

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4667

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PAUL

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Risky Research Review

5 Act”.

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

7 (a) IN GENERAL.—Subtitle V of title 31, United

8 States Code, is amended by adding at the end the fol-

9 lowing:

1 **“CHAPTER 79—LIFE SCIENCES RESEARCH**
2 **SECURITY BOARD**

3 **“§ 7901. Definitions**

4 “In this chapter:

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

7 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term ‘appropriate congressional com-
9 mittees’ means the Committee on Homeland Secu-
10 rity and Governmental Affairs of the Senate and the
11 Committee on Oversight and Accountability of the
12 House of Representatives.

13 “(3) BOARD.—The term ‘Board’ means the
14 Life Sciences Research Security Board established
15 under section 7902(a).

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

18 “(A) means life sciences research that,
19 based on current understanding, can be reason-
20 ably anticipated to provide knowledge, informa-
21 tion, products, or technologies that could—

22 “(i) be misapplied to do harm with no
23 modification or only a minor modification;
24 and

1 “(ii) pose a significant threat with po-
2 tential consequences to public health and
3 safety, agricultural crops and other plants,
4 animals, materiel, or national security; and
5 “(B) includes—
6 “(i) life sciences research that could—
7 “(I) increase transmissibility of a
8 pathogen within or between host spe-
9 cies;
10 “(II) increase the virulence of a
11 pathogen or convey virulence to a non-
12 pathogen;
13 “(III) increase the toxicity of a
14 known toxin or produce a novel toxin;
15 “(IV) increase—
16 “(aa) the stability of a
17 pathogen or toxin in the environ-
18 ment; or
19 “(bb) the ability to dissemi-
20 nate a pathogen or toxin;
21 “(V) alter the host range or tro-
22 pism of a pathogen or toxin;
23 “(VI) decrease the ability for a
24 human or veterinary pathogen or

4

1 toxin to be detected using standard
2 diagnostic or analytical methods;

3 “(VII) increase resistance of a
4 pathogen or toxin to clinical or veteri-
5 nary prophylactic or therapeutic inter-
6 ventions;

7 “(VIII) alter a human or veteri-
8 nary pathogen or toxin to disrupt the
9 effectiveness of pre-existing immunity,
10 via immunization or natural infection,
11 against the pathogen or toxin;

12 “(IX) enhance the susceptibility
13 of a host population to a pathogen or
14 toxin;

15 “(X) enhance transmissibility of
16 a pathogen in humans;

17 “(XI) enhance the virulence of a
18 pathogen in humans;

19 “(XII) enhance the immune eva-
20 sion of a pathogen in humans, such as
21 by modifying the pathogen to disrupt
22 the effectiveness of pre-existing immu-
23 nity via immunization or natural in-
24 fection; or

1 “(XIII) generate, use, reconsti-
2 tute, or transfer an eradicated or ex-
3 tinct high-consequence pathogen; and

4 “(ii) any other category of life
5 sciences research that the Board, by ma-
6 jority vote of the members of the Board,
7 identifies and publishes in the Federal
8 Register.

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

11 “(6) FEDERAL FUNDING.—The term ‘Federal
12 funding’ means amounts awarded by an agency pur-
13 suant to an intramural or extramural grant, cooper-
14 ative agreement, interagency agreement, contract, or
15 other instrument.

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

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

22 “(A) means a wild-type or synthetic patho-
23 gen that—

6

1 “(i)(I) is likely capable of wide and
2 uncontrollable spread in human popu-
3 lations; and

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

6 “(ii) is—

7 “(I) subject to subparagraph (B),
8 influenza A virus;

9 “(II) classified under subgenus
10 Sarbecovirus;

11 “(III) classified under subgenus
12 Merbecovirus;

13 “(IV) Variola orthopoxvirus;

14 “(V) Mpox orthopoxvirus;

15 “(VI) Nipah henipavirus;

16 “(VII) Hendra henipavirus;

17 “(VIII) Ebola orthoebolavirus;

18 “(IX) Marburg marburgvirus

19 “(X) Lassa mammarenavirus;

20 “(XI) Junin arenavirus;

21 “(XII) Crimean-Congo hemor-
22 rhagic fever orthonairovirus;

23 “(XIII) Hantaan
24 orthohantavirus;

1 “(B) gain of function research.

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

4 “(A) means the study or use of a living or-
5 ganism, a virus, or a product of a living orga-
6 nism or virus; and

7 “(B) includes each discipline, methodology,
8 and application of biology, including bio-
9 technology, genomics, proteomics,
10 bioinformatics, and pharmaceutical and bio-
11 medical research and techniques.

12 “(11) SELECT AGENT OR TOXIN.—The term
13 ‘select agent or toxin’ means a select agent or toxin
14 identified under—

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

18 “(B) section 331.3(b) of title 7, Code of
19 Federal Regulations, as in effect on the date of
20 enactment of the Risky Research Review Act;
21 or

22 “(C) section 121.3(b) of title 9, Code of
23 Federal Regulations, as in effect on the date of
24 enactment of the Risky Research Review Act.

