

Calendar No. 667

118TH CONGRESS
2^D SESSION**S. 4667****[Report No. 118–264]**

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

 IN THE SENATE OF THE UNITED STATES

JULY 10, 2024

Mr. PAUL (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 5, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**

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 Oversight and Accountability of the
16 House 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.—The term ‘dual use’, with re-
21 spect to research, means research that, based on
22 current understanding as of the date of research,
23 can be reasonably anticipated to provide knowledge,
24 information, products, or technologies that could di-
25 rectly or with only minor modification be misapplied
26 to pose a significant threat with broad potential con-

1 sequences to public health and safety, agricultural
2 crops or other plants, animals, materiel, or national
3 security.

4 “(5) EMPLOYEE.—

5 “(A) IN GENERAL.—The term ‘em-
6 ployee’—

7 “(i) means an employee of an agency;

8 and

9 “(ii) includes an individual, other than
10 an employee of an agency, working under
11 a contract with an agency.

12 “(B) RULE OF CONSTRUCTION.—With re-
13 spect to an individual described in subpara-
14 graph (A)(ii), solely for the purposes of this
15 chapter, the agency that has entered into the
16 contract under which the employee is working
17 shall be construed to be the agency employing
18 the employee.

19 “(6) FEDERAL FUNDING.—The term ‘Federal
20 funding’—

21 “(A) means amounts awarded by an agen-
22 cy pursuant to a grant, cooperative agreement,
23 interagency agreement, contract, or other in-
24 strument; and

25 “(B) includes—

1 “(i) an in-kind contribution by an
2 agency used for life sciences research pur-
3 poses; and

4 “(ii) research conducted by an agency
5 to which funds were appropriated for con-
6 ducting research.

7 “(7) GAIN OF FUNCTION RESEARCH.—The
8 term ‘gain of function research’ means research that
9 has the potential to enhance the transmissibility or
10 virulence of a potential pandemic pathogen.

11 “(8) HIGH-RISK LIFE SCIENCES RESEARCH.—
12 The term ‘high-risk life sciences research’—

13 “(A) means life sciences research that—

14 “(i) has a potential dual use nature;

15 or

16 “(ii) could pose a threat to public
17 health, safety, or national security; and

18 “(B) includes—

19 “(i) gain of function research;

20 “(ii) research involving a potential
21 pandemic pathogen, including genetic
22 modification of a potential pandemic
23 pathogen and the synthetic creation of a
24 potential pandemic pathogen; and

1 “(iii) an activity involving the collec-
2 tion or surveillance of a potential pandemic
3 pathogen.

4 “(9) LIFE SCIENCES RESEARCH.—The term
5 ‘life sciences research’ means research in agricul-
6 tural biotechnology, biogenetics, bioinformatics, bio-
7 medical engineering, biopharmaceuticals, academic
8 medical centers, biotechnology, chemical synthesis,
9 chemistry technology, medical diagnostics, genomics,
10 medical image analysis, marine biology, medical de-
11 vices, medical nanotechnology, natural product phar-
12 maceuticals proteomics, regenerative medicine, RNA
13 interference, stem cell research, medical and neuro-
14 logical clinical trials, health robotics, and veterinary
15 science.

16 “(10) POTENTIAL PANDEMIC PATHOGEN.—The
17 term ‘potential pandemic pathogen’—

18 “(A) means a virus, natural or synthetic,
19 bacteria, fungus, prion, or eukaryotic parasite,
20 or any strain or variant of a virus, bacterium,
21 fungus, prion, or eukaryotic parasite—

22 “(i) that—

23 “(I) is reasonably anticipated to
24 be moderately or highly transmissible
25 and likely capable of wide and uncon-

1 trollable spread in human populations;

2 and

3 “(H) is described in clause (ii) or

4 (iii); and

5 “(ii) reasonably anticipated to be of

6 low, moderate, or high virulence and likely

7 to cause significant morbidity or mortality

8 in humans; or

9 “(iii) reasonably anticipated to pose a

10 severe threat to public health, the capacity

11 of public health systems to function, or na-

12 tional security if allowed to spread within

13 the general population; and

14 “(B) includes—

15 “(i) subject to subparagraph (C), in-

16 fluenza viruses;

17 “(ii) sarbecoviruses;

18 “(iii) merbecoviruses;

19 “(iv) henipaviruses, including Nipah

20 virus;

21 “(v) filoviruses;

22 “(vi) arenaviruses;

23 “(vii) orthopoxviruses;

24 “(viii) *Yersinia pestis*;

1 ~~“(ix) any synthetic construct of such~~
2 viruses; and

3 ~~“(x) a select agent or toxin, work with~~
4 which poses a significant risk of deliberate
5 misuse; and

6 ~~“(C) does not include seasonal influenza~~
7 viruses, unless such viruses have been manipu-
8 lated to include genetic sequences from a poten-
9 tial pandemic pathogen.

10 ~~“(11) SELECT AGENT OR TOXIN.—The term~~
11 ‘select agent or toxin’ means an agent or toxin iden-
12 tified under—

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

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

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

23 **“§ 7902. Establishment and membership**

24 ~~“(a) ESTABLISHMENT.—There is established as an~~
25 independent agency within the Executive Branch a board

1 to be known as the ‘Life Sciences Research Security
2 Board’ to review proposed Federal funding for life sciences
3 research in accordance with section 7906.

4 “(b) APPOINTMENT OF MEMBERS.—

5 “(1) IN GENERAL.—The President, by and with
6 the advice and consent of the Senate, shall appoint,
7 without regard to political affiliation, 9 individuals
8 who are citizens of the United States to serve as
9 members of the Board for not more than 2 terms of
10 4 years each, including—

11 “(A) the Executive Director appointed
12 under section 7903(a);

13 “(B) 5 nongovernmental scientists in a life
14 sciences field; and

15 “(C) 2 nongovernmental national security
16 experts.

17 “(2) PERIOD FOR NOMINATIONS.—The Presi-
18 dent shall make nominations to the Board not later
19 than 30 days after the date of enactment of this
20 chapter. If the Senate votes not to confirm a nomi-
21 nation to the Board, the President shall make an
22 additional nomination not later than 10 days after
23 such vote by the Senate.

24 “(3) CONSIDERATIONS OF RECOMMENDA-
25 TIONS.—The President shall make nominations to

1 the Board after considering individuals rec-
2 ommended by the Chair and Ranking Member of the
3 appropriate congressional committees.

