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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 31, United States Code, to establish the Life Sciences Research Security Board, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 31, United States Code, to establish the Life Sciences Research Security Board, 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 “Risky Research Review
5 Act”.

1 **SEC. 2. LIFE SCIENCES RESEARCH SECURITY BOARD.**

2 (a) IN GENERAL.—Subtitle V of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“CHAPTER 79—LIFE SCIENCES RESEARCH**
6 **SECURITY BOARD**

“7901. Definitions.

“7902. Establishment and membership.

“7903. Board personnel.

“7904. Board mission and functions.

“7905. Agency procedures; referral to Board.

“7906. Board review.

“7907. GAO Audits.

“7908. Funding.

7 **“§ 7901. Definitions**

8 “In this chapter:

9 “(1) AGENCY.—The term ‘agency’ has the
10 meaning given the term in section 552(f) of title 5.

11 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term ‘appropriate congressional com-
13 mittees’ means the Committee on Homeland Secu-
14 rity and Governmental Affairs of the Senate and the
15 Committee on Energy and Commerce of the House
16 of Representatives.

17 “(3) BOARD.—The term ‘Board’ means the
18 Life Sciences Research Security Board established
19 under section 7902(a).

20 “(4) DUAL USE RESEARCH OF CONCERN.—The
21 term ‘dual use research of concern’—

1 “(A) means life sciences research that,
2 based on current understanding, can be reason-
3 ably anticipated to provide knowledge, informa-
4 tion, products, or technologies that could—

5 “(i) be misapplied to do harm with no
6 modification or only a minor modification;
7 and

8 “(ii) pose a significant threat with po-
9 tential consequences to public health and
10 safety, agricultural crops and other plants,
11 animals, materiel, or national security; and

12 “(B) includes—

13 “(i) life sciences research that could—

14 “(I) increase transmissibility of a
15 pathogen within or between host spe-
16 cies;

17 “(II) increase the virulence of a
18 pathogen or convey virulence to a non-
19 pathogen;

20 “(III) increase the toxicity of a
21 known toxin or produce a novel toxin;

22 “(IV) increase—

23 “(aa) the stability of a
24 pathogen or toxin in the environ-
25 ment; or

1 “(bb) the ability to dissemi-
2 nate a pathogen or toxin;

3 “(V) alter the host range or tro-
4 pism of a pathogen or toxin;

5 “(VI) decrease the ability for a
6 human or veterinary pathogen or
7 toxin to be detected using standard
8 diagnostic or analytical methods;

9 “(VII) increase resistance of a
10 pathogen or toxin to clinical or veteri-
11 nary prophylactic or therapeutic inter-
12 ventions;

13 “(VIII) alter a human or veteri-
14 nary pathogen or toxin to disrupt the
15 effectiveness of pre-existing immunity,
16 via immunization or natural infection,
17 against the pathogen or toxin;

18 “(IX) enhance the susceptibility
19 of a host population to a pathogen or
20 toxin;

21 “(X) enhance transmissibility of
22 a pathogen in humans;

23 “(XI) enhance the virulence of a
24 pathogen in humans;

1 “(XII) enhance the immune eva-
2 sion of a pathogen in humans, such as
3 by modifying the pathogen to disrupt
4 the effectiveness of pre-existing immu-
5 nity via immunization or natural in-
6 fection; or

7 “(XIII) generate, use, reconsti-
8 tute, or transfer an eradicated or ex-
9 tinct high-consequence pathogen; and

10 “(ii) any other category of life
11 sciences research that the Board, by ma-
12 jority vote of the members of the Board,
13 identifies and publishes in the Federal
14 Register.

15 “(5) EMPLOYEE.—The term ‘employee’ means
16 an individual described in section 2105(a) of title 5.

17 “(6) FEDERAL FUNDING.—The term ‘Federal
18 funding’ means amounts awarded by an agency pur-
19 suant to an intramural or extramural grant, cooper-
20 ative agreement, interagency agreement, contract, or
21 other instrument.

22 “(7) GAIN OF FUNCTION RESEARCH.—The
23 term ‘gain of function research’ means a research
24 experiment that may enhance the transmissibility or
25 virulence of a high-consequence pathogen.

1 “(8) HIGH-CONSEQUENCE PATHOGEN.—The
2 term ‘high-consequence pathogen’—

3 “(A) means a wild-type or synthetic patho-
4 gen that—

5 “(i)(I) is likely capable of wide and
6 uncontrollable spread in human popu-
7 lations; and

8 “(II) would likely cause moderate to
9 severe disease or mortality in humans; or

10 “(ii) is—

11 “(I) subject to subparagraph (B),
12 influenza A virus;

13 “(II) classified under subgenus
14 Sarbecovirus;

15 “(III) classified under subgenus
16 Merbecovirus;

17 “(IV) Variola orthopoxvirus;

18 “(V) Mpox orthopoxvirus;

19 “(VI) Nipah henipavirus;

20 “(VII) Hendra henipavirus;

21 “(VIII) Ebola orthoebolavirus;

22 “(IX) Marburg marburgvirus

23 “(X) Lassa mammarenavirus;

24 “(XI) Junin arenavirus;

1 “(XII) Crimean-Congo hemor-
2 rhagic fever orthonairovirus;

3 “(XIII) Hantaan
4 orthohantavirus;

5 “(XIV) Sin Nombre
6 orthohantavirus;

7 “(XV) Yersinia pestis;

8 “(XVI) a select agent or toxin,
9 work with which poses a significant
10 risk of deliberate misuse;

11 “(XVII) any other pathogen or
12 category of pathogen that a majority
13 of members of the Board—

14 “(aa) identifies as a high-
15 consequence pathogen; and

16 “(bb) publishes in the Fed-
17 eral Register; or

18 “(XVIII) any synthetic construct
19 of a pathogen or category of pathogen
20 described in this clause; and

21 “(B) does not include a seasonal influenza
22 virus, unless a seasonal influenza virus has been
23 manipulated to include genetic sequences from
24 a pathogen described in subparagraph (A).

1 “(9) HIGH-RISK LIFE SCIENCES RESEARCH.—

2 The term ‘high-risk life sciences research’ means life
3 sciences research that is—

4 “(A) dual use research of concern involving
5 a high-consequence pathogen; or

6 “(B) gain of function research.