1 **“§ 7902. Establishment and membership**

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

7 “(b) APPOINTMENT OF MEMBERS.—

8 “(1) IN GENERAL.—The President shall ap-
9 point, without regard to political affiliation, 9 indi-
10 viduals who are citizens of the United States to
11 serve as members of the Board for not more than
12 2 terms of 4 years each, including—

13 “(A) the Executive Director appointed
14 under section 7903(a);

15 “(B) 5 nongovernmental scientists in a life
16 sciences field;

17 “(C) 2 nongovernmental national security
18 experts; and

19 “(D) 1 nongovernmental biosafety expert.

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

24 “(3) CONSIDERATIONS OF RECOMMENDA-
25 TIONS.—The President shall make appointments to
26 the Board after considering individuals rec-

1 ommended by the chair and ranking member of the
2 appropriate congressional committees.

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

5 “(A) shall—

6 “(i) be impartial individuals; and

7 “(ii) be distinguished individuals of
8 high national professional reputation in
9 their respective fields who are capable of
10 exercising the independent and objective
11 judgment necessary to conduct an impar-
12 tial assessment of the potential risks and
13 benefits associated with Federal funding of
14 high-risk life sciences research to public
15 health and national security; and

16 “(B) may not be an employee on the date
17 of the appointment or during the 3-year period
18 preceding the date of the appointment.

19 “(5) LIMITATIONS.—Not more than 4 concur-
20 rent members of the Board may be an employee, a
21 subcontractor, a previous employee, or a previous
22 subcontractor of—

23 “(A) the Department of Defense;

24 “(B) the Department of Homeland Secu-
25 rity;

1 “(C) the National Institute of Allergy and
2 Infectious Diseases of the Department of
3 Health and Human Services;

4 “(D) the Office of the Director of National
5 Intelligence; or

6 “(E) the Department of Energy.

7 “(6) CONSIDERATION BY THE SENATE.—

8 “(A) IN GENERAL.—Nominations for ap-
9 pointment to the Executive Director of the
10 Board shall be referred to the Committee on
11 Homeland Security and Governmental Affairs
12 of the Senate for consideration.

13 “(B) RENOMINATION.—A member of the
14 Board who is recommended to serve a second
15 term shall be nominated for appointment to the
16 Board, and such nomination shall be referred
17 pursuant to subparagraph (A).

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

22 “(8) REMOVAL.—

23 “(A) IN GENERAL.—No member of the
24 Board shall be removed from office, other than
25 by—

1 “(i) impeachment and conviction;

2 “(ii) the action of the President for
3 inefficiency, neglect of duty, malfeasance in
4 office, physical disability, mental inca-
5 pacity, or any other condition that sub-
6 stantially impairs the performance of the
7 member’s duties; or

8 “(iii) the Board in accordance with
9 subparagraph (B).

10 “(B) ACTION BY BOARD.—If the Director
11 of the Office of Government Ethics determines
12 that participation by a member of the Board in
13 high-risk life sciences research constitutes a
14 conflict of interest, the Board shall take steps
15 to mitigate or manage the conflict, which may
16 include removal.

17 “(C) NOTICE OF REMOVAL BY PRESI-
18 DENT.—

19 “(i) IN GENERAL.—In the case of the
20 removal of a member of the Board by the
21 President as described in subparagraph
22 (A)(ii), not later than 10 days after the re-
23 moval, the President shall submit to the
24 chair and ranking member of the appro-
25 priate congressional committees a report

1 specifying the facts found and the grounds
2 for removal.

3 “(ii) PUBLICATION OF REPORT.—The
4 President shall publish in the Federal Reg-
5 ister each report submitted under clause
6 (i), except that the President may, if nec-
7 essary to protect the rights of a person
8 named in the report or to prevent undue
9 interference with any pending prosecution,
10 postpone or refrain from publicly pub-
11 lishing any or all of the report until the
12 completion of such pending cases or pursu-
13 ant to privacy protection requirements in
14 law.

15 “(c) MANDATORY CONFLICTS OF INTEREST RE-
16 VIEW.—

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

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

22 “(i) establish criteria to determine
23 whether there is a conflict of interest with
24 respect to any individual appointed to the
25 Board, taking into consideration require-

1 ments under Federal law relating to ethics
2 requirements for employees; and

3 “(ii) upon an appointment of a mem-
4 ber to the Board under subsection (a)(1)
5 thereafter, conduct a review of each indi-
6 vidual nominated and appointed to the
7 Board to ensure the individual does not
8 have any conflict of interest under the cri-
9 teria established pursuant to clause (i);
10 and

11 “(B) periodically thereafter, conduct a re-
12 view of each individual nominated and ap-
13 pointed to the Board to ensure the individual
14 does not have any conflict of interest under the
15 criteria established pursuant to subparagraph
16 (A)(i) during the term of service of the indi-
17 vidual.