4 “(4) QUALIFICATIONS.—Individuals nominated
5 to the Board—

6 “(A) shall—

7 “(i) be impartial individuals; and

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

17 “(B) may not be an employee of the Fed-
18 eral Government on the date of the appoint-
19 ment or during the 3-year period preceding the
20 date of the appointment.

21 “(5) LIMITATIONS.—Not more than 4 concur-
22 rent members of the Board may be employed by, a
23 subcontractor of, a previous employee of, or a pre-
24 vious subcontractor of—

25 “(A) the Department of Defense;

1 “(B) the Department of Homeland Secu-
2 rity;

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

6 “(D) the Office of the Director of National
7 Intelligence; or

8 “(E) the Department of Energy.

9 “(6) CONSIDERATION BY THE SENATE.—

10 “(A) IN GENERAL.—Nominations for ap-
11 pointment to the Board shall be referred to the
12 Committee on Homeland Security and Govern-
13 mental Affairs of the Senate for consideration.

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

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

23 “(8) REMOVAL.—

1 “(A) IN GENERAL.—No member of the
2 Board shall be removed from office, other than
3 by—

4 “(i) impeachment and conviction;

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

11 “(iii) the Board in accordance with
12 subparagraph (B).

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

20 “(C) NOTICE OF REMOVAL BY PRESI-
21 DENT.—

22 “(i) IN GENERAL.—In the case of the
23 removal of a member of the Board by the
24 President as described in subparagraph
25 (A)(ii), not later than 10 days after the re-

1 removal, the President shall submit to the
 2 Chair and Ranking Members of the appro-
 3 priate congressional committees a report
 4 specifying the facts found and the grounds
 5 for removal.

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

18 “(c) MANDATORY CONFLICTS OF INTEREST RE-
 19 VIEW.—

20 “(1) IN GENERAL.—The Director of the Office
 21 of Government Ethics shall—

22 “(A) not later than 180 days after the date
 23 of the enactment of this chapter, and upon an
 24 appointment of a member to the Board under
 25 subsection (a)(1) thereafter, conduct a review of

1 each individual nominated and appointed to the
2 Board to ensure such individual does not have
3 any conflict of interest; and

4 “(B) periodically thereafter, conduct a re-
5 view of each individual nominated and ap-
6 pointed to the Board to ensure the individual
7 does not have any conflict of interest during the
8 term of service of the individual.

9 “(2) NOTIFICATION.—

10 “(A) IN GENERAL.—Not later than 3 days
11 after the date on which the Director of the Of-
12 fice of Government Ethics becomes aware that
13 a member of the Board possesses a potential
14 conflict of interest to the mission of the Board,
15 the Director shall notify the Chair and Ranking
16 Members of the appropriate congressional com-
17 mittees of the potential conflict of interest.

18 “(B) NOTIFICATION BY MEMBER.—Not
19 later than 30 days after the date on which a
20 member of the Board becomes aware that an-
21 other member of the Board possesses a poten-
22 tial conflict of interest to the mission of the
23 Board, the member of the Board or the Execu-
24 tive Director of the Board shall notify the Chair
25 and Ranking Members of the appropriate con-

1 gressional committees of the potential conflict
2 of interest.

3 “(d) SECURITY CLEARANCES.—All members of the
4 Board shall be granted all the necessary security clear-
5 ances and accesses, including to relevant Presidential and
6 department or agency special access and compartmented
7 access programs, in an accelerated manner subject to the
8 standard procedures for granting such clearances. All
9 nominees for appointment to the Board shall qualify for
10 the necessary security clearances and accesses prior to
11 being considered for confirmation by the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate.

14 “(e) PARTICIPATION IN HIGH-RISK LIFE SCIENCES
15 RESEARCH.—

16 “(1) DISCLOSURE REQUIRED.—A member of
17 the Board shall disclose whether the member has
18 participated in or is currently participating in high-
19 risk life sciences research.

20 “(2) CONFLICTS OF INTEREST.—

21 “(A) IN GENERAL.—The participation in
22 high-risk life sciences research by a member of
23 the Board—

24 “(i) shall be considered a potential
25 conflict of interest; and

1 “(ii) shall be subject to scrutiny by
2 the Director of the Office of Government
3 Ethics.

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

11 “(i) the recusal of the affected mem-
12 ber from relevant discussions and deter-
13 minations; and

14 “(ii) removal of the affected member
15 from the Board.

16 “(f) COMPENSATION OF MEMBERS.—

17 “(1) IN GENERAL.—Subject to such rules as
18 may be adopted by the Board, without regard to the
19 provisions of title 5 governing appointments in the
20 competitive service and without regard to the provi-
21 sions of chapter 51 and subchapter III of chapter 53
22 of that title relating to classification and General
23 Schedule pay rates, a member of the Board, other
24 than the Executive Director, shall be compensated at
25 a rate—

1 “(A) proposed by the Executive Director
2 and approved by the Board;

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

5 “(C) that is commensurate with—

6 “(i) the time a member of the Board
7 spends engaged in the performance of du-
8 ties on the Board; and

9 “(ii) necessary traveling expenses.

10 “(2) OUTSIDE EMPLOYMENT.—Subject to terms
11 and approval determined by the Director of the Of-
12 fice of Government Ethics, a member of the Board
13 may maintain outside employment and affiliations
14 while serving on the Board.

15 “(g) OVERSIGHT.—

16 “(1) SENATE.—The Committee on Homeland
17 Security and Governmental Affairs of the Senate
18 shall—

19 “(A) have continuing legislative oversight
20 jurisdiction in the Senate with respect to the of-
21 ficial conduct of the Board and agency compli-
22 ance with requirements issued by the Board;
23 and

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

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

4 “(A) have continuing legislative oversight
5 jurisdiction in the House of Representatives
6 with respect to the official conduct of the Board
7 and agency compliance with requirements
8 issued by the Board; and

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

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

14 “(4) SECURITY CLEARANCES.—The Chair and
15 Ranking Members of the appropriate congressional
16 committees, and designated committee staff, shall be
17 granted all security clearances and accesses held by
18 the Board, including to relevant Presidential and de-
19 partment or agency special access and compart-
20 mented access programs.

21 “(h) OFFICE SPACE.—In selecting office space for
22 the Board, the Board shall exhaust options for unused of-
23 fice spaces owned by the Federal Government as of the
24 date of enactment of this chapter.