7 “(10) LIFE SCIENCES RESEARCH.—The term
8 ‘life sciences research’—

9 “(A) means the study or use of a living or-
10 ganism, a virus, or a product of a living orga-
11 nism or virus; and

12 “(B) includes each discipline, methodology,
13 and application of biology, including bio-
14 technology, genomics, proteomics,
15 bioinformatics, and pharmaceutical and bio-
16 medical research and techniques.

17 “(11) SELECT AGENT OR TOXIN.—The term
18 ‘select agent or toxin’ means a select agent or toxin
19 identified under—

20 “(A) section 73.3(b) of title 42, Code of
21 Federal Regulations, as in effect on the date of
22 enactment of the Risky Research Review Act;

23 “(B) section 331.3(b) of title 7, Code of
24 Federal Regulations, as in effect on the date of

1 enactment of the Risky Research Review Act;

2 or

3 “(C) section 121.3(b) of title 9, Code of

4 Federal Regulations, as in effect on the date of

5 enactment of the Risky Research Review Act.

6 **“§ 7902. Establishment and membership**

7 “(a) ESTABLISHMENT.—There is established as an
8 independent agency within the Executive Branch a board
9 to be known as the ‘Life Sciences Research Security
10 Board’ to review proposed Federal funding for life sciences
11 research in accordance with section 7906.

12 “(b) APPOINTMENT OF MEMBERS.—

13 “(1) IN GENERAL.—The President shall ap-
14 point, without regard to political affiliation, 9 indi-
15 viduals who are citizens of the United States to
16 serve as members of the Board for not more than
17 2 terms of 4 years each, including—

18 “(A) the Executive Director appointed
19 under section 7903(a);

20 “(B) 5 nongovernmental scientists in a life
21 sciences field;

22 “(C) 2 nongovernmental national security
23 experts; and

24 “(D) 1 nongovernmental biosafety expert.

1 “(2) PERIOD FOR NOMINATIONS.—The Presi-
2 dent shall make appointments, other than the Exec-
3 utive Director, to the Board not later than 30 days
4 after the date of enactment of this chapter.

5 “(3) CONSIDERATIONS OF RECOMMENDA-
6 TIONS.—The President shall make appointments to
7 the Board after considering individuals rec-
8 ommended by the chair and ranking member of the
9 appropriate congressional committees.

10 “(4) QUALIFICATIONS.—Individuals appointed
11 to the Board—

12 “(A) shall—

13 “(i) be impartial individuals; and

14 “(ii) be distinguished individuals of
15 high national professional reputation in
16 their respective fields who are capable of
17 exercising the independent and objective
18 judgment necessary to conduct an impar-
19 tial assessment of the potential risks and
20 benefits associated with Federal funding of
21 high-risk life sciences research to public
22 health and national security; and

23 “(B) may not be an employee on the date
24 of the appointment or during the 3-year period
25 preceding the date of the appointment.

1 “(5) LIMITATIONS.—Not more than 4 concur-
2 rent members of the Board may be an employee, a
3 subcontractor, a previous employee, or a previous
4 subcontractor of—

5 “(A) the Department of Defense;

6 “(B) the Department of Homeland Secu-
7 rity;

8 “(C) the National Institute of Allergy and
9 Infectious Diseases of the Department of
10 Health and Human Services;

11 “(D) the Office of the Director of National
12 Intelligence; or

13 “(E) the Department of Energy.

14 “(6) CONSIDERATION BY THE SENATE.—

15 “(A) IN GENERAL.—Nominations for ap-
16 pointment to the position of Executive Director
17 of the Board shall be referred to the Committee
18 on Homeland Security and Governmental Af-
19 fairs of the Senate for consideration.

20 “(B) RENOMINATION.—A member of the
21 Board who is recommended to serve a second
22 term shall be nominated for appointment to the
23 Board, and such nomination shall be referred
24 pursuant to subparagraph (A).

1 “(7) VACANCY.—Not later than 30 days after
2 the date on which a vacancy on the Board occurs,
3 the vacancy shall be filled in the same manner as
4 specified for the original appointment.

5 “(8) REMOVAL.—

6 “(A) IN GENERAL.—No member of the
7 Board shall be removed from office, other than
8 by—

9 “(i) impeachment and conviction;

10 “(ii) the action of the President for
11 inefficiency, neglect of duty, malfeasance in
12 office, physical disability, mental inca-
13 pacity, or any other condition that sub-
14 stantially impairs the performance of the
15 member’s duties; or

16 “(iii) the Board in accordance with
17 subparagraph (B).

18 “(B) ACTION BY BOARD.—If the Director
19 of the Office of Government Ethics determines
20 that participation by a member of the Board in
21 high-risk life sciences research constitutes a
22 conflict of interest, the Board shall take steps
23 to mitigate or manage the conflict, which may
24 include removal.

1 “(C) NOTICE OF REMOVAL BY PRESI-
2 DENT.—

3 “(i) IN GENERAL.—In the case of the
4 removal of a member of the Board by the
5 President as described in subparagraph
6 (A)(ii), not later than 10 days after the re-
7 moval, the President shall submit to the
8 chair and ranking member of the appro-
9 priate congressional committees a report
10 specifying the facts found and the grounds
11 for removal.

12 “(ii) PUBLICATION OF REPORT.—The
13 President shall publish in the Federal Reg-
14 ister each report submitted under clause
15 (i), except that the President may, if nec-
16 essary to protect the rights of a person
17 named in the report or to prevent undue
18 interference with any pending prosecution,
19 postpone or refrain from publicly pub-
20 lishing any or all of the report until the
21 completion of such pending cases or pursu-
22 ant to privacy protection requirements in
23 law.

