to respond to a detected pathogen.

Directs the Secretary: (1) to require the Under Secretary for Science and Technology to assess whether the development of technological screening capabilities for biological agents, pandemic influenza, and other infectious diseases should be undertaken by the Directorate of Science and Technology to support entry and exit screening at ports of entry and for other homeland security purposes; and (2) if the Under Secretary's determination is affirmative, to initiate development of safe and effective methods to rapidly screen incoming persons at ports of entry.

Authorizes the Secretary, in coordination with the Director of the National Institute of Standards and Technology (NIST), to carry out a program to: (1) establish near-term minimum performance metrics to support public safety actionable activities to evaluate the effectiveness of detection technology for high-priority biological agents and toxins and high-priority chemical agents; (2) establish a process for voluntary testing and evaluation of technology by an accredited laboratory to demonstrate conformance to consensus standards, or performance metrics if standards do not exist, for the effective detection of high-priority biological agents and toxins and high-priority chemical agents; and (3) make available to federal agencies, state, territorial, local, and tribal entities, and the private sector, with permission from the detection

technology manufacturer, the results of detection system testing and evaluation.

Requires the Director of the Domestic Nuclear Detection Office to: (1) establish and maintain a multilayered system of detection technologies, programs, and guidelines designed to enhance the nation's ability to detect and prevent a radiological or nuclear attack in high-risk U.S. cities; and (2) develop a surge capability for radiological and nuclear detection systems that can be deployed within the United States rapidly in response to actionable intelligence or warnings. Requires such programs to be integrated into the Global Nuclear Detection Architecture and inform architecture studies, technology gaps, and research activities of the Office.

Directs the Secretary to: (1) develop for police, fire, emergency medical services, emergency management, and medical and public health personnel voluntary guidance for responding to a release of chemical, biological, radiological, and nuclear material; (2) make such guidance available to state, local, and tribal authorities, including primary and secondary schools and other educational institutions, nongovernmental organizations, the private sector, and the public; and (3) review the experiences of other countries and the expertise of academic institutions and nongovernmental organizations and to consider the unique needs of children and other vulnerable populations.

Directs the Secretary to: (1) acquire, use, and disseminate the best available integrated plume models (i.e., assessments of the location and prediction of the spread of agents following a chemical, biological, nuclear, or radiological attack or event that integrate protective action guidance) to enable rapid response activities following such an attack or event; and (2) carry out a program for system assessment and validation of emergency response equipment at DHS, to be known as the SAVER Program.

Authorizes federal agencies, in carrying out functions to counter biological terrorism, to enter into contracts with laboratories that comprise the Laboratory Response Network for Biological Terrorism and other federally networked laboratories for the provision of laboratory testing services.

Authorizes in DHS a bioforensics analysis center to provide definitive bioforensics analysis in support of the executive agencies with primary responsibilities for preventing, deterring, responding to, attributing, and recovering from biological attacks.

Directs the Secretary to conduct a Metropolitan Medical Response System Program that shall assist state and local governments in preparing for and responding to public health and mass casualty incidents resulting from acts of terrorism, natural disasters, and other man-made disasters. Allows a grant under such Program to be used to support the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard.

Directs the Under Secretary for Science and Technology to conduct tailored risk assessments to inform prioritization of national recovery activities for chemical, biological, radiological, and nuclear incidents, to be updated as necessary.

Directs the Secretary to develop and issue guidance for clean-up and restoration of indoor and outdoor areas, including subways and other mass transportation facilities, that have been exposed to chemical, biological, radiological, or nuclear materials.

Directs the Secretary to: (1) develop exercises to facilitate recovery from a chemical, biological, radiological, or nuclear incident and to foster collective response to terrorism; and (2) provide lessons learned reports to designated representatives of state, local, and tribal jurisdictions and private sector entities that participate in National Level Exercises of DHS.

Directs the FEMA Administrator, the DHS Chief Medical Officer, and the National Metropolitan Medical Response System Working Group to conduct a review of the Metropolitan Medical Response System Program and report the results of the review to specified congressional committees.