18 “(2) NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 3 days
20 after the date on which the Director of the Of-
21 fice of Government Ethics becomes aware that
22 a member of the Board possesses a potential
23 conflict of interest under the criteria established
24 pursuant to paragraph (1)(A)(i), the Director
25 of the Office of Government Ethics shall notify

1 the chair and ranking member of the appro-
2 priate congressional committees of the potential
3 conflict of interest.

4 “(B) NOTIFICATION BY MEMBER.—Not
5 later than 30 days after the date on which a
6 member of the Board becomes aware that an-
7 other member of the Board possesses a poten-
8 tial conflict of interest under the criteria estab-
9 lished pursuant to paragraph (1)(A)(i), the
10 member of the Board or the Executive Director
11 of the Board shall notify the chair and ranking
12 member of the appropriate congressional com-
13 mittees of the potential conflict of interest.

14 “(d) SECURITY CLEARANCES.—All members of the
15 Board shall be granted all the necessary security clear-
16 ances and accesses, including to relevant Presidential and
17 department or agency special access and compartmented
18 access programs, in an accelerated manner, subject to the
19 standard procedures for granting such clearances. All
20 nominees for appointment to the Board shall qualify for
21 the necessary security clearances and accesses prior to
22 being considered for confirmation by the Committee on
23 Homeland Security and Governmental Affairs of the Sen-
24 ate.

1 “(e) PARTICIPATION IN HIGH-RISK LIFE SCIENCES
2 RESEARCH.—

3 “(1) DISCLOSURE REQUIRED.—A member of
4 the Board shall disclose whether the member has
5 participated in or is currently participating in high-
6 risk life sciences research.

7 “(2) CONFLICTS OF INTEREST.—

8 “(A) IN GENERAL.—The participation in
9 high-risk life sciences research by a member of
10 the Board—

11 “(i) shall be considered a potential
12 conflict of interest; and

13 “(ii) shall be subject to scrutiny by
14 the Director of the Office of Government
15 Ethics.

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

23 “(i) the recusal of the affected mem-
24 ber from relevant discussions and deter-
25 minations; and

1 “(ii) removal of the affected member
2 from the Board.

3 “(f) COMPENSATION OF MEMBERS.—

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

11 “(A) proposed by the Executive Director
12 and approved by the Board;

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

15 “(C) that is commensurate with—

16 “(i) the time a member of the Board
17 spends engaged in the performance of du-
18 ties on the Board; and

19 “(ii) necessary traveling expenses.

20 “(2) OUTSIDE EMPLOYMENT.—Subject to terms
21 and approval determined by the Director of the Of-
22 fice of Government Ethics, a member of the Board
23 may maintain outside employment and affiliations
24 while serving on the Board.

25 “(g) OVERSIGHT.—

1 “(1) SENATE.—The Committee on Homeland
2 Security and Governmental Affairs of the Senate
3 shall—

4 “(A) have continuing legislative oversight
5 jurisdiction in the Senate with respect to the of-
6 ficial conduct of the Board and agency compli-
7 ance with requirements issued by the Board;
8 and

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

11 “(2) HOUSE OF REPRESENTATIVES.—The Com-
12 mittee on Oversight and Accountability of the House
13 of Representatives shall—

14 “(A) have continuing legislative oversight
15 jurisdiction in the House of Representatives
16 with respect to the official conduct of the Board
17 and agency compliance with requirements
18 issued by the Board; and

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

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

24 “(4) SECURITY CLEARANCES.—The chair and
25 ranking member of the appropriate congressional

1 committees, and designated committee staff, shall be
2 granted all security clearances and accesses held by
3 the Board, including to relevant Presidential and de-
4 partment or agency special access and compart-
5 mented access programs.

6 “(h) OFFICE SPACE.—

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

11 “(2) SECURE OFFICE SPACE.—

12 “(A) REQUESTS.—In order to review or
13 discuss classified information, the Board shall
14 request an accommodation from relevant agen-
15 cies to access sensitive compartmented informa-
16 tion facilities on an as-needed basis.

17 “(B) FULFILMENT.—The head of an agen-
18 cy from which the Board requests an accommo-
19 dation under subparagraph (A) shall accommo-
20 date the request in a timely manner.

21 **“§ 7903. Board personnel**

22 “(a) EXECUTIVE DIRECTOR.—

23 “(1) APPOINTMENT.—Not later than 45 days
24 after the date of enactment of this chapter, the
25 President shall appoint, by and with the advice and

1 consent of the Senate, 1 individual who is a citizen
2 of the United States, without regard to political af-
3 filiation, to the position of Executive Director of the
4 Board for a term of 4 years.