1 **“§ 7903. Board personnel**

2 ~~“(a) EXECUTIVE DIRECTOR.—~~

3 ~~“(1) APPOINTMENT.—Not later than 45 days~~
 4 ~~after the date of the enactment of this chapter, the~~
 5 ~~President shall appoint 1 individual who is a citizen~~
 6 ~~of the United States, without regard to political af-~~
 7 ~~iliation, to the position of Executive Director of the~~
 8 ~~Board for a term of 4 years.~~

9 ~~“(2) QUALIFICATIONS.—The individual ap-~~
 10 ~~pointed as Executive Director under paragraph (1)~~
 11 ~~shall be a private individual of integrity and impar-~~
 12 ~~tiality who—~~

13 ~~“(A) is a distinguished scientist in a life~~
 14 ~~sciences field; and~~

15 ~~“(B) is not, and has not been for the 3-~~
 16 ~~year period preceding the date of the appoint-~~
 17 ~~ment—~~

18 ~~“(i) an employee of the Federal Gov-~~
 19 ~~ernment; or~~

20 ~~“(ii) a participant in high-risk life~~
 21 ~~sciences research supported by Federal~~
 22 ~~funding.~~

23 ~~“(3) SECURITY CLEARANCES.—~~

24 ~~“(A) IN GENERAL.—A candidate for Exec-~~
 25 ~~utive Director shall be granted all security~~
 26 ~~clearances and accesses held by the Board, in-~~

1 including to relevant Presidential and department
 2 or agency special access and compartmented ac-
 3 cess programs in an accelerated manner, sub-
 4 ject to the standard procedures for granting
 5 such clearances.

6 “(B) QUALIFICATION PRIOR TO APPOINT-
 7 MENT.—The President shall ensure that a can-
 8 didate for Executive Director qualifies for the
 9 security clearances and accesses described in
 10 subparagraph (A) prior to appointment.

11 “(4) FUNCTIONS.—The Executive Director
 12 shall—

13 “(A) serve as principal liaison to Congress
 14 and agencies;

15 “(B) serve as Chair of the Board;

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

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

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

1 any other condition that substantially impairs the
2 performance of the responsibilities of the Executive
3 Director or the staff of the Board.

4 “(6) TERMS.—An Executive Director shall not
5 serve more than 2 terms.

6 “(b) STAFF.—

7 “(1) IN GENERAL.—The Board, without regard
8 to the civil service laws, may appoint additional per-
9 sonnel as necessary to enable the Board and the Ex-
10 ecutive Director to perform the duties of the Board.

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

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

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

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

21 “(3) SECURITY CLEARANCES.—

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

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

5 “(B) CONDITIONAL EMPLOYMENT.—

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

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

24 “(4) SUPPORT FROM AGENCIES.—

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

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

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

10 “(B) PROHIBITION.—A representative des-
11 ignated under subparagraph (A) and any em-
12 ployee of an agency may not directly or indi-
13 rectly influence in any capacity a determination
14 by the Board under section 7906 with respect
15 to life sciences research funded by the agency.

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

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

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

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

6 **“§ 7904. Board mission and functions**

7 “(a) MISSION.—The mission of the Board shall be
8 to issue an independent determination as to whether an
9 agency may award Federal funding for proposed life
10 sciences research; which shall be binding upon the agency.

11 “(b) POWERS.—The Board shall have the authority
12 to act in a manner to carry out the mission described in
13 subsection (a); including authority to—

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

16 “(2) establish a process for the review of Fed-
17 eral funding for life sciences research prior to the
18 award of the Federal funding; which shall be binding
19 upon an agency; including information designated as
20 classified or otherwise protected from disclosure;

21 “(3) direct an agency to make available to the
22 Board additional information and records; including
23 information designated as classified or otherwise
24 protected from disclosure; that the Board determines

1 are required to fulfill the functions and responsibil-
2 ities Board under this chapter;

3 “(4) review any classified research conducted or
4 funded by any agency to determine whether the re-
5 search would be considered high-risk life sciences re-
6 search;

7 “(5) through the promulgation of regulations,
8 establish processes, policies, and procedures of the
9 Board for rendering decisions under this chapter;
10 and

11 “(6) by majority vote, add an agent or toxin to
12 the definition of ‘agent or toxin’ under section 7901.

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

14 “(1) not later than 90 days after the date of
15 appointment of the initial members of the Board
16 under section 7902, publish procedures in the Fed-
17 eral Register establishing the process for the review
18 by the Board under section 7906 ;

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

23 “(3) not later than 180 days after the date of
24 the enactment of this chapter, begin carrying out the
25 duties described in section 7906.

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

6 “(e) **CONGRESSIONAL BRIEFINGS.**—Not less fre-
 7 quently than quarterly, the Board shall brief the appro-
 8 priate congressional committees on the work of the Board.

9 **“§ 7905. Agency procedures; referral to Board**

10 “(a) **IN GENERAL.**—Beginning 180 days after the
 11 date of enactment of this chapter, the head of an agency—

12 “(1) may not award Federal funding for high-
 13 risk life sciences research without approval by the
 14 Board under section 7906(a)(1)(B); and

15 “(2) may not award Federal funding for life
 16 sciences research disapproved of by the Board under
 17 section 7906(a)(2)(A)(i)(II).

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

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

23 “(A) attest whether—

24 “(i) the life sciences research will con-
 25 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)(B) for each
20 application for Federal funding; and

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

24 “(e) **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 for review under section 7906(a).

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

18 “(1) guarantee that—

19 “(A) all life science research proposals are
20 referred to the Board before the award of Fed-
21 eral funding by the agency; and

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

1 “(2) otherwise ensure compliance with this
2 chapter.

3 “(e) PROVISION OF ADDITIONAL INFORMATION.—

4 Upon request by the Board, the head of an agency shall
5 provide any information relating to Federal funding
6 awards for life sciences research determined necessary by
7 the Board to provide oversight of the agency.

8 “(f) CHANGE IN CIRCUMSTANCES DURING RE-

9 SEARCH.—If, during the course of life sciences research
10 in progress performed by an entity supported by Federal
11 funding from an agency, circumstances arise such that the
12 life sciences research in progress may constitute high-risk
13 life sciences research in contravention to the attestation
14 of the entity under subsection (b)(1)(A)(i)—

15 “(1) the entity shall—

16 “(A) pause the life sciences research in
17 progress; and

18 “(B) notify the head of the agency of the
19 possibility that the life sciences research in
20 progress may constitute high-risk life sciences
21 research; 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 fails to make a true attestation under subsection
17 (b)(1) or promptly notify the agency of changes de-
18 scribed in subsection (f), the inspector general of the
19 agency may permanently disqualify the entity from
20 receiving any Federal funding.