24 “(c) MANDATORY CONFLICTS OF INTEREST RE-
25 VIEW.—

1 “(1) IN GENERAL.—The Board, in consultation
2 with the Director of the Office of Government Eth-
3 ics, shall—

4 “(A) not later than 180 days after the date
5 of the enactment of this chapter—

6 “(i) establish criteria to determine
7 whether there is a conflict of interest with
8 respect to any individual appointed to the
9 Board, taking into consideration require-
10 ments under Federal law relating to ethics
11 requirements for employees; and

12 “(ii) upon an appointment of a mem-
13 ber to the Board under subsection (a)(1)
14 thereafter, conduct a review of each indi-
15 vidual nominated and appointed to the
16 Board to ensure the individual does not
17 have any conflict of interest under the cri-
18 teria established pursuant to clause (i);
19 and

20 “(B) periodically thereafter, conduct a re-
21 view of each individual nominated and ap-
22 pointed to the Board to ensure the individual
23 does not have any conflict of interest under the
24 criteria established pursuant to subparagraph

1 (A)(i) during the term of service of the indi-
2 vidual.

3 “(2) NOTIFICATION.—

4 “(A) IN GENERAL.—Not later than 3 days
5 after the date on which the Director of the Of-
6 fice of Government Ethics becomes aware that
7 a member of the Board possesses a potential
8 conflict of interest under the criteria established
9 pursuant to paragraph (1)(A)(i), the Director
10 of the Office of Government Ethics shall notify
11 the chair and ranking member of the appro-
12 priate congressional committees of the potential
13 conflict of interest.

14 “(B) NOTIFICATION BY MEMBER.—Not
15 later than 30 days after the date on which a
16 member of the Board becomes aware that an-
17 other member of the Board possesses a poten-
18 tial conflict of interest under the criteria estab-
19 lished pursuant to paragraph (1)(A)(i), the
20 member of the Board or the Executive Director
21 of the Board shall notify the chair and ranking
22 member of the appropriate congressional com-
23 mittees of the potential conflict of interest.

24 “(d) SECURITY CLEARANCES.—All members of the
25 Board shall be granted all the necessary security clear-

1 ances and accesses, including to relevant Presidential and
2 department or agency special access and compartmented
3 access programs, in an accelerated manner, subject to the
4 standard procedures for granting such clearances. All
5 nominees for appointment to the Board shall qualify for
6 the necessary security clearances and accesses prior to
7 being considered for confirmation by the Committee on
8 Homeland Security and Governmental Affairs of the Sen-
9 ate.

10 “(e) PARTICIPATION IN HIGH-RISK LIFE SCIENCES
11 RESEARCH.—

12 “(1) DISCLOSURE REQUIRED.—A member of
13 the Board shall disclose whether the member has
14 participated in or is currently participating in high-
15 risk life sciences research.

16 “(2) CONFLICTS OF INTEREST.—

17 “(A) IN GENERAL.—The participation in
18 high-risk life sciences research by a member of
19 the Board—

20 “(i) shall be considered a potential
21 conflict of interest; and

22 “(ii) shall be subject to scrutiny by
23 the Director of the Office of Government
24 Ethics.

1 “(B) DETERMINATION.—If the Director of
2 the Office of Government Ethics determines
3 that participation by a member of the Board in
4 high-risk life sciences research constitutes a
5 conflict of interest, the Board shall take steps
6 to mitigate or manage the conflict, which may
7 include—

8 “(i) the recusal of the affected mem-
9 ber from relevant discussions and deter-
10 minations; and

11 “(ii) removal of the affected member
12 from the Board.

13 “(f) COMPENSATION OF MEMBERS.—

14 “(1) IN GENERAL.—Subject to such rules as
15 may be adopted by the Board, without regard to the
16 provisions of chapter 51 and subchapter III of chap-
17 ter 53 of title 5 relating to classification and Gen-
18 eral Schedule pay rates, a member of the Board,
19 other than the Executive Director, shall be com-
20 pensated at a rate—

21 “(A) proposed by the Executive Director
22 and approved by the Board;

23 “(B) not to exceed the rate of basic pay
24 for level II of the Executive Schedule; and

25 “(C) that is commensurate with—

1 “(i) the time a member of the Board
2 spends engaged in the performance of du-
3 ties on the Board; and

4 “(ii) necessary traveling expenses.

5 “(2) OUTSIDE EMPLOYMENT.—Subject to terms
6 and approval determined by the Director of the Of-
7 fice of Government Ethics, a member of the Board
8 may maintain outside employment and affiliations
9 while serving on the Board.

10 “(g) OVERSIGHT.—

11 “(1) SENATE.—The Committee on Homeland
12 Security and Governmental Affairs of the Senate
13 shall—

14 “(A) have continuing legislative oversight
15 jurisdiction in the Senate with respect to the of-
16 ficial conduct of the Board and agency compli-
17 ance with requirements issued by the Board;
18 and

19 “(B) have access to any records provided
20 to or created by the Board.

21 “(2) HOUSE OF REPRESENTATIVES.—The Com-
22 mittee on Energy and Commerce of the House of
23 Representatives shall—

24 “(A) have continuing legislative oversight
25 jurisdiction in the House of Representatives

1 with respect to the official conduct of the Board
2 and agency compliance with requirements
3 issued by the Board; and

4 “(B) have access to any records provided
5 to or created by the Board.

6 “(3) DUTY TO COOPERATE.—The Board shall
7 have the duty to cooperate with the exercise of over-
8 sight jurisdiction described in this subsection.

9 “(4) SECURITY CLEARANCES.—The chair and
10 ranking member of the appropriate congressional
11 committees, and designated committee staff, shall be
12 granted all security clearances and accesses held by
13 the Board, including to relevant Presidential and de-
14 partment or agency special access and compart-
15 mented access programs.

16 “(h) OFFICE SPACE.—

17 “(1) IN GENERAL.—In selecting office space for
18 the Board, the Board shall exhaust options for un-
19 used office spaces owned by the Federal Government
20 as of the date of enactment of this chapter.

21 “(2) SECURE OFFICE SPACE.—

22 “(A) REQUESTS.—In order to review or
23 discuss classified information, the Board shall
24 request an accommodation from relevant agen-

1 cies to access sensitive compartmented informa-
2 tion facilities on an as-needed basis.

3 “(B) FULFILMENT.—The head of an agen-
4 cy from which the Board requests an accommo-
5 dation under subparagraph (A) shall accommo-
6 date the request in a timely manner.