5 “(2) QUALIFICATIONS.—The individual ap-
6 pointed as Executive Director under paragraph (1)
7 shall be a private individual of integrity and impar-
8 tiality who—

9 “(A) is a distinguished scientist in a life
10 sciences field; and

11 “(B) is not, and has not been for the 3-
12 year period preceding the date of the appoint-
13 ment—

14 “(i) an employee; or

15 “(ii) a participant in high-risk life
16 sciences research supported by Federal
17 funding.

18 “(3) SECURITY CLEARANCES.—

19 “(A) IN GENERAL.—A candidate for Exec-
20 utive Director of the Board shall be granted all
21 security clearances and accesses held by the
22 Board, including to relevant Presidential and
23 department or agency special access and com-
24 partmented access programs in an accelerated

1 manner, subject to the standard procedures for
2 granting such clearances.

3 “(B) QUALIFICATION PRIOR TO APPOINT-
4 MENT.—The President shall ensure that a can-
5 didate for Executive Director of the Board
6 qualifies for the security clearances and ac-
7 cesses described in subparagraph (A) prior to
8 appointment.

9 “(4) FUNCTIONS.—The Executive Director of
10 the Board shall—

11 “(A) serve as principal liaison to Congress
12 and agencies;

13 “(B) serve as chair of the Board;

14 “(C) be responsible for the administration
15 and coordination of the responsibilities of the
16 Board; and

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

19 “(5) REMOVAL.—Notwithstanding section
20 7902(b)(8), the Executive Director shall not be re-
21 moved for reasons other than for cause on the
22 grounds of inefficiency, neglect of duty, malfeasance
23 in office, physical disability, mental incapacity, or
24 any other condition that substantially impairs the

1 performance of the responsibilities of the Executive
2 Director or the staff of the Board.

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

5 “(b) STAFF.—

6 “(1) IN GENERAL.—Without regard to the pro-
7 visions of subchapter I of chapter 33 of title 5 gov-
8 erning appointments in the competitive service, the
9 Board may appoint not more than 25 additional per-
10 sonnel to enable the Board and the Executive Direc-
11 tor to perform the duties of the Board.

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

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

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

18 “(C) may not be a participant in any fed-
19 erally funded research activity on the date of
20 the appointment or during the course of service
21 of the individual on the Board.

22 “(3) SECURITY CLEARANCES.—

23 “(A) IN GENERAL.—A candidate for ap-
24 pointment to the staff of the Board shall be
25 granted all security clearances and accesses

1 held by the Board, including to relevant Presi-
2 dential and department or agency special access
3 and compartmented access programs, in an ac-
4 celerated manner, subject to the standard pro-
5 cedures for granting such clearances.

6 “(B) CONDITIONAL EMPLOYMENT.—

7 “(i) IN GENERAL.—The Board may
8 offer conditional employment to a can-
9 didate for a staff position of the Board
10 pending the completion of security clear-
11 ance background investigations. During
12 the pendency of such investigations, the
13 Board shall ensure that any such employee
14 does not have access to, or responsibility
15 involving, classified or otherwise restricted
16 materials.

17 “(ii) UNQUALIFIED STAFF.—If the
18 Board determines that an individual hired
19 on a conditional basis under clause (i) is
20 not eligible or otherwise does not qualify
21 for all security clearances necessary to
22 carry out the responsibilities of the posi-
23 tion for which conditional employment has
24 been offered, the Board shall immediately
25 terminate the individual’s employment.

1 “(4) SUPPORT FROM AGENCIES.—

2 “(A) IN GENERAL.—The head of each
3 agency shall designate not less than 1 full-time
4 employee of the agency as the representative of
5 the agency to—

6 “(i) provide technical assistance to the
7 Board; and

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

11 “(B) PROHIBITION.—A representative of
12 an agency designated under subparagraph (A)
13 and any employee of an agency may not directly
14 or indirectly influence in any capacity a deter-
15 mination by the Board under section 7906 with
16 respect to life sciences research funded by the
17 agency.

18 “(c) COMPENSATION.—Subject to such rules as may
19 be adopted by the Board, without regard to the provisions
20 of title 5 governing appointments in the competitive serv-
21 ice and without regard to the provisions of chapter 51 and
22 subchapter III of chapter 53 of that title relating to classi-
23 fication and General Schedule pay rates, the Executive Di-
24 rector of the Board shall—

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

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

6 “(3) appoint and fix the compensation of such
7 other personnel as may be necessary to carry out
8 this chapter.

9 **“§ 7904. Board mission and functions**

10 “(a) MISSION.—The mission of the Board shall be
11 to issue an independent determination as to whether an
12 agency may award Federal funding for proposed high-risk
13 life sciences research, which shall be binding upon the
14 agency.