21 “(2) REFERRAL TO ATTORNEY GENERAL.—The
22 Board shall refer any official of an agency respon-
23 sible for overseeing and reviewing research proposals
24 relating to Federal funding that fails to comply with

1 subsection (b)(3) to the inspector general of the
2 agency.

3 ~~“(3) EMPLOYEE DISCIPLINE.—~~

4 ~~“(A) IN GENERAL.—Notwithstanding any~~
5 ~~provision of title 5, and subject to subpara-~~
6 ~~graph (B), the head of an agency employing an~~
7 ~~employee who violates any provision of sub-~~
8 ~~section (b)(3) (or, in the case of the head of an~~
9 ~~agency who violates any provision of subsection~~
10 ~~(b)(3), the President) shall impose on that em-~~
11 ~~ployee—~~

12 ~~“(i) disciplinary action consisting of~~
13 ~~removal, reduction in grade, suspension, or~~
14 ~~debarment from employment with the~~
15 ~~United States;~~

16 ~~“(ii) a civil penalty in an amount that~~
17 ~~is not less than \$10,000;~~

18 ~~“(iii) ineligibility for any annuity~~
19 ~~under chapter 83 or 84 of title 5; and~~

20 ~~“(iv) permanent revocation of any ap-~~
21 ~~plicable security clearance held by the em-~~
22 ~~ployee.~~

23 ~~“(B) SPECIFIC CONTRACTOR DIS-~~
24 ~~CIPLINE.—In the case of an individual de-~~
25 ~~scribed in section 7901(5) working under a con-~~

1 tract with an agency who violates any provision
2 of subsection (b)(2), in addition to any dis-
3 cipline that may be applicable under subpara-
4 graph (A) of this paragraph, that individual
5 shall be barred from working under any con-
6 tract with the Federal Government.

7 “(C) EMPLOYEE DISCIPLINE REPORTS.—

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

17 “(ii) CONTENTS.—Each report sub-
18 mitted under clause (i) shall include, with
19 respect to a violation described in that
20 clause—

21 “(I) the name and professional
22 title of each employee engaged in the
23 violation;

24 “(II) a detailed explanation of
25 the nature of the violation; and

1 “(III) the date of the violation.

2 “(iii) PUBLICATION.—Not later than
3 5 days after the date on which the Board
4 receives a report under clause (i), the
5 Board shall—

6 “(I) collect the report and assign
7 the report a unique tracking number;
8 and

9 “(II) publish on a publicly acces-
10 sible and searchable website the con-
11 tents of the report and the tracking
12 number for the report.

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

15 “(1) IN GENERAL.—During the course of life
16 sciences research in progress performed by an entity
17 supported by Federal funding from an agency, the
18 entity shall continuously disclose to the head of the
19 agency any subcontracts or subawards made with
20 the Federal funding.

21 “(2) AGENCY SUBMISSION.—Not later than 30
22 days after the date on which the head of an agency
23 receives a disclosure under paragraph (1), the head
24 of the agency shall submit to the Board the disclo-
25 sure.

1 “(3) BOARD INQUIRIES.—

2 “(A) IN GENERAL.—The Board may con-
3 tact an entity that submits a disclosure under
4 paragraph (1) to request additional information
5 relating to the disclosure.

6 “(B) ACCESS TO REPORTS.—During the
7 course of life sciences research in progress per-
8 formed by an entity supported by Federal fund-
9 ing from an agency, upon request, the Board
10 shall have access to every annual report—

11 “(i) of the agency;

12 “(ii) of the entity performing the life
13 sciences research; and

14 “(iii) of any subawardee of an entity
15 described in clause (ii).

16 **“§ 7906. Board review**

17 “(a) IN GENERAL.—

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

19 Not later than 120 days after the date on which the
20 Board receives a notification from an agency under
21 section 7905(e) relating to proposed Federal funding
22 for life sciences research that constitutes high-risk
23 life sciences research or a notification from an agen-
24 cy under section 7905(f)(2)(C) relating to Federal

1 funding of research in progress that constitutes
 2 high-risk life sciences research, the Board shall—

3 “(A) review the proposed Federal funding
 4 or research in progress;

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

9 “(C) by a majority vote, determine with re-
 10 spect to the life sciences research funded by the
 11 proposed Federal funding or Federal funding
 12 for research 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) LIFE SCIENCES RESEARCH.—

22 “(A) PROPOSED FUNDING.—

23 “(i) IN GENERAL.—With respect to
 24 proposed Federal funding by an agency for
 25 life sciences research that does not con-

1 stitute high-risk life sciences research; the
2 Board may—

3 “(I) review the proposed Federal
4 funding; and

5 “(II) by a majority vote, deter-
6 mine whether the agency may award
7 the proposed Federal funding.

8 “(ii) NOTIFICATION.—If the Board
9 determines not to permit the award of
10 Federal funding proposed by an agency
11 pursuant to clause (i)(II), the Board shall
12 notify the head of the agency and identify
13 the factors that contributed to the deter-
14 mination of the Board.

15 “(B) PAST FUNDING.—With respect to
16 Federal funding that has already been awarded
17 by an agency for life sciences research that does
18 not constitute high-risk life sciences research,
19 the Board may review and audit the life
20 sciences research.

21 “(b) CONSIDERATIONS.—

22 “(1) IN GENERAL.—In making a determination
23 under paragraph (1)(B) and (2)(A)(i)(II) of sub-
24 section (a), the Board shall consider, with respect to
25 the life sciences research that will be conducted with

1 the proposed Federal funding or research in
2 progress—

3 “(A) whether the research poses a threat
4 to public health;

5 “(B) whether the research poses a threat
6 to public safety;

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

9 “(D) whether the research poses a threat
10 to large populations of animals, and plants;

11 “(E) whether the research poses a threat
12 to national security;

13 “(F) whether the research is proposed to
14 be conducted in a foreign country;

15 “(G) the reasonably anticipated material
16 risks;

17 “(H) the reasonably anticipated informa-
18 tion risks;

19 “(I) the reasonably anticipated benefits;

20 “(J) whether the reasonably anticipated
21 benefits outweigh the reasonably anticipated
22 risks; and

23 “(K) whether the benefits could be ob-
24 tained through procedures posing lower risks.

