

116TH CONGRESS
2D SESSION

H. R. 6610

To establish the Cabinet-level position of Director of Pandemic and Biodefense Preparedness and Response in the Executive Branch with the responsibility of developing a National Pandemic and Biodefense Preparedness and Response Strategy, to prepare for and coordinate the response to future pandemics, biological attacks, and other major health crises, including coordinating the work of multiple government agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2020

Mr. ROSE of New York (for himself, Ms. SCANLON, Ms. NORTON, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Armed Services, 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

A BILL

To establish the Cabinet-level position of Director of Pandemic and Biodefense Preparedness and Response in the Executive Branch with the responsibility of developing a National Pandemic and Biodefense Preparedness and Response Strategy, to prepare for and coordinate the response to future pandemics, biological attacks, and other major health crises, including coordinating the work of multiple government agencies, and for other purposes.

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 “Director of Pandemic
5 and Biodefense Preparedness and Response Act”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The United States could have, and should
9 have, been significantly more prepared to combat the
10 COVID–19 pandemic.

11 (2) Examples of this are numerous but include
12 the loss of stockpiled ventilators to breakage because
13 the Federal Government let maintenance contracts
14 lapse in 2018, the reuse of personal protective equip-
15 ment that is only sanitary for single-patient use due
16 to shortages, and the scarcity of available testing
17 compared to other nations.

18 (3) The loss of life and harm to the national
19 economy is already staggering yet its extent will not
20 be known for some time.

21 (4) As in previous pandemics and other major
22 health crises, confusion during the COVID–19 pan-
23 demic about which agency was in charge of what
24 and who would coordinate the response of multiple

1 agencies lead to calls for a “czar” to be named, as
2 well as a task force to be created.

3 (5) The Federal Government currently supports
4 pandemic and biodefense preparedness and response
5 in several ways through a myriad of agencies, each
6 responsible for disparate programs and responsibil-
7 ities related to pandemics, biological attacks, and
8 other major health crises.

9 (6) Following the attack on our homeland on
10 September 11, 2001, the Director of National Intel-
11 ligence position was created to ensure the coopera-
12 tion of several agencies in the Intelligence Commu-
13 nity through one Cabinet-level official coordinating
14 between and among multiple Federal agencies
15 charged with breaking down silos while keeping the
16 Nation safe.

17 (7) Preparing the United States for and re-
18 sponding to a future pandemic, biological attack, or
19 other major health crisis should be a top priority
20 across agencies of the Federal Government, yet the
21 COVID–19 pandemic exposed the need for greater
22 cohesion and speed in both preparedness and re-
23 sponse.

24 (8) Various Federal agencies report on rec-
25 ommendations for preparation and response to

1 pandemics, biological attacks, and other major
2 health crises, but no one Federal official can produce
3 and speak with authority on a national pandemic
4 and biodefense preparedness and response strategy
5 or execute such a strategy.

6 (9) A key element for success during response
7 activities will be “staying ahead of the emergency”—
8 in other words, being more proactive than reactive.
9 This will require elements including—

10 (A) timely, accurate assessments of newly
11 emerged risks and vulnerabilities;

12 (B) a streamlined, unified effort to lead all
13 Federal Government efforts, coordinate State
14 and local government activities, and provide
15 clear guidance to assets in the private sector;

16 (C) a coordinated national communications
17 program to inform, educate, and gain the trust
18 and support of the American public; and

19 (D) a national leader with the authority,
20 responsibility, and accountability to ensure the
21 most effective coordination of Federal agencies
22 and best use of national assets.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the creation of the Cabinet-level position of the
25 Director of Pandemic and Biodefense Preparedness and

1 Response and a well-designed National Pandemic and Bio-
2 defense Preparedness and Response Strategy would ben-
3 efit the United States in several important ways, including
4 by ending silos between and among various Federal agen-
5 cies charged with parts of pandemic and biodefense pre-
6 paredness and response, including the Federal Emergency
7 Management Agency, the Centers for Disease Control and
8 Prevention, and the Department of Health and Human
9 Services.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) AGENCY.—The term “agency” has the
13 meaning given that term in section 551 of title 5,
14 United States Code.