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

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

20 “(2) establish a process for the review of Fed-
21 eral funding for high-risk life sciences research prior
22 to the award of the Federal funding, which shall be
23 binding upon an agency, including information des-
24 ignated as classified or otherwise protected from dis-
25 closure;

1 “(3) direct an agency to make available to the
2 Board additional information and records, including
3 information designated as classified or otherwise
4 protected from disclosure, that the Board determines
5 are required to fulfill the functions and responsibil-
6 ities Board under this chapter;

7 “(4) review any classified research conducted or
8 funded by any agency to determine whether the re-
9 search would be considered high-risk life sciences re-
10 search; and

11 “(5) through the promulgation of regulations,
12 establish processes, policies, and procedures of the
13 Board for rendering decisions under this chapter.

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

15 “(1) not later than 180 days after the date of
16 appointment of the initial members of the Board
17 under section 7902, publish procedures in the Fed-
18 eral Register establishing the process for the review
19 by the Board under section 7906 ;

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

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

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

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

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

13 “(1) IN GENERAL.—Not later than 15 days
14 after the date on which the Board receives a notifi-
15 cation that a select agent or toxin has been added
16 to a list of agent or toxins under a regulation de-
17 scribed in paragraph (2), the Board shall—

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

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

23 “(C) publish any addition determined
24 under subparagraph (B) in the Federal Reg-
25 ister.

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

3 “(A) section 73.3(b) of title 42, Code of
4 Federal Regulations, or any successor regula-
5 tion;

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

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

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

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

20 “(2) interpreting definitions in section 7901;
21 and

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

1 **“§ 7905. Agency procedures; referral to Board**

2 “(a) IN GENERAL.—

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

5 “(A) high-risk life sciences research with-
6 out approval by the Board under section
7 7906(a)(1)(B); or

8 “(B) life sciences research if the Board, in
9 accordance with section 7906(a)(2)(A)(ii), sub-
10 mits notification to the agency under section
11 7906(a)(2)(B)(i) that Board is reviewing the
12 Federal funding for life sciences research under
13 section 7906(a) until the date on which the
14 Board makes a final determination with respect
15 to the proposed Federal funding.

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

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

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

24 “(A) attest whether—

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

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

3 “(B) if the entity is makes a positive attes-
4 tation under subparagraph (A), disclose the
5 source of funding for all active research.

6 “(2) ACTIVE RESEARCH WITH SELECT AGENTS
7 OR TOXINS.—

8 “(A) IN GENERAL.—The head of an agen-
9 cy that receives a disclosure from an entity
10 under paragraph (1)(B) shall submit to the
11 Board the disclosure.

12 “(B) BOARD INQUIRIES.—The Board may
13 contact an entity that submits a disclosure
14 under paragraph (1)(B) to request additional
15 information relating to the disclosure.

16 “(3) AGENCY CERTIFICATION.—

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

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

23 “(ii) using the process established by
24 the head of the agency under paragraph
25 (4), certify the validity of the attestation.

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

5 “(i) review the attestation; and

6 “(ii) using the process established by
7 the head of the agency under paragraph
8 (4), certify the validity of the attestation.

9 “(4) PROCESS FOR REVIEW.—The head of each
10 agency that awards Federal funding for life sciences
11 research, in consultation with the Board, shall estab-
12 lish and implement a process for identifying pro-
13 posals from entities seeking Federal funding for life
14 sciences research from the agency that will con-
15 stitute high-risk life sciences research.

16 “(5) MAINTENANCE OF RECORDS.—The head of
17 each agency shall—

18 “(A) maintain records of the certification
19 process described in paragraph (3) for each ap-
20 plication for Federal funding in accordance with
21 chapter 31 of title 44; and

22 “(B) make the records maintained under
23 subparagraph (A) available for audit and review
24 upon request by the Board.

25 “(c) NOTIFICATION.—

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

7 “(2) CONTENTS.—The notification of Federal
8 funding for life sciences research required under
9 paragraph (1) shall include the attestation and cer-
10 tification required under subsection (b).

11 “(3) BOARD REQUESTS.—

12 “(A) IN GENERAL.—The Board may re-
13 quest additional information from the head of
14 an agency relating to a notification submitted
15 under paragraph (1).

16 “(B) PROVISION OF INFORMATION.—The
17 head of an agency from which the Board re-
18 quest additional information under subpara-
19 graph (A) shall provide the information in a
20 timely manner.

21 “(d) AGENCY PROCEDURES.—Not later than 180
22 days after the date on which the Board publishes the proc-
23 ess of the Board in the Federal Register pursuant to sec-
24 tion 7904(c), the head of each agency shall publish on the
25 website of the agency prepayment and preaward proce-

1 dures of the agency with respect to Federal funding for
2 life sciences research to—

3 “(1) guarantee that—

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

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

10 “(C) not later than 30 days before the
11 date on which the head of the agency plans to
12 award the Federal funding, the agency notifies
13 the Board of the proposal for Federal funding;
14 and

15 “(2) otherwise ensure compliance with this
16 chapter.