7 **“§ 7903. Board personnel**

8 “(a) EXECUTIVE DIRECTOR.—

9 “(1) APPOINTMENT.—Not later than 45 days
10 after the date of enactment of this chapter, the
11 President shall appoint, by and with the advice and
12 consent of the Senate, 1 individual who is a citizen
13 of the United States, without regard to political af-
14 filiation, to the position of Executive Director of the
15 Board for a term of 4 years.

16 “(2) QUALIFICATIONS.—The individual ap-
17 pointed as Executive Director under paragraph (1)
18 shall be a private individual of integrity and impar-
19 tiality who—

20 “(A) is a distinguished scientist in a life
21 sciences field; and

22 “(B) is not, and has not been for the 3-
23 year period preceding the date of the appoint-
24 ment—

25 “(i) an employee; or

1 “(ii) a participant in high-risk life
2 sciences research supported by Federal
3 funding.

4 “(3) SECURITY CLEARANCES.—

5 “(A) IN GENERAL.—A candidate for Exec-
6 utive Director of the Board shall be granted all
7 security clearances and accesses held by the
8 Board, including to relevant Presidential and
9 department or agency special access and com-
10 partmented access programs in an accelerated
11 manner, subject to the standard procedures for
12 granting such clearances.

13 “(B) QUALIFICATION PRIOR TO APPOINT-
14 MENT.—The President shall ensure that a can-
15 didate for Executive Director of the Board
16 qualifies for the security clearances and ac-
17 cesses described in subparagraph (A) prior to
18 appointment.

19 “(4) FUNCTIONS.—The Executive Director of
20 the Board shall—

21 “(A) serve as principal liaison to Congress
22 and agencies;

23 “(B) serve as chair of the Board;

1 “(C) be responsible for the administration
2 and coordination of the responsibilities of the
3 Board; and

4 “(D) be responsible for the administration
5 of all official activities conducted by the Board.

6 “(5) REMOVAL.—Notwithstanding section
7 7902(b)(8), the Executive Director shall not be re-
8 moved for reasons other than for cause on the
9 grounds of inefficiency, neglect of duty, malfeasance
10 in office, physical disability, mental incapacity, or
11 any other condition that substantially impairs the
12 performance of the responsibilities of the Executive
13 Director or the staff of the Board.

14 “(6) TERMS.—An Executive Director of the
15 Board shall not serve more than 2 terms.

16 “(b) STAFF.—

17 “(1) IN GENERAL.—Without regard to the pro-
18 visions of subchapter I of chapter 33 of title 5 gov-
19 erning appointments in the competitive service, the
20 Board may appoint not more than 25 additional per-
21 sonnel to enable the Board and the Executive Direc-
22 tor to perform the duties of the Board.

23 “(2) QUALIFICATIONS.—Each individual ap-
24 pointed to the staff of the Board—

1 “(A) shall be a citizen of the United States
2 of integrity and impartiality;

3 “(B) shall have expertise in the life
4 sciences field or the national security field; and

5 “(C) may not be a participant in any fed-
6 erally funded research activity on the date of
7 the appointment or during the course of service
8 of the individual on the Board.

9 “(3) SECURITY CLEARANCES.—

10 “(A) IN GENERAL.—A candidate for ap-
11 pointment to the staff of the Board shall be
12 granted all security clearances and accesses
13 held by the Board, including to relevant Presi-
14 dential and department or agency special access
15 and compartmented access programs, in an ac-
16 celerated manner, subject to the standard pro-
17 cedures for granting such clearances.

18 “(B) CONDITIONAL EMPLOYMENT.—

19 “(i) IN GENERAL.—The Board may
20 offer conditional employment to a can-
21 didate for a staff position of the Board
22 pending the completion of security clear-
23 ance background investigations. During
24 the pendency of such investigations, the
25 Board shall ensure that any such employee

1 does not have access to, or responsibility
2 involving, classified or otherwise restricted
3 materials.

4 “(ii) UNQUALIFIED STAFF.—If the
5 Board determines that an individual hired
6 on a conditional basis under clause (i) is
7 not eligible or otherwise does not qualify
8 for all security clearances necessary to
9 carry out the responsibilities of the posi-
10 tion for which conditional employment has
11 been offered, the Board shall immediately
12 terminate the individual’s employment.

13 “(4) SUPPORT FROM AGENCIES.—

14 “(A) IN GENERAL.—The head of each
15 agency shall designate not less than 1 full-time
16 employee of the agency as the representative of
17 the agency to—

18 “(i) provide technical assistance to the
19 Board; and

20 “(ii) support the review process of the
21 Board with respect to the agency under
22 section 7906 in a non-voting staff capacity.

23 “(B) PROHIBITION.—A representative of
24 an agency designated under subparagraph (A)
25 and any employee of an agency may not directly

1 or indirectly influence in any capacity a deter-
2 mination by the Board under section 7906 with
3 respect to life sciences research funded by the
4 agency.

5 “(c) COMPENSATION.—Subject to such rules as may
6 be adopted by the Board, without regard to the provisions
7 of title 5 governing appointments in the competitive serv-
8 ice and without regard to the provisions of chapter 51 and
9 subchapter III of chapter 53 of that title relating to classi-
10 fication and General Schedule pay rates, the Executive Di-
11 rector of the Board shall—

12 “(1) be compensated at a rate not to exceed the
13 rate of basic pay for level II of the Executive Sched-
14 ule;

15 “(2) serve the entire tenure as Executive Direc-
16 tor as 1 full-time employee; and

17 “(3) appoint and fix the compensation of such
18 other personnel as may be necessary to carry out
19 this chapter.

20 **“§ 7904. Board mission and functions**

21 “(a) MISSION.—The mission of the Board shall be
22 to issue an independent determination as to whether an
23 agency may award Federal funding for proposed high-risk
24 life sciences research, which shall be binding upon the
25 agency.