Directs the President to establish the Federal Experts Security Advisory Panel to make technical and substantive recommendations on biological agent and toxin security. Requires the Panel to deliver to the Secretaries of Agriculture, HHS, and DHS recommendations concerning:

- the designation as highest risk of that subset of biological agents and toxins that presents the greatest risk of deliberate misuse with significant potential for mass casualties or devastating effects to the economy;
- the development of a set of minimum risk-based prescriptive laboratory security performance standards based on the risk at the lowest level, allowing for enhancements as risk increases;
- the establishment of appropriate standards and practices to improve vetting and monitoring, and ensure reliability, of personnel with access to highest risk biological agents and toxins at facilities registered under the Public Health Service Act (PHSA);
- the establishment of appropriate practices for physical security and cyber security for facilities that possess highest risk biological agents or toxins;
- standards for training of laboratory personnel in security measures;
- other emerging policy issues relevant to the security of biological agents and toxins; and
- adequacy of information sharing protocols with biodefense and biosecurity stakeholders. Directs the Secretaries, after the date of receipt of such recommendations, to promulgate rules under the PHSA establishing security standards and procedures that are specific to highest risk biological agents and toxins.

Requires the heads of specified government entities to: (1) develop and implement a plan for the coordination of biological agents and toxins security oversight for facilities in which the entity supports biological agent or toxin laboratory activities, that articulates a mechanism for coordinated inspections of and harmonized administrative practices for facilities registered under the PHSA and that ensures consistent and timely identification and resolution of biological agents and toxins security and compliance issues; and (2) coordinate or consolidate laboratory inspections and ensure that such inspections are conducted using a common set of inspection procedures across such entities to minimize the administrative burden on laboratories.

Directs the Secretaries of HHS and Agriculture to: (1) develop a process for sharing information pertaining to biological agents and toxins with agencies that support biological agent or toxin laboratory activities; and (2) share relevant information pertaining to biological agents and toxins with each other and with appropriate state, local, and tribal government authorities.

Expresses the sense of Congress that the field of synthetic biology has the potential to facilitate enormous gains in fundamental discovery, public health, and biotechnological applications, but it also presents inherent dual-use homeland security risks that must be managed.

Directs the Under Secretary for Science and Technology: (1) every two years, to undertake a risk assessment of the dual-use and other risks associated with synthetic biology; and (2) to develop and provide to all agencies that fund life sciences research, guidance on compliance with U.S. laws, arms control agreement, and agency policies for research, development, or acquisition projects in the life sciences. Authorizes the Under Secretary to conduct research into the risks and ways to mitigate such risks of synthetic biology, including: (1) determining the current capability of synthetic nucleic acid providers to effectively differentiate a legitimate customer from a potential terrorist or other malicious actor,

and to effectively screen orders for sequences of homeland security concern; and (2) making recommendations regarding screening, software, protocols, and other remaining capability gaps uncovered by such assessment.

Amends HSA to require the dissemination of information analyzed by DHS to state, local, tribal, and private entities with responsibilities relating to homeland security to assist in preventing, deterring, or responding to acts of terrorism.

Title IV: Public Health Matters - Expresses the sense of Congress that: (1) coordination among federal agencies involved in activities relating to researching, developing, and acquiring medical countermeasures still needs improvement; and (2) aggressive action should be taken by HHS, DHS, and the DOD to foster greater coordination with respect to such activities.

Amends the PHSA to direct the Secretary of HHS, in coordination with the Secretaries of DHS and Agriculture, and other appropriate federal agencies, to develop, implement, and periodically update a National Medical Countermeasure Dispensing Strategy to enhance preparedness and collective response to a terrorist attack on humans or animals with any chemical, biological, radiological, or nuclear material, that delineates federal, state, and local responsibilities.