17 “(e) PROVISION OF ADDITIONAL INFORMATION.—
18 Upon request by the Board, the head of an agency shall
19 provide any information relating to Federal funding
20 awards for life sciences research determined necessary by
21 the Board to provide oversight of the agency.

22 “(f) CHANGE IN CIRCUMSTANCES DURING RE-
23 SEARCH.—If, during the course of life sciences research
24 in progress performed by an entity supported by Federal
25 funding from an agency, circumstances arise such that the

1 life sciences research in progress may constitute high-risk
2 life sciences research in contravention to the attestation
3 of the entity under subsection (b)(1)(A)(i)—

4 “(1) the entity shall—

5 “(A) not later than 24 hours after the
6 identification of the change in circumstance,
7 pause the life sciences research in progress; and

8 “(B) not later than 5 days after the date
9 of the identification of the change in cir-
10 cumstance, submit to the head of the agency a
11 written notification through an electronic or
12 nonelectronic communication method that—

13 “(i) notifies the head of the agency of
14 the possibility that the life sciences re-
15 search in progress may constitute high-risk
16 life sciences research; and

17 “(ii) includes a detailed description of
18 each change in circumstance that may
19 transform the life sciences research in
20 progress into high-risk life sciences re-
21 search; and

22 “(2) the head of the agency shall—

23 “(A) using the process of the agency estab-
24 lished under subsection (b)(4), determine

1 whether the life sciences research in progress
2 constitutes high-risk life sciences research;

3 “(B) if the head of the agency makes a
4 negative determination under subparagraph
5 (A), inform the entity that the entity may re-
6 sume the life sciences research in progress; and

7 “(C) if the head of the agency makes a
8 positive determination under subparagraph (A),
9 immediately submit to the Board a notification
10 of the Federal funding of high-risk life sciences
11 research in progress for review under section
12 7906(a)(1).

13 “(g) ENFORCEMENT.—

14 “(1) APPLICANT REQUIREMENTS.—If an entity
15 seeking or receiving Federal funding from an agency
16 knowingly fails to make a true attestation under
17 subsection (b)(1) or promptly notify the agency of a
18 change in circumstance in accordance with sub-
19 section (f)(1), the head of the agency shall refer the
20 entity to the appropriate entity for suspension and
21 debarment proceedings relating to the receipt of
22 Federal funding.

23 “(2) REFERRAL TO INSPECTOR GENERAL.—The
24 Board shall refer any employee of an agency respon-
25 sible for overseeing and reviewing research proposals

1 relating to Federal funding that knowingly fails to
2 comply with subsection (b)(3) to the inspector gen-
3 eral of the agency.

4 “(3) EMPLOYEE DISCIPLINE.—

5 “(A) IN GENERAL.—The head of an agen-
6 cy employing an employee who knowingly vio-
7 lates any provision of subsection (b)(3) (or, in
8 the case of the head of an agency who violates
9 any provision of subsection (b)(3), the Presi-
10 dent) shall impose on that employee—

11 “(i) disciplinary action in accordance
12 with chapter 75 of title 5 or an equivalent
13 procedure of the agency; and

14 “(ii) permanent revocation of any ap-
15 plicable security clearance held by the em-
16 ployee.

17 “(B) CONTRACTOR PENALTY.—In the case
18 of contractor working under a contract with an
19 agency who knowingly violates subsection
20 (b)(1), the head of the agency shall refer the
21 contractor to the appropriate entity for suspen-
22 sion and debarment proceedings relating to the
23 receipt of Federal funding.

24 “(C) EMPLOYEE DISCIPLINE REPORTS.—

1 “(i) IN GENERAL.—Not later than
2 360 days after the date of enactment of
3 this Act, and not less frequently than once
4 every 90 days thereafter, the head of each
5 agency shall submit to the Board and the
6 appropriate congressional committees a re-
7 port that discloses, for the period covered
8 by the report, each violation by an em-
9 ployee of the agency of subsection (b)(3).

10 “(ii) CONTENTS.—Each report sub-
11 mitted under clause (i) shall include, with
12 respect to a violation described in that
13 clause—

14 “(I) the name and professional
15 title of each employee engaged in the
16 violation;

17 “(II) a detailed explanation of
18 the nature of the violation; and

19 “(III) the date of the violation.

20 “(iii) PUBLICATION.—Not later than
21 5 days after the date on which the Board
22 receives a report under clause (i), the
23 Board shall publish on a publicly accessible
24 and searchable website the amount of vio-

1 lations that have been committed under
2 clause (i).

3 “(h) SUBAWARD AND SUBCONTRACTOR DISCLO-
4 SURE.—

5 “(1) IN GENERAL.—During the course of high-
6 risk life sciences research in progress performed by
7 an entity supported by Federal funding from an
8 agency, the entity shall—

9 “(A) continuously disclose to the head of
10 the agency any subcontracts or subawards made
11 or planned to be made with the Federal fund-
12 ing; and

13 “(B) obtain consent from the head of the
14 agency before awarding a subcontract or award
15 described in subparagraph (A).