1 “(b) POWERS.—The Board shall have the authority
2 to act in a manner to carry out the mission described in
3 subsection (a), including authority to—

4 “(1) prescribe regulations to carry out the re-
5 sponsibilities of the Board;

6 “(2) establish a process for the review of Fed-
7 eral funding for high-risk life sciences research prior
8 to the award of the Federal funding, which shall be
9 binding upon an agency, including information des-
10 igned as classified or otherwise protected from dis-
11 closure;

12 “(3) direct an agency to make available to the
13 Board additional information and records, including
14 information designated as classified or otherwise
15 protected from disclosure, that the Board determines
16 are required to fulfill the functions and responsibil-
17 ities Board under this chapter;

18 “(4) review any classified research conducted or
19 funded by any agency to determine whether the re-
20 search would be considered high-risk life sciences re-
21 search; and

22 “(5) through the promulgation of regulations,
23 establish processes, policies, and procedures of the
24 Board for rendering decisions under this chapter.

25 “(c) INITIAL REQUIREMENTS.—The Board shall—

1 “(1) not later than 180 days after the date of
2 appointment of the initial members of the Board
3 under section 7902, publish procedures in the Fed-
4 eral Register establishing the process for the review
5 by the Board under section 7906;

6 “(2) prior to the establishment of the proce-
7 dures under paragraph (1), consult with the appro-
8 priate congressional committees and heads of agen-
9 cies for purposes of developing such procedures; and

10 “(3) not later than 270 days after the date of
11 the enactment of this chapter, begin carrying out the
12 duties described in section 7906.

13 “(d) RESPONSIVENESS TO CONGRESS.—Notwith-
14 standing any other provision of law, not later than 30 days
15 after the date on which the Board receives a request for
16 information from a Member of Congress, the Board shall
17 respond to the request.

18 “(e) CONGRESSIONAL BRIEFINGS.—Not less fre-
19 quently than quarterly, the Board shall brief the appro-
20 priate congressional committees on the work of the Board.

21 “(f) SELECT AGENT OR TOXIN UPDATES.—

22 “(1) IN GENERAL.—Not later than 15 days
23 after the date on which the Board receives a notifi-
24 cation that a select agent or toxin has been added

1 to a list of agent or toxins under a regulation de-
2 scribed in paragraph (2), the Board shall—

3 “(A) review the select agent or toxin;

4 “(B) by majority vote of members of the
5 Board, determine whether the select agent or
6 toxin should be added into the definition of ‘se-
7 lect agent or toxin’ under section 7901; and

8 “(C) publish any addition determined
9 under subparagraph (B) in the Federal Reg-
10 ister.

11 “(2) REGULATIONS DESCRIBED.—A regulation
12 described in this paragraph is—

13 “(A) section 73.3(b) of title 42, Code of
14 Federal Regulations, or any successor regula-
15 tion;

16 “(B) section 331.3(b) of title 7, Code of
17 Federal Regulations, or any successor regula-
18 tion; and

19 “(C) section 121.3(b) of title 9, Code of
20 Federal Regulations, or any successor regula-
21 tion.

22 “(g) FINAL DETERMINATION AUTHORITY.—In any
23 dispute with an agency or entity relating to the classifica-
24 tion of life sciences research under this chapter, the Board
25 shall retain final and ultimate authority in—

1 “(1) determining whether the life sciences re-
2 search is high-risk life sciences research, dual use re-
3 search of concern involving a high-consequence
4 pathogen or gain of function research;

5 “(2) interpreting definitions in section 7901;
6 and

7 “(3) determining whether a proposed Federal
8 award for life sciences research is subject to the re-
9 view process of the Board under section 7906(a)(1).

10 **“§ 7905. Agency procedures; referral to Board**

11 “(a) IN GENERAL.—

12 “(1) PROHIBITION.—The head of an agency
13 may not award Federal funding for—

14 “(A) high-risk life sciences research with-
15 out approval by the Board under section
16 7906(a)(1)(B); or

17 “(B) life sciences research if the Board, in
18 accordance with section 7906(a)(2)(A)(ii), sub-
19 mits notification to the agency under section
20 7906(a)(2)(B)(i) that Board is reviewing the
21 Federal funding for life sciences research under
22 section 7906(a) until the date on which the
23 Board makes a final determination with respect
24 to the proposed Federal funding.

1 “(2) EFFECTIVE DATE.—Paragraph (1) shall
2 take effect on the date that is 180 days after the
3 date of enactment of this chapter.

4 “(b) HIGH-RISK ATTESTATION; SELECT AGENT OR
5 TOXIN DISCLOSURE; CERTIFICATION.—

6 “(1) IN GENERAL.—An entity seeking Federal
7 funding from an agency for life sciences research
8 shall, under the penalty of perjury—

9 “(A) attest whether—

10 “(i) the life sciences research will con-
11 stitute high-risk life sciences research; and

12 “(ii) the entity is performing active
13 research with a select agent or toxin; and

14 “(B) if the entity makes a positive attesta-
15 tion under subparagraph (A), disclose the
16 source of funding for all active research.

17 “(2) ACTIVE RESEARCH WITH SELECT AGENTS
18 OR TOXINS.—

19 “(A) IN GENERAL.—The head of an agen-
20 cy that receives a disclosure from an entity
21 under paragraph (1)(B) shall submit to the
22 Board the disclosure.

23 “(B) BOARD INQUIRIES.—The Board may
24 contact an entity that submits a disclosure

1 under paragraph (1)(B) to request additional
2 information relating to the disclosure.

3 “(3) AGENCY CERTIFICATION.—

4 “(A) POSITIVE ATTESTATIONS.—The head
5 of an agency making an award of Federal fund-
6 ing to an entity that makes a positive attesta-
7 tion under paragraph (1)(A)(i) shall—

8 “(i) submit to the Board the high-risk
9 life sciences proposal; and

10 “(ii) using the process established by
11 the head of the agency under paragraph
12 (4), certify the validity of the attestation.

13 “(B) NEGATIVE ATTESTATIONS.—The
14 head of an agency making an award of Federal
15 funding to an entity that makes a negative at-
16 testation under paragraph (1)(A)(i) shall—

17 “(i) review the attestation; and

18 “(ii) using the process established by
19 the head of the agency under paragraph
20 (4), certify the validity of the attestation.

21 “(4) PROCESS FOR REVIEW.—The head of each
22 agency that awards Federal funding for life sciences
23 research, in consultation with the Board, shall estab-
24 lish and implement a process for identifying pro-
25 posals from entities seeking Federal funding for life

1 sciences research from the agency that will con-
2 stitute high-risk life sciences research.