15 (2) NATIONAL PANDEMIC AND BIODEFENSE
16 PREPAREDNESS AND RESPONSE STRATEGY; STRAT-
17 EGY.—Each of the terms “Pandemic and Biodefense
18 Preparedness and Response Strategy” and “Strat-
19 egy” means the strategy developed and submitted to
20 the Congress under section 5, including any report,
21 plan, or strategy required to be incorporated into or
22 issued concurrently with such strategy.

1 **SEC. 4. REORGANIZATION AND IMPROVEMENT OF MANAGE-**
2 **MENT OF FEDERAL PANDEMIC AND BIO-**
3 **DEFENSE RESPONSE AGENCIES.**

4 (a) DIRECTOR OF PANDEMIC AND BIODEFENSE PRE-
5 PAREDNESS AND RESPONSE.—

6 (1) IN GENERAL.—There is a Director of Pan-
7 demic and Biodefense Preparedness and Response
8 who shall be appointed by the President, by and
9 with the advice and consent of the Senate. Any indi-
10 vidual nominated for appointment as Director of
11 Pandemic and Biodefense Preparedness and Re-
12 sponse shall have extensive pandemic and biodefense
13 preparedness and response expertise.

14 (2) LOCATION.—The Director of Pandemic and
15 Biodefense Preparedness and Response shall not be
16 located within the Executive Office of the President.

17 (3) DEADLINE FOR APPOINTMENT.—Not later
18 than 3 months after the date of the enactment of
19 this Act, the President shall appoint a Director of
20 Pandemic and Biodefense Preparedness and Re-
21 sponse.

22 (b) PRINCIPAL RESPONSIBILITIES.—Subject to the
23 authority, direction, and control of the President, the Di-
24 rector of Pandemic and Biodefense Preparedness and Re-
25 sponse shall—

1 (1) serve as head of the Federal national pan-
2 demic and biodefense preparedness and response
3 community;

4 (2) act as the principal adviser to the Presi-
5 dent, the National Security Council, and the Home-
6 land Security Council for pandemic and biodefense
7 preparedness and response;

8 (3) oversee and direct the implementation of
9 the National Pandemic and Biodefense Preparedness
10 and Response Strategy and its execution through the
11 coordination of Federal agencies and through the
12 United States participation in the World Health Or-
13 ganization and other Intergovernmental Organiza-
14 tions;

15 (4) act as the principal adviser to the President
16 in a time of pandemic, biological attack, or other
17 major health crisis;

18 (5) to coordinate the Nation's response to such
19 a crisis;

20 (6) conduct a simulation exercise at least once
21 each year of the response to a fictional pandemic, bi-
22 ological attack, or other serious health crisis of high-
23 level current and former government and nongovern-
24 mental officials in order to prepare for these poten-
25 tial events;

1 (7) address the organizational structure and
2 chain of command, both in the Federal Government
3 and at the State level;

4 (8) ensure adequate laboratory surveillance of
5 viruses, including the ability to isolate and subtype
6 viruses year-round;

7 (9) improve vaccine research, development, and
8 production;

9 (10) procure adequate doses of antivirals for
10 treatment;

11 (11) develop systems for tracking and distrib-
12 uting antiviral medication and vaccines;

13 (12) prioritize who would receive antivirals and
14 vaccines based on limited supplies;

15 (13) stockpile medical and safety equipment for
16 health care workers and first responders;

17 (14) assure surge capacity capabilities for
18 health care providers and institutions;

19 (15) secure a backup health care workforce in
20 the event of a major health crisis;

21 (16) ensure the availability of food, water, and
22 other essential items during a major health crisis;

23 (17) provide guidance on needed State and local
24 authority to implement public health measures such
25 as isolation or quarantine;

1 (18) maintain core public functions, including
2 public utilities, refuse disposal, mortuary services,
3 transportation, police and firefighter services, and
4 other critical services;

5 (19) establish networks that provide alerts and
6 other information for health care providers;

7 (20) communicate with the public with respect
8 to prevention and obtaining care during a pandemic;

9 (21) provide security for first responders and
10 other medical personnel and volunteers, hospitals,
11 treatment centers, isolation and quarantine areas,
12 and transportation and delivery of resources; and

13 (22) work with established agencies and per-
14 form such other functions or activities as the Presi-
15 dent may assign.