16 “(2) AGENCY SUBMISSION.—Not later than 30
17 days after the date on which the head of an agency
18 receives a disclosure under paragraph (1), the head
19 of the agency shall submit to the Board the disclo-
20 sure.

21 “(3) BOARD INQUIRIES.—

22 “(A) IN GENERAL.—The Board may con-
23 tact an entity that submits a disclosure under
24 paragraph (1) to request additional information
25 relating to the disclosure.

1 “(B) ACCESS TO REPORTS.—During the
2 course of high-risk life sciences research in
3 progress performed by an entity supported by
4 Federal funding from an agency, upon request,
5 the Board shall have access to every annual re-
6 port of—

7 “(i) the agency;

8 “(ii) the entity performing the high-
9 risk life sciences research; and

10 “(iii) any subcontractor or sub-
11 awardee of an entity described in clause
12 (ii).

13 **“§ 7906. Board review**

14 “(a) IN GENERAL.—

15 “(1) HIGH-RISK LIFE SCIENCES RESEARCH.—
16 Not later than 120 days after the date on which the
17 Board receives a notification from an agency under
18 section 7905(c) relating to proposed Federal funding
19 for life sciences research that constitutes high-risk
20 life sciences research or the Board receives a notifi-
21 cation from an agency under section 7905(f)(2)(C)
22 relating to Federal funding of research in progress
23 that constitutes high-risk life sciences research, the
24 Board shall—

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

3 “(B) by a majority vote, determine wheth-
4 er the agency may award the proposed Federal
5 funding or continue to award the Federal fund-
6 ing for the high-risk life sciences research in
7 progress; and

8 “(C) by a majority vote, determine with re-
9 spect to the high-risk life sciences research
10 funded by the proposed Federal funding or
11 Federal funding for high-risk life sciences re-
12 search in progress—

13 “(i) the minimum required biosafety
14 containment level, engineering controls,
15 and operational controls;

16 “(ii) the minimum required biosecu-
17 rity engineering controls and operational
18 controls; and

19 “(iii) the minimum required personnel
20 assurance controls.

21 “(2) PROPOSED LIFE SCIENCES RESEARCH.—

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

1 “(i) review the proposed Federal fund-
2 ing; and

3 “(ii) determine whether the Board
4 should review the proposed Federal fund-
5 ing in accordance with paragraph (1).

6 “(B) NOTIFICATION.—If the Board makes
7 a positive determination under subparagraph
8 (A)(ii) with respect to proposed Federal funding
9 by an agency—

10 “(i) the Board shall notify the head of
11 the agency; and

12 “(ii) the head of the agency may not
13 award the proposed Federal funding until
14 the date on which the Board makes a final
15 determination with respect to the proposed
16 Federal funding under paragraph (1).

17 “(3) PAST FUNDING.—With respect to life
18 sciences research performed with Federal funding
19 awarded by an agency before the date of enactment
20 of this chapter, the Board may review and audit the
21 research in order to assess the compliance of the
22 agency with the provisions of this chapter.

23 “(4) ONGOING FUNDING FOR LIFE SCIENCES
24 RESEARCH.—With respect to Federal funding for
25 life sciences research in progress awarded by an

1 agency before the date of enactment of this Act that
2 the Board determines may constitute high-risk life
3 sciences research, the Board may—

4 “(A) direct the agency to temporarily sus-
5 pend the Federal funding;

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

10 “(C) by a majority vote of members of the
11 Board, determine whether the agency may con-
12 tinue the Federal funding.

13 “(b) CONSIDERATIONS.—

14 “(1) IN GENERAL.—In making a determination
15 under subsection (a)(1)(B), the Board shall con-
16 sider, with respect to the high-risk life sciences re-
17 search that will be conducted with the proposed Fed-
18 eral funding or high-risk life sciences research in
19 progress—

20 “(A) whether the research poses a threat
21 to public health;

22 “(B) whether the research poses a threat
23 to public safety;

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

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

3 “(E) whether the research poses a threat
4 to national security;

5 “(F) whether the research is proposed to
6 be conducted at least in part in a foreign coun-
7 try;

8 “(G) the reasonably anticipated material
9 risks of the research;

10 “(H) the reasonably anticipated informa-
11 tion risks of the research;

12 “(I) the reasonably anticipated benefits of
13 the research;

14 “(J) whether the reasonably anticipated
15 benefits of the research outweigh the reasonably
16 anticipated risks; and

17 “(K) whether the benefits of the research
18 could be obtained through procedures posing
19 lower risks.