3 “(5) MAINTENANCE OF RECORDS.—The head of
4 each agency shall—

5 “(A) maintain records of the certification
6 process described in paragraph (3) for each ap-
7 plication for Federal funding in accordance with
8 chapter 31 of title 44; and

9 “(B) make the records maintained under
10 subparagraph (A) available for audit and review
11 upon request by the Board.

12 “(c) NOTIFICATION.—

13 “(1) IN GENERAL.—Not later than 30 days be-
14 fore the date on which the head of an agency plans
15 to award Federal funding to an entity for life
16 sciences research, the head of the agency shall sub-
17 mit to the Board a notification of the proposed Fed-
18 eral funding.

19 “(2) CONTENTS.—The notification of Federal
20 funding for life sciences research required under
21 paragraph (1) shall include the attestation and cer-
22 tification required under subsection (b).

23 “(3) BOARD REQUESTS.—

24 “(A) IN GENERAL.—The Board may re-
25 quest additional information from the head of

1 an agency relating to a notification submitted
2 under paragraph (1).

3 “(B) PROVISION OF INFORMATION.—The
4 head of an agency from which the Board re-
5 quest additional information under subpara-
6 graph (A) shall provide the information in a
7 timely manner.

8 “(d) AGENCY PROCEDURES.—Not later than 180
9 days after the date on which the Board publishes the proc-
10 ess of the Board in the Federal Register pursuant to sec-
11 tion 7904(c), the head of each agency shall publish on the
12 website of the agency prepayment and preaward proce-
13 dures of the agency with respect to Federal funding for
14 life sciences research to—

15 “(1) guarantee that—

16 “(A) all high-risk life science research pro-
17 posals are referred to the Board before the
18 award of Federal funding by the agency;

19 “(B) no Federal funding for high-risk life
20 sciences research is awarded by the agency
21 without approval by the Board; and

22 “(C) not later than 30 days before the
23 date on which the head of the agency plans to
24 award the Federal funding, the agency notifies

1 the Board of the proposal for Federal funding;

2 and

3 “(2) otherwise ensure compliance with this

4 chapter.

5 “(e) PROVISION OF ADDITIONAL INFORMATION.—

6 Upon request by the Board, the head of an agency shall

7 provide any information relating to Federal funding

8 awards for life sciences research determined necessary by

9 the Board to provide oversight of the agency.

10 “(f) CHANGE IN CIRCUMSTANCES DURING RE-

11 SEARCH.—If, during the course of life sciences research

12 in progress performed by an entity supported by Federal

13 funding from an agency, circumstances arise such that the

14 life sciences research in progress may constitute high-risk

15 life sciences research in contravention to the attestation

16 of the entity under subsection (b)(1)(A)(i)—

17 “(1) the entity shall—

18 “(A) not later than 24 hours after the

19 identification of the change in circumstance,

20 pause the life sciences research in progress; and

21 “(B) not later than 5 days after the date

22 of the identification of the change in cir-

23 cumstance, submit to the head of the agency a

24 written notification through an electronic or

25 nonelectronic communication method that—

1 “(i) notifies the head of the agency of
2 the possibility that the life sciences re-
3 search in progress may constitute high-risk
4 life sciences research; and

5 “(ii) includes a detailed description of
6 each change in circumstance that may
7 transform the life sciences research in
8 progress into high-risk life sciences re-
9 search; and

10 “(2) the head of the agency shall—

11 “(A) using the process of the agency estab-
12 lished under subsection (b)(4), determine
13 whether the life sciences research in progress
14 constitutes high-risk life sciences research;

15 “(B) if the head of the agency makes a
16 negative determination under subparagraph
17 (A), inform the entity that the entity may re-
18 sume the life sciences research in progress; and

19 “(C) if the head of the agency makes a
20 positive determination under subparagraph (A),
21 immediately submit to the Board a notification
22 of the Federal funding of high-risk life sciences
23 research in progress for review under section
24 7906(a)(1).

25 “(g) ENFORCEMENT.—

1 “(1) APPLICANT REQUIREMENTS.—If an entity
2 seeking or receiving Federal funding from an agency
3 knowingly fails to make a true attestation under
4 subsection (b)(1) or promptly notify the agency of a
5 change in circumstance in accordance with sub-
6 section (f)(1), the head of the agency shall refer the
7 entity to the appropriate entity for suspension and
8 debarment proceedings relating to the receipt of
9 Federal funding.

10 “(2) REFERRAL TO INSPECTOR GENERAL.—The
11 Board shall refer any employee of an agency respon-
12 sible for overseeing and reviewing research proposals
13 relating to Federal funding that knowingly fails to
14 comply with subsection (b)(3) to the inspector gen-
15 eral of the agency.

16 “(3) EMPLOYEE DISCIPLINE.—

17 “(A) IN GENERAL.—The head of an agen-
18 cy employing an employee who knowingly vio-
19 lates any provision of subsection (b)(3) (or, in
20 the case of the head of an agency who violates
21 any provision of subsection (b)(3), the Presi-
22 dent) shall impose on that employee—

23 “(i) disciplinary action in accordance
24 with chapter 75 of title 5 or an equivalent
25 procedure of the agency; and

1 “(ii) permanent revocation of any ap-
2 plicable security clearance held by the em-
3 ployee.

4 “(B) CONTRACTOR PENALTY.—In the case
5 of contractor working under a contract with an
6 agency who knowingly violates subsection
7 (b)(1), the head of the agency shall refer the
8 contractor to the appropriate entity for suspen-
9 sion and debarment proceedings relating to the
10 receipt of Federal funding.

11 “(C) EMPLOYEE DISCIPLINE REPORTS.—

12 “(i) IN GENERAL.—Not later than
13 360 days after the date of enactment of
14 this Act, and not less frequently than once
15 every 90 days thereafter, the head of each
16 agency shall submit to the Board and the
17 appropriate congressional committees a re-
18 port that discloses, for the period covered
19 by the report, each violation by an em-
20 ployee of the agency of subsection (b)(3).