16 (c) PROHIBITION ON DUAL SERVICE.—The indi-
17 vidual serving in the position of Director of Pandemic and
18 Biodefense Preparedness and Response shall not, while so
19 serving, also serve as the head of any other agency of the
20 Federal Government.

21 (d) NATIONAL SECURITY COUNCIL.—The Director of
22 Pandemic and Biodefense Preparedness and Response
23 shall be a member of the National Security Council.

24 (e) EXISTING FEDERAL AGENCIES.—Not later than
25 90 days after the date of the enactment of this Act the

1 Director of Pandemic and Biodefense Preparedness and
2 Response shall—

3 (1) identify existing Federal agencies charged
4 with elements of pandemic and biodefense prepared-
5 ness and response; and

6 (2) report to the Congress recommendations for
7 reorganizing such agencies under the Office of the
8 Director of Pandemic and Biodefense Preparedness
9 and Response to ensure full coordination among
10 such agencies, including changes to existing law that
11 are necessary to carry out such recommendations.

12 (f) PAY.—The Director of Pandemic and Biodefense
13 Preparedness and Response shall be paid at the rate of
14 basic pay for level II of the Executive Schedule under sub-
15 chapter II of chapter 53 of title 5, United States Code.

16 **SEC. 5. NATIONAL PANDEMIC AND BIODEFENSE PRE-**
17 **PAREDNESS AND RESPONSE STRATEGY.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, and every year there-
20 after, the Director of Pandemic and Biodefense Prepared-
21 ness and Response shall submit a National Pandemic and
22 Biodefense Preparedness and Response Strategy to the
23 President and the Congress. The Strategy shall contain
24 a summary of the current state of pandemic and bio-

1 defense preparedness and response in the United States,
2 and a comprehensive strategy to—

3 (1) work across Federal and State government
4 agencies to implement a coherent integrated Strat-
5 egy and associated plans;

6 (2) prepare for and execute interagency plan-
7 ning and coordination to implement the Strategy;

8 (3) provide for departmental and agency re-
9 sponsibility and accountability for each component of
10 the Strategy;

11 (4) budget for and fund requirements and
12 sources under the Strategy;

13 (5) ensure international collaboration and co-
14 ordination efforts to implement the Strategy; and

15 (6) provide recommendations and a timeline for
16 implementation of the Strategy.

17 (b) APPLICATION OF FACA.—Notwithstanding the
18 Federal Advisory Committee Act (5 U.S.C. App.), non-
19 government individuals and entities may participate in the
20 preparation of the National Pandemic and Biodefense
21 Preparedness and Response Strategy.

22 **SEC. 6. HEALTH PROFESSIONAL TRAINING.**

23 The Director, in consultation with professional health
24 and medical societies, shall develop and disseminate pan-
25 demic and biodefense training curricula—

1 (1) to educate and train health professionals,
2 including physicians, nurses, public health practi-
3 tioners, virologists and epidemiologists, veterinar-
4 ians, mental health providers, allied health profes-
5 sionals, and paramedics and other first responders;

6 (2) to educate and train volunteer, nonmedical
7 personnel whose assistance may be required during
8 a pandemic, biological attack, or other major health
9 crisis;

10 (3) that address prevention, including use of
11 quarantine and other isolation precautions, pan-
12 demic diagnosis, medical guidelines for use of
13 antivirals and vaccines, and professional require-
14 ments and responsibilities, as appropriate;

15 (4) targeting distribution to high-risk groups,
16 including health professionals and relief personnel
17 and other individuals determined to be most suscep-
18 tible to illness or death from a pandemic, biological
19 attack, or other major health crisis;

20 (5) ensuring equitable distribution of healthcare
21 resources, particularly across low-income and other
22 underserved groups; and

23 (6) that integrate with existing State and local
24 systems as appropriate.

1 **SEC. 7. REPORTING.**

2 Not later than 2 years after the date of the enact-
3 ment of this Act, and every 2 years thereafter, the Direc-
4 tor of Pandemic and Biodefense Preparedness and Re-
5 sponse, in consultation with the Director of the Office of
6 Management and Budget, shall submit to the President
7 and the Congress a report that describes progress made
8 in the implementation of the National Pandemic and Bio-
9 defense Preparedness and Response Strategy and in fulfil-
10 ment of its objectives.

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