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

24 “(c) NOTICE FOLLOWING REVIEW AND DETERMINA-
25 TION.—

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

7 “(2) BOARD CONSULTATION.—

8 “(A) IN GENERAL.—Not later than 10
9 days after receiving a notification from the
10 Board under paragraph (1), the head of an
11 agency may request a meeting with the Board
12 to discuss the determination of the Board.

13 “(B) BOARD RESPONSE.—The Board shall
14 schedule a meeting requested by the head of an
15 agency under subparagraph (A) in a timely
16 manner.

17 “(3) NOTIFICATION TO APPROPRIATE CONGRES-
18 SIONAL COMMITTEES.—If the Board determines that
19 the head of an agency may not proceed with an
20 award of proposed Federal funding under this sec-
21 tion, the Executive Director of the Board shall no-
22 tify the appropriate congressional committees when
23 the Board notifies the head of the agency.

24 “(d) REQUEST FOR EXPEDITED REVIEW.—

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

6 “(2) REQUEST; NOTIFICATION.—The head of
7 an agency seeking expedited review from the Board
8 to award Federal funding for emergency research
9 shall—

10 “(A) include a request for expedited review
11 in the notification required under section
12 7905(c); and

13 “(B) on the date of the notification de-
14 scribed in subparagraph (A), submit to the
15 Board and the appropriate congressional com-
16 mittees a notification that explains why the spe-
17 cific public health emergency or national secu-
18 rity concern necessitates expedited review under
19 this subsection.

20 “(3) INTERNAL PROCESS.—The Board shall es-
21 tablish an internal process under which the Board
22 will give proposed emergency research expedited re-
23 view under this section.

24 “(4) TEMPORARY EMERGENCY RESEARCH.—If
25 the Board does not notify the head of an agency

1 with a determination under subsection (a)(1)(B)
2 with respect to proposed emergency research by the
3 15 days after the date on which the head of the
4 agency submits a request under paragraph (2)(A),
5 the head of the agency may award Federal funding
6 for the emergency research on a temporary basis.

7 “(e) SCIENTIFIC EXPERT PANELS.—

8 “(1) IN GENERAL.—The Board may establish a
9 scientific panel of nongovernmental experts to advise
10 the Board in the review by the Board of life sciences
11 research pursuant to this chapter.

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

18 “(3) PROHIBITION.—An individual serving on
19 the panel established under paragraph (1) may not
20 advise the Board on any matter with respect to
21 which the individuals has an identified or perceived
22 conflict of interest.

23 “(4) REPORT.—

24 “(A) IN GENERAL.—Not later than 30
25 days after the date on which the Board estab-

1 lishes a panel established under paragraph (1),
2 the Board shall submit to the appropriate con-
3 gressional committees a report that includes the
4 names, qualifications, and any identified or per-
5 ceived conflicts of interest of individuals who
6 serve on the panel.

7 “(B) PANEL CHANGES.—Upon a change of
8 personnel on the panel established under para-
9 graph (1), the Board shall immediately submit
10 to the appropriate congressional committees an
11 update to the report required under subpara-
12 graph (A).

13 “(f) REPORT.—

14 “(1) IN GENERAL.—Not later than 360 days
15 after the date on which the Board establishes the
16 panel described in subsection (e)(1), and annually
17 thereafter, the Board shall submit to the appropriate
18 congressional committees a report, which shall in-
19 clude a classified annex, summarizing, with respect
20 to each determination by the Board under this sec-
21 tion relating to high-risk life sciences research—

22 “(A) the findings of the Board;

23 “(B) the determination of the Board;

24 “(C) the name and location of the entity
25 proposing the life sciences research;

1 “(D) the name and location of any recipi-
2 ent of a subaward or subcontractor of an entity
3 proposing life sciences research and the nature
4 of the participation of such a recipient or sub-
5 contractor; and

6 “(E) an account of significant challenges
7 or problems, including procedural or substantive
8 challenges or problems, that arise during the
9 course of the work of the Board, including the
10 views of any member of the Board who wishes
11 to have those views included in the report.

12 “(2) PUBLIC REPORT.—On the date on which
13 the Board submits a report required under para-
14 graph (1), the Board shall make the report, other
15 than the classified annex included in the report,
16 available on a website.

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

20 **“§ 7907. GAO Audits**

21 “The Comptroller General of the United States shall
22 periodically audit the Board.

1 **“§ 7908. Funding**

2 “There is authorized to be appropriated to the Board
3 to carry out this chapter \$30,000,000 for each of fiscal
4 years 2025 through 2034.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for subtitle V of title 31, United States Code, is amended
7 by adding at the end the following:

“CHAPTER 79—LIFE SCIENCES RESEARCH 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.”.

8 (c) FINANCIAL DISCLOSURE REPORTS OF BOARD
9 MEMBERS.—Section 13103(f) of title 5, United States
10 Code, is amended—

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

13 (2) in paragraph (12), by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(13) a member of the Life Sciences Research
17 Security Board established under section 7902 of
18 title 31.”.