21 “(ii) CONTENTS.—Each report sub-
22 mitted under clause (i) shall include, with
23 respect to a violation described in that
24 clause—

1 “(I) the name and professional
2 title of each employee engaged in the
3 violation;

4 “(II) a detailed explanation of
5 the nature of the violation; and

6 “(III) the date of the violation.

7 “(iii) PUBLICATION.—Not later than
8 5 days after the date on which the Board
9 receives a report under clause (i), the
10 Board shall publish on a publicly accessible
11 and searchable website the amount of vio-
12 lations that have been committed under
13 clause (i).

14 “(h) SUBAWARD AND SUBCONTRACTOR DISCLO-
15 SURE.—

16 “(1) IN GENERAL.—During the course of high-
17 risk life sciences research in progress performed by
18 an entity supported by Federal funding from an
19 agency, the entity shall—

20 “(A) continuously disclose to the head of
21 the agency any subcontracts or subawards made
22 or planned to be made with the Federal fund-
23 ing; and

1 “(B) obtain consent from the head of the
2 agency before awarding a subcontract or award
3 described in subparagraph (A).

4 “(2) AGENCY SUBMISSION.—Not later than 30
5 days after the date on which the head of an agency
6 receives a disclosure under paragraph (1), the head
7 of the agency shall submit to the Board the disclo-
8 sure.

9 “(3) BOARD INQUIRIES.—

10 “(A) IN GENERAL.—The Board may con-
11 tact an entity that submits a disclosure under
12 paragraph (1) to request additional information
13 relating to the disclosure.

14 “(B) ACCESS TO REPORTS.—During the
15 course of high-risk life sciences research in
16 progress performed by an entity supported by
17 Federal funding from an agency, upon request,
18 the Board shall have access to every annual re-
19 port of—

20 “(i) the agency;

21 “(ii) the entity performing the high-
22 risk life sciences research; and

23 “(iii) any subcontractor or sub-
24 awardee of an entity described in clause
25 (ii).

1 **“§ 7906. Board review**

2 “(a) IN GENERAL.—

3 “(1) HIGH-RISK LIFE SCIENCES RESEARCH.—

4 Not later than 120 days after the date on which the
5 Board receives a notification from an agency under
6 section 7905(c) relating to proposed Federal funding
7 for life sciences research that constitutes high-risk
8 life sciences research or the Board receives a notifi-
9 cation from an agency under section 7905(f)(2)(C)
10 relating to Federal funding of research in progress
11 that constitutes high-risk life sciences research, the
12 Board shall—

13 “(A) review the proposed Federal funding
14 or high-risk life sciences research in progress;

15 “(B) by a majority vote, determine wheth-
16 er the agency may award the proposed Federal
17 funding or continue to award the Federal fund-
18 ing for the high-risk life sciences research in
19 progress; and

20 “(C) by a majority vote, determine with re-
21 spect to the high-risk life sciences research
22 funded by the proposed Federal funding or
23 Federal funding for high-risk life sciences re-
24 search in progress—

1 “(i) the minimum required biosafety
2 containment level, engineering controls,
3 and operational controls;

4 “(ii) the minimum required biosecu-
5 rity engineering controls and operational
6 controls; and

7 “(iii) the minimum required personnel
8 assurance controls.

9 “(2) PROPOSED LIFE SCIENCES RESEARCH.—

10 “(A) IN GENERAL.—With respect to pro-
11 posed Federal funding by an agency for life
12 sciences research, the Board may—

13 “(i) review the proposed Federal fund-
14 ing; and

15 “(ii) determine whether the Board
16 should review the proposed Federal fund-
17 ing in accordance with paragraph (1).

18 “(B) NOTIFICATION.—If the Board makes
19 a positive determination under subparagraph
20 (A)(ii) with respect to proposed Federal funding
21 by an agency—

22 “(i) the Board shall notify the head of
23 the agency; and

24 “(ii) the head of the agency may not
25 award the proposed Federal funding until

1 the date on which the Board makes a final
2 determination with respect to the proposed
3 Federal funding under paragraph (1).

4 “(3) PAST FUNDING.—With respect to life
5 sciences research performed with Federal funding
6 awarded by an agency before the date of enactment
7 of this chapter, the Board may review and audit the
8 research in order to assess the compliance of the
9 agency with the provisions of this chapter.

10 “(4) ONGOING FUNDING FOR LIFE SCIENCES
11 RESEARCH.—With respect to Federal funding for
12 life sciences research in progress awarded by an
13 agency before the date of enactment of this Act that
14 the Board determines may constitute high-risk life
15 sciences research, the Board may—

16 “(A) direct the agency to temporarily sus-
17 pend the Federal funding;

18 “(B) require the agency to provide com-
19 plete information on the Federal funding in
20 order for the Board to complete a review of the
21 life sciences research under paragraph (1); and

22 “(C) by a majority vote of members of the
23 Board, determine whether the agency may con-
24 tinue the Federal funding.

25 “(b) CONSIDERATIONS.—

1 “(1) IN GENERAL.—In making a determination
2 under subsection (a)(1)(B), the Board shall con-
3 sider, with respect to the high-risk life sciences re-
4 search that will be conducted with the proposed Fed-
5 eral funding or high-risk life sciences research in
6 progress—

7 “(A) whether the research poses a threat
8 to public health;

9 “(B) whether the research poses a threat
10 to public safety;

11 “(C) whether the research has a high prob-
12 ability of producing benefits for public health;

13 “(D) whether the research poses a threat
14 to large populations of animals and plants;

15 “(E) whether the research poses a threat
16 to national security;

17 “(F) whether the research is proposed to
18 be conducted in whole or at least in part in a
19 foreign country;

20 “(G) the reasonably anticipated material
21 risks of the research;

22 “(H) the reasonably anticipated informa-
23 tion risks of the research;

24 “(I) the reasonably anticipated benefits of
25 the research;

1 “(J) whether the reasonably anticipated
2 benefits of the research outweigh the reasonably
3 anticipated risks; and

4 “(K) whether the benefits of the research
5 could be obtained through procedures posing
6 lower risks.

7 “(2) WEIGHT OF FACTORS.—The presence or
8 absence of any factor under paragraph (1) shall not
9 be decisive with respect to the determination of the
10 Board under subsection (a)(1)(B).