1 “(2) WEIGHT OF FACTORS.—The presence or
2 absence of any factor under paragraph (1) shall not
3 be decisive with respect to the determination of the
4 Board under paragraph (1)(B) and (2)(A)(i)(II) of
5 subsection (a).

6 “(e) NOTICE FOLLOWING REVIEW AND DETERMINA-
7 TION.—

8 “(1) AGENCY NOTIFICATION.—Not later than 5
9 days after the date on which the Board makes a de-
10 termination under subsection (a)(1)(B), the Execu-
11 tive Director of the Board shall notify the head of
12 the agency of the determination.

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

20 “(d) BOARD DELEGATION OF DECISIONMAKING TO
21 AUTHORIZED PERSONNEL.—

22 “(1) IN GENERAL.—The Board may vote to del-
23 egate to designated personnel of the Board ap-
24 pointed under section 7903(b) the authority to de-
25 termine whether to review proposed Federal funding

1 for life sciences research under subsection
2 (a)(2)(A)(i)(I).

3 “(2) POLICIES AND PROCEDURES.—The delega-
4 tion authorized under paragraph (1) shall be subject
5 to policies and procedures—

6 “(A) unanimously approved by the Board;

7 “(B) established in consultation with the
8 appropriate congressional committees; and

9 “(C) published in the Federal Register.

10 “(3) HIGH-RISK LIFE SCIENCES RESEARCH AP-
11 PROVAL.—The Board may not delegate the require-
12 ment to make a review and determination under
13 subsection (a)(1)(i) with respect to Federal funding
14 for high-risk life sciences research.

15 “(e) SCIENTIFIC EXPERT PANELS.—

16 “(1) IN GENERAL.—The Board may establish a
17 scientific panel of experts to advise the Board in the
18 review by the Board of life sciences research pursu-
19 ant to this chapter.

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

1 “(3) PROHIBITION.—An individual serving on
2 the panel established under paragraph (1) may not
3 advise the Board on any matter with respect to
4 which the individual has an identified or perceived
5 conflict of interest.

6 “(4) REPORT.—

7 “(A) IN GENERAL.—Not later than 30
8 days after the date on which the Board estab-
9 lishes a panel established under paragraph (1),
10 the Board shall submit to the appropriate con-
11 gressional committees a report that includes the
12 names of individuals who serve on the panel.

13 “(B) PANEL CHANGES.—Upon a change of
14 personnel on the panel established under para-
15 graph (1), the Board shall immediately submit
16 to the appropriate congressional committees an
17 update to the report required under subpara-
18 graph (A).

19 “(f) REPORT.—Not later than 360 days after the
20 date on which the Board establishes the panel described
21 in subsection (e)(1), and annually thereafter, the Board
22 shall submit to the appropriate congressional committees
23 and make available on a website a report summarizing,
24 with respect to each determination by the Board under
25 this section relating to life sciences research—

1 “(1) the findings of the Board;

2 “(2) the determination of the Board;

3 “(3) the name and location of the entity pro-
4 posing the life sciences research;

5 “(4) the name and location of any recipient of
6 a subaward or subcontractor of an entity proposing
7 life sciences research and the nature of the partici-
8 pation of such a recipient or subcontractor; and

9 “(5) an account of significant challenges or
10 problems, including procedural or substantive chal-
11 lenges or problems, that arise during the course of
12 the work of the Board, including the views of any
13 member of the Board who wishes to have those
14 views included in the report.

15 “(g) EFFECTIVE DATE.—This section shall take ef-
16 fect on the date that is 180 days after the date of enact-
17 ment of this chapter.

18 **“§ 7907. Funding**

19 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to the Board to carry out
21 this chapter \$30,000,000 for each of fiscal years 2025
22 through 2034.

23 “(b) DHS TRANSFER.—

24 “(1) IN GENERAL.—Subject to paragraph (2)
25 and notwithstanding any other law, in any fiscal

1 year for which amounts are authorized to be appro-
 2 priated under subsection (a), of the amounts the
 3 Secretary of Homeland Security would otherwise
 4 award as grants, the Secretary of Homeland Secu-
 5 rity shall transfer \$30,000,000 to the Board.

6 “(2) EXCEPTION.—A transfer under paragraph
 7 (1) shall not apply to amounts awarded as grants
 8 from the Disaster Relief Fund of the Federal Emer-
 9 gency Management Agency.”

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 for subtitle V of title 31, United States Code, is amended
 12 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. Funding.”

13 (c) FINANCIAL DISCLOSURE REPORTS OF BOARD
 14 MEMBERS.—Section 13103(f) of title 5, United States
 15 Code, is amended—

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

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

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

1 “~~(13)~~ a member of the Life Sciences Research
2 Security Board established under section 7902 of
3 title ~~31~~.”

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Risky Research Review*
6 *Act”.*

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

8 *(a) IN GENERAL.—Subtitle V of title 31, United States*
9 *Code, is amended by adding at the end the following:*

10 **“CHAPTER 79—LIFE SCIENCES RESEARCH**
11 **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.

12 **“§ 7901. Definitions**

13 *“In this chapter:*

14 *“(1) AGENCY.—The term ‘agency’ has the mean-*
15 *ing given the term in section 552(f) of title 5.*

16 *“(2) APPROPRIATE CONGRESSIONAL COMMIT-*
17 *TEES.—The term ‘appropriate congressional commit-*
18 *tees’ means the Committee on Homeland Security and*
19 *Governmental Affairs of the Senate and the Com-*
20 *mittee on Oversight and Accountability of the House*
21 *of Representatives.*

1 “(3) *BOARD*.—The term ‘Board’ means the Life
2 *Sciences Research Security Board* established under
3 *section 7902(a)*.