Directs the HHS Secretary, in coordination with the Secretaries of DHS and Agriculture, to: (1) 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, including wide-scale fatalities or infectious disease outbreaks including those associated with the avian flu; and (2) report to specified congressional committees on the review and any recommendations relating to the availability of domestic vaccine and antimicrobials for disbursing to the public and voluntary immunization by first responders.

Directs the HHS Secretary to: (1) make available to state, local, and tribal first responders surplus vaccines and antimicrobials, and vaccines and antimicrobials with short shelf lives from the strategic national stockpile of drugs, vaccines and other biological products, medical devices, and other supplies; (2) establish any necessary logistical and tracking systems to facilitate making such vaccines and antimicrobials available; and (3) distribute disclosures regarding associated risks to end users.

Amends the PHSA to require the HHS Secretary, on an ongoing basis, to: (1) establish criteria for the issuance of a material threat determination, and (2) review and reassess determinations of whether agents continue to present a material threat against the U.S. population sufficient to affect national security and homeland security.

Amends the PHSA to direct the Attorney General, in identifying whether an individual is within a category of individuals reasonably suspected by any federal law enforcement or intelligence agency of knowing involvement with an organization that engages in domestic or international terrorism or with any other organization that engages in intentional crimes of violence, to consult with the Secretaries of DHS, Defense, and State.

Title V: Foreign Relations Matters - Directs the Secretary of State to: (1) support efforts of other countries to effectively implement legislation criminalizing the development or use of biological weapons or acts of bioterrorism; (2) engage other countries and international nongovernmental entities to establish common standards for actions relevant to preventing acts of bioterrorism and the illicit use of life sciences; (3) support the efforts of other countries to enhance biosecurity and safety practices at laboratories and other facilities with materials that could be used in biological weapons or in an act of bioterrorism; (4) promote the development and adoption of international guidance for the safety and security of high-risk pathogens and toxins; and (5) promote information sharing relating to threats and best practices between the intelligence community, federal law enforcement, and international law enforcement and security officials.

Directs the Secretary of State to: (1) support efforts in other countries and regions to develop mechanisms and capabilities for reporting to U.N. organizations validated data on biological attacks or other phenomena that may have serious health consequences for the United States; (2) engage other federal and nongovernmental entities and other countries to advance awareness and understanding of the risk posed by information derived from the life sciences that has the potential for misuse to cause harm; (3) advance recommendations on how best to address such risk; (4) engage such entities and countries to promote greater awareness and understanding of the global availability of and access to life science technologies and materials; and (5) promote the development and use of mechanisms for reporting, preserving, and sharing data on federal programs and investments in international scientific, agricultural, medical, and public health collaborations in support of efforts to enhance global biosecurity.

Directs the Secretary of State to convene and lead an interagency task force to examine: (1) the state of global biopreparedness for a major biological event, (2) necessary components of a global biopreparedness architecture that would advance international health security, (3) best practices for preparedness based on lessons learned from domestic efforts to address such issues and that may be applicable internationally, (4) activities undertaken through the National Intelligence Strategy for Countering Biological Threats and the International Health Regulations 2005, and (5) the utility of working through existing international forums as a mechanism for distributing this information to the international community.

Directs the Secretary of State to: (1) promote confidence in effective implementation of and compliance with the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction by promoting transparency with respect to legitimate activities and pursuing compliance diplomatically to address concerns; (2) promote universal membership in the Convention; (3) develop an action plan for increasing international adherence to the Convention; and (4) ensure that U.S. participation in Convention meetings is broadly inclusive of representatives of relevant federal departments and agencies.

Actions Timeline

- **Feb 27, 2014:** Referred to the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies.
- **Feb 27, 2014:** Referred to the Subcommittee on Emergency Preparedness, Response and Communications.
- **Feb 14, 2014:** Referred to the Subcommittee on Health.
- **Feb 12, 2014:** Referred to the Subcommittee on Highways and Transit.
- **Feb 12, 2014:** Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
- **Feb 11, 2014:** Introduced in House
- **Feb 11, 2014:** Referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, 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.