11 “(c) NOTICE FOLLOWING REVIEW AND DETERMINA-
12 TION.—

13 “(1) AGENCY NOTIFICATION.—Not later than 5
14 days after the date on which the Board makes a de-
15 termination under subsection (a)(1)(B) with respect
16 to Federal funding by an agency, the Executive Di-
17 rector of the Board shall notify the head of the
18 agency of the determination.

19 “(2) BOARD CONSULTATION.—

20 “(A) IN GENERAL.—Not later than 10
21 days after receiving a notification from the
22 Board under paragraph (1), the head of an
23 agency may request a meeting with the Board
24 to discuss the determination of the Board.

1 “(B) BOARD RESPONSE.—The Board shall
2 schedule a meeting requested by the head of an
3 agency under subparagraph (A) in a timely
4 manner.

5 “(3) NOTIFICATION TO APPROPRIATE CONGRES-
6 SIONAL COMMITTEES.—If the Board determines that
7 the head of an agency may not proceed with an
8 award of proposed Federal funding under this sec-
9 tion, the Executive Director of the Board shall no-
10 tify the appropriate congressional committees when
11 the Board notifies the head of the agency.

12 “(d) REQUEST FOR EXPEDITED REVIEW.—

13 “(1) DEFINITION.—In this subsection, the term
14 ‘emergency research’ means high-risk life sciences
15 research submitted to the Board that relates to a
16 public health emergency or addresses a specific na-
17 tional security concern.

18 “(2) REQUEST; NOTIFICATION.—The head of
19 an agency seeking expedited review from the Board
20 to award Federal funding for emergency research
21 shall—

22 “(A) include a request for expedited review
23 in the notification required under section
24 7905(c); and

1 “(B) on the date of the notification de-
2 scribed in subparagraph (A), submit to the
3 Board and the appropriate congressional com-
4 mittees a notification that explains why the spe-
5 cific public health emergency or national secu-
6 rity concern necessitates expedited review under
7 this subsection.

8 “(3) INTERNAL PROCESS.—The Board shall es-
9 tablish an internal process under which the Board
10 will give proposed emergency research expedited re-
11 view under this section.

12 “(4) TEMPORARY EMERGENCY RESEARCH.—If
13 the Board does not notify the head of an agency
14 with a determination under subsection (a)(1)(B)
15 with respect to proposed emergency research by the
16 date that is 15 days after the date on which the
17 head of the agency submits a request under para-
18 graph (2)(A), the head of the agency may award
19 Federal funding for the emergency research on a
20 temporary basis.

21 “(e) SCIENTIFIC EXPERT PANELS.—

22 “(1) IN GENERAL.—The Board may establish a
23 scientific panel of nongovernmental experts to advise
24 the Board in the review by the Board of life sciences
25 research pursuant to this chapter.

1 “(2) POLICIES AND PROCEDURES.—The Board
2 shall establish and publish in the Federal Register
3 procedures and policies relating to conflicts of inter-
4 est, recusal, expertise, and related matters before
5 the establishment of the panel described in para-
6 graph (1).

7 “(3) PROHIBITION.—An individual serving on
8 the panel established under paragraph (1) may not
9 advise the Board on any matter with respect to
10 which the individuals has an identified or perceived
11 conflict of interest.

12 “(4) REPORT.—

13 “(A) IN GENERAL.—Not later than 30
14 days after the date on which the Board estab-
15 lishes a panel established under paragraph (1),
16 the Board shall submit to the appropriate con-
17 gressional committees a report that includes the
18 names, qualifications, and any identified or per-
19 ceived conflicts of interest of individuals who
20 serve on the panel.

21 “(B) PANEL CHANGES.—Upon a change of
22 personnel on the panel established under para-
23 graph (1), the Board shall immediately submit
24 to the appropriate congressional committees an

1 update to the report required under subpara-
2 graph (A).

3 “(f) REPORT.—

4 “(1) IN GENERAL.—Not later than 360 days
5 after the date on which the Board establishes the
6 panel described in subsection (e)(1), and annually
7 thereafter, the Board shall submit to the appropriate
8 congressional committees a report, which shall in-
9 clude a classified annex, summarizing, with respect
10 to each determination by the Board under this sec-
11 tion relating to high-risk life sciences research—

12 “(A) the findings of the Board;

13 “(B) the determination of the Board;

14 “(C) the name and location of the entity
15 proposing the life sciences research;

16 “(D) the name and location of any recipi-
17 ent of a subaward or subcontractor of an entity
18 proposing life sciences research and the nature
19 of the participation of such a recipient or sub-
20 contractor; and

21 “(E) an account of significant challenges
22 or problems, including procedural or substantive
23 challenges or problems, that arise during the
24 course of the work of the Board, including the

1 views of any member of the Board who wishes
2 to have those views included in the report.

3 “(2) PUBLIC REPORT.—On the date on which
4 the Board submits a report required under para-
5 graph (1), the Board shall make the report, other
6 than the classified annex included in the report,
7 available on a website.

8 “(g) EFFECTIVE DATE.—This section shall take ef-
9 fect on the date that is 270 days after the date of enact-
10 ment of this chapter.

11 **“§ 7907. GAO Audits**

12 “The Comptroller General of the United States shall
13 periodically audit the Board.

14 **“§ 7908. Funding**

15 “There is authorized to be appropriated to the Board
16 to carry out this chapter \$30,000,000 for each of fiscal
17 years 2026 through 2035.”.

18 (b) CLERICAL AMENDMENT.—The table of chapters
19 for subtitle V of title 31, United States Code, is amended
20 by adding at the end the following:

“79. Life Sciences Research Security Board 7901”.

21 (c) FINANCIAL DISCLOSURE REPORTS OF BOARD
22 MEMBERS.—Section 13103(f) of title 5, United States
23 Code, is amended—

24 (1) in paragraph (11), by striking “and” at the
25 end;

1 (2) in paragraph (12), by striking the period at
2 the end and inserting “; and”; and
3 (3) by adding at the end the following:
4 “(13) a member of the Life Sciences Research
5 Security Board established under section 7902 of
6 title 31.”.