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

6 “(A) means life sciences research that, based
7 on current understanding, can be reasonably an-
8 ticipated to provide knowledge, information,
9 products, or technologies that could—

10 “(i) be misapplied to do harm with no
11 modification or only a minor modification;
12 and

13 “(ii) pose a significant threat with po-
14 tential consequences to public health and
15 safety, agricultural crops and other plants,
16 animals, materiel, or national security; and

17 “(B) includes—

18 “(i) life sciences research that could—

19 “(I) increase transmissibility of a
20 pathogen within or between host spe-
21 cies;

22 “(II) increase the virulence of a
23 pathogen or convey virulence to a non-
24 pathogen;

- 1 “(III) increase the toxicity of a
2 *known toxin or produce a novel toxin;*
- 3 “(IV) increase—
- 4 “(aa) the stability of a
5 *pathogen or toxin in the environ-*
6 *ment; or*
- 7 “(bb) the ability to dissemi-
8 *nate a pathogen or toxin;*
- 9 “(V) alter the host range or tro-
10 *pism of a pathogen or toxin;*
- 11 “(VI) decrease the ability for a
12 *human or veterinary pathogen or toxin*
13 *to be detected using standard diag-*
14 *nostic or analytical methods;*
- 15 “(VII) increase resistance of a
16 *pathogen or toxin to clinical or veteri-*
17 *nary prophylactic or therapeutic inter-*
18 *ventions;*
- 19 “(VIII) alter a human or veteri-
20 *nary pathogen or toxin to disrupt the*
21 *effectiveness of pre-existing immunity,*
22 *via immunization or natural infection,*
23 *against the pathogen or toxin;*

1 “(IX) enhance the susceptibility of
2 a host population to a pathogen or
3 toxin;

4 “(X) enhance transmissibility of a
5 pathogen in humans;

6 “(XI) enhance the virulence of a
7 pathogen in humans;

8 “(XII) enhance the immune eva-
9 sion of a pathogen in humans, such as
10 by modifying the pathogen to disrupt
11 the effectiveness of pre-existing immu-
12 nity via immunization or natural in-
13 fection; or

14 “(XIII) generate, use, reconstitute,
15 or transfer an eradicated or extinct
16 high-consequence pathogen; and

17 “(ii) any other category of life sciences
18 research that the Board, by majority vote of
19 the members of the Board, identifies and
20 publishes in the Federal Register.

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

23 “(6) FEDERAL FUNDING.—The term ‘Federal
24 funding’ means amounts awarded by an agency pur-
25 suant to an intramural or extramural grant, coopera-

1 *tive agreement, interagency agreement, contract, or*
 2 *other instrument.*

3 “(7) *GAIN OF FUNCTION RESEARCH.*—*The term*
 4 *‘gain of function research’ means a research experi-*
 5 *ment that may enhance the transmissibility or*
 6 *virulence of a high-consequence pathogen.*

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

9 “(A) *means a wild-type or synthetic patho-*
 10 *gen that—*

11 “(i) *(I) is likely capable of wide and*
 12 *uncontrollable spread in human popu-*
 13 *lations; and*

14 “(II) *would likely cause moderate to*
 15 *severe disease or mortality in humans; or*

16 “(ii) *is—*

17 “(I) *subject to subparagraph (B),*
 18 *influenza A virus;*

19 “(II) *classified under subgenus*
 20 *Sarbecovirus;*

21 “(III) *classified under subgenus*
 22 *Merbecovirus;*

23 “(IV) *Variola orthopoxvirus;*

24 “(V) *Mpox orthopoxvirus;*

25 “(VI) *Nipah henipavirus;*

- 1 “(VII) *Hendra henipavirus*;
- 2 “(VIII) *Ebola orthoebolavirus*;
- 3 “(IX) *Marburg marburgvirus*
- 4 “(X) *Lassa mammarenavirus*;
- 5 “(XI) *Junin arenavirus*;
- 6 “(XII) *Crimean-Congo hemor-*
- 7 *rhagic fever orthonairovirus*;
- 8 “(XIII) *Hantaan orthohantavirus*;
- 9 “(XIV) *Sin Nombre*
- 10 *orthohantavirus*;
- 11 “(XV) *Yersinia pestis*;
- 12 “(XVI) *a select agent or toxin,*
- 13 *work with which poses a significant*
- 14 *risk of deliberate misuse*;
- 15 “(XVII) *any other pathogen or*
- 16 *category of pathogen that a majority of*
- 17 *members of the Board—*
- 18 “(aa) *identifies as a high-*
- 19 *consequence pathogen; and*
- 20 “(bb) *publishes in the Fed-*
- 21 *eral Register; or*
- 22 “(XVIII) *any synthetic construct*
- 23 *of a pathogen or category of pathogen*
- 24 *described in this clause; and*

1 “(B) does not include a seasonal influenza
2 virus, unless a seasonal influenza virus has been
3 manipulated to include genetic sequences from a
4 pathogen described in subparagraph (A).

5 “(9) *HIGH-RISK LIFE SCIENCES RESEARCH.*—
6 The term ‘high-risk life sciences research’ means life
7 sciences research that is—

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

10 “(B) gain of function research.

11 “(10) *LIFE SCIENCES RESEARCH.*—The term ‘life
12 sciences research’—

13 “(A) means the study or use of a living or-
14 ganism, a virus, or a product of a living orga-
15 nism or virus; and

16 “(B) includes each discipline, methodology,
17 and application of biology, including bio-
18 technology, genomics, proteomics, bioinformatics,
19 and pharmaceutical and biomedical research and
20 techniques.

21 “(11) *SELECT AGENT OR TOXIN.*—The term ‘se-
22 lect agent or toxin’ means a select agent or toxin
23 identified under—

1 “(A) section 73.3(b) of title 42, Code of Fed-
2 eral Regulations, as in effect on the date of en-
3 actment of the Risky Research Review Act;

4 “(B) section 331.3(b) of title 7, Code of Fed-
5 eral Regulations, as in effect on the date of en-
6 actment of the Risky Research Review Act; or

7 “(C) section 121.3(b) of title 9, Code of Fed-
8 eral Regulations, as in effect on the date of en-
9 actment of the Risky Research Review Act.

10 **“§ 7902. Establishment and membership**

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

16 “(b) *APPOINTMENT OF MEMBERS.*—

17 “(1) *IN GENERAL.*—The President shall appoint,
18 without regard to political affiliation, 9 individuals
19 who are citizens of the United States to serve as mem-
20 bers of the Board for not more than 2 terms of 4 years
21 each, including—

22 “(A) the Executive Director appointed
23 under section 7903(a);

24 “(B) 5 nongovernmental scientists in a life
25 sciences field;

1 “(C) 2 nongovernmental national security
2 experts; and

3 “(D) 1 nongovernmental biosafety expert.

4 “(2) PERIOD FOR NOMINATIONS.—The President
5 shall make appointments, other than the Executive
6 Director, to the Board not later than 30 days after
7 the date of enactment of this chapter.

8 “(3) CONSIDERATIONS OF RECOMMENDATIONS.—
9 The President shall make appointments to the Board
10 after considering individuals recommended by the
11 chair and ranking member of the appropriate con-
12 gressional committees.

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

15 “(A) shall—

16 “(i) be impartial individuals; and

17 “(ii) be distinguished individuals of
18 high national professional reputation in
19 their respective fields who are capable of ex-
20 ercising the independent and objective judg-
21 ment necessary to conduct an impartial as-
22 sessment of the potential risks and benefits
23 associated with Federal funding of high-risk
24 life sciences research to public health and
25 national security; and

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

4 “(5) LIMITATIONS.—Not more than 4 concurrent
5 members of the Board may be an employee, a subcon-
6 tractor, a previous employee, or a previous subcon-
7 tractor of—

8 “(A) the Department of Defense;

9 “(B) the Department of Homeland Security;

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

13 “(D) the Office of the Director of National
14 Intelligence; or

15 “(E) the Department of Energy.

16 “(6) CONSIDERATION BY THE SENATE.—

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

22 “(B) RENOMINATION.—A member of the
23 Board who is recommended to serve a second
24 term shall be nominated for appointment to the

1 *Board, and such nomination shall be referred*
2 *pursuant to subparagraph (A).*

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

7 “(8) *REMOVAL.—*

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

11 “(i) *impeachment and conviction;*

12 “(ii) *the action of the President for in-*
13 *efficiency, neglect of duty, malfeasance in*
14 *office, physical disability, mental inca-*
15 *capacity, or any other condition that substan-*
16 *tially impairs the performance of the mem-*
17 *ber’s duties; or*

18 “(iii) *the Board in accordance with*
19 *subparagraph (B).*

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

1 “(C) NOTICE OF REMOVAL BY PRESIDENT.—

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

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

22 “(c) MANDATORY CONFLICTS OF INTEREST REVIEW.—

23 “*(1) IN GENERAL.—The Board, in consultation*
24 *with the Director of the Office of Government Ethics,*
25 *shall—*

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

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

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

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

23 “(2) NOTIFICATION.—

24 “(A) IN GENERAL.—Not later than 3 days
25 after the date on which the Director of the Office

1 *of Government Ethics becomes aware that a*
2 *member of the Board possesses a potential con-*
3 *flict of interest under the criteria established*
4 *pursuant to paragraph (1)(A)(i), the Director of*
5 *the Office of Government Ethics shall notify the*
6 *chair and ranking member of the appropriate*
7 *congressional committees of the potential conflict*
8 *of interest.*

9 “(B) *NOTIFICATION BY MEMBER.—Not later*
10 *than 30 days after the date on which a member*
11 *of the Board becomes aware that another member*
12 *of the Board possesses a potential conflict of in-*
13 *terest under the criteria established pursuant to*
14 *paragraph (1)(A)(i), the member of the Board or*
15 *the Executive Director of the Board shall notify*
16 *the chair and ranking member of the appro-*
17 *priate congressional committees of the potential*
18 *conflict of interest.*

19 “(d) *SECURITY CLEARANCES.—All members of the*
20 *Board shall be granted all the necessary security clearances*
21 *and accesses, including to relevant Presidential and depart-*
22 *ment or agency special access and compartmented access*
23 *programs, in an accelerated manner, subject to the standard*
24 *procedures for granting such clearances. All nominees for*
25 *appointment to the Board shall qualify for the necessary*

1 *security clearances and accesses prior to being considered*
2 *for confirmation by the Committee on Homeland Security*
3 *and Governmental Affairs of the Senate.*

4 “(e) *PARTICIPATION IN HIGH-RISK LIFE SCIENCES*
5 *RESEARCH.—*

6 “(1) *DISCLOSURE REQUIRED.—A member of the*
7 *Board shall disclose whether the member has partici-*
8 *ipated in or is currently participating in high-risk life*
9 *sciences research.*

10 “(2) *CONFLICTS OF INTEREST.—*

11 “(A) *IN GENERAL.—The participation in*
12 *high-risk life sciences research by a member of*
13 *the Board—*

14 “(i) *shall be considered a potential*
15 *conflict of interest; and*

16 “(ii) *shall be subject to scrutiny by the*
17 *Director of the Office of Government Ethics.*

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

1 “(i) the recusal of the affected member
2 from relevant discussions and determina-
3 tions; and

4 “(ii) removal of the affected member
5 from the Board.

6 “(f) COMPENSATION OF MEMBERS.—

7 “(1) IN GENERAL.—Subject to such rules as may
8 be adopted by the Board, without regard to the provi-
9 sions of chapter 51 and subchapter III of chapter 53
10 of title 5 relating to classification and General Sched-
11 ule pay rates, a member of the Board, other than the
12 Executive Director, shall be compensated at a rate—

13 “(A) proposed by the Executive Director
14 and approved by the Board;

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

17 “(C) that is commensurate with—

18 “(i) the time a member of the Board
19 spends engaged in the performance of duties
20 on the Board; and

21 “(ii) necessary traveling expenses.

22 “(2) OUTSIDE EMPLOYMENT.—Subject to terms
23 and approval determined by the Director of the Office
24 of Government Ethics, a member of the Board may

1 *maintain outside employment and affiliations while*
2 *serving on the Board.*

3 “(g) *OVERSIGHT.*—

4 “(1) *SENATE.*—*The Committee on Homeland Se-*
5 *curity and Governmental Affairs of the Senate*
6 *shall—*

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

11 “(B) *have access to any records provided to*
12 *or created by the Board.*

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

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

21 “(B) *have access to any records provided to*
22 *or created by the Board.*

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

1 “(4) *SECURITY CLEARANCES.*—*The chair and*
2 *ranking member of the appropriate congressional*
3 *committees, and designated committee staff, shall be*
4 *granted all security clearances and accesses held by*
5 *the Board, including to relevant Presidential and de-*
6 *partment or agency special access and compartmented*
7 *access programs.*

8 “(h) *OFFICE SPACE.*—

9 “(1) *IN GENERAL.*—*In selecting office space for*
10 *the Board, the Board shall exhaust options for unused*
11 *office spaces owned by the Federal Government as of*
12 *the date of enactment of this chapter.*

13 “(2) *SECURE OFFICE SPACE.*—

14 “(A) *REQUESTS.*—*In order to review or dis-*
15 *cuss classified information, the Board shall re-*
16 *quest an accommodation from relevant agencies*
17 *to access sensitive compartmented information*
18 *facilities on an as-needed basis.*

19 “(B) *FULFILMENT.*—*The head of an agency*
20 *from which the Board requests an accommoda-*
21 *tion under subparagraph (A) shall accommodate*
22 *the request in a timely manner.*

23 **“§ 7903. Board personnel**

24 “(a) *EXECUTIVE DIRECTOR.*—

1 “(1) *APPOINTMENT.*—Not later than 45 days
2 after the date of enactment of this chapter, the Presi-
3 dent shall appoint, by and with the advice and con-
4 sent of the Senate, 1 individual who is a citizen of
5 the United States, without regard to political affili-
6 ation, to the position of Executive Director of the
7 Board for a term of 4 years.

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

12 “(A) is a distinguished scientist in a life
13 sciences field; and

14 “(B) is not, and has not been for the 3-year
15 period preceding the date of the appointment—

16 “(i) an employee; or

17 “(ii) a participant in high-risk life
18 sciences research supported by Federal fund-
19 ing.

20 “(3) *SECURITY CLEARANCES.*—

21 “(A) *IN GENERAL.*—A candidate for Execu-
22 tive Director of the Board shall be granted all se-
23 curity clearances and accesses held by the Board,
24 including to relevant Presidential and depart-
25 ment or agency special access and compart-

1 *mented access programs in an accelerated man-*
2 *ner, subject to the standard procedures for grant-*
3 *ing such clearances.*

4 “(B) *QUALIFICATION PRIOR TO APPOINT-*
5 *MENT.—The President shall ensure that a can-*
6 *didate for Executive Director of the Board quali-*
7 *fies for the security clearances and accesses de-*
8 *scribed in subparagraph (A) prior to appoint-*
9 *ment.*

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

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

14 “(B) *serve as chair of the Board;*

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

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

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

1 *of the responsibilities of the Executive Director or the*
2 *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 provi-*
7 *sions of subchapter I of chapter 33 of title 5 governing*
8 *appointments in the competitive service, the Board*
9 *may appoint not more than 25 additional personnel*
10 *to enable the Board and the Executive Director to*
11 *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 sciences*
17 *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 the*
20 *appointment or during the course of service of*
21 *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 held*

1 *by the Board, including to relevant Presidential*
2 *and department or agency special access and*
3 *compartmented access programs, in an acceler-*
4 *ated manner, subject to the standard procedures*
5 *for granting such clearances.*

6 “(B) *CONDITIONAL EMPLOYMENT.*—

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

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

25 “(4) *SUPPORT FROM AGENCIES.*—

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

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

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

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

17 “(c) *COMPENSATION.*—*Subject to such rules as may be*
18 *adopted by the Board, without regard to the provisions of*
19 *title 5 governing appointments in the competitive service*
20 *and without regard to the provisions of chapter 51 and sub-*
21 *chapter III of chapter 53 of that title relating to classifica-*
22 *tion and General Schedule pay rates, the Executive Director*
23 *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 Director*
5 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 this
8 chapter.

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

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

14 “(b) *POWERS.*—The Board shall have the authority to
15 act in a manner to carry out the mission described in sub-
16 section (a), including authority to—

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

19 “(2) establish a process for the review of Federal
20 funding for high-risk life sciences research prior to the
21 award of the Federal funding, which shall be binding
22 upon an agency, including information designated as
23 classified or otherwise protected from disclosure;

24 “(3) direct an agency to make available to the
25 Board additional information and records, including

1 *information designated as classified or otherwise pro-*
2 *ected from disclosure, that the Board determines are*
3 *required to fulfill the functions and responsibilities*
4 *Board under this chapter;*

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

9 *“(5) through the promulgation of regulations, es-*
10 *tablish processes, policies, and procedures of the*
11 *Board for rendering decisions under this chapter.*

12 *“(c) INITIAL REQUIREMENTS.—The Board shall—*

13 *“(1) not later than 180 days after the date of ap-*
14 *pointment of the initial members of the Board under*
15 *section 7902, publish procedures in the Federal Reg-*
16 *ister establishing the process for the review by the*
17 *Board under section 7906;*

18 *“(2) prior to the establishment of the procedures*
19 *under paragraph (1), consult with the appropriate*
20 *congressional committees and heads of agencies for*
21 *purposes of developing such procedures; and*

22 *“(3) not later than 270 days after the date of the*
23 *enactment of this chapter, begin carrying out the du-*
24 *ties described in section 7906.*

1 “(d) *RESPONSIVENESS TO CONGRESS.*—Notwith-
2 *standing any other provision of law, not later than 30 days*
3 *after the date on which the Board receives a request for in-*
4 *formation from a Member of Congress, the Board shall re-*
5 *spond to the request.*

6 “(e) *CONGRESSIONAL BRIEFINGS.*—Not less frequently
7 *than quarterly, the Board shall brief the appropriate con-*
8 *gressional committees on the work of the Board.*

9 “(f) *SELECT AGENT OR TOXIN UPDATES.*—

10 “(1) *IN GENERAL.*—Not later than 15 days after
11 *the date on which the Board receives a notification*
12 *that a select agent or toxin has been added to a list*
13 *of agent or toxins under a regulation described in*
14 *paragraph (2), the Board shall—*

15 “(A) *review the select agent or toxin;*

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

20 “(C) *publish any addition determined*
21 *under subparagraph (B) in the Federal Register.*

22 “(2) *REGULATIONS DESCRIBED.*—A regulation
23 *described in this paragraph is—*

24 “(A) *section 73.3(b) of title 42, Code of Fed-*
25 *eral Regulations, or any successor regulation;*

1 “(B) section 331.3(b) of title 7, Code of Fed-
 2 eral Regulations, or any successor regulation;
 3 and

4 “(C) section 121.3(b) of title 9, Code of Fed-
 5 eral Regulations, or any successor regulation.

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

10 “(1) determining whether the life sciences re-
 11 search is high-risk life sciences research, dual use re-
 12 search of concern involving a high-consequence patho-
 13 gen or gain of function research;

14 “(2) interpreting definitions in section 7901;
 15 and

16 “(3) determining whether a proposed Federal
 17 award for life sciences research is subject to the review
 18 process of the Board under section 7906(a)(1).

19 **“§ 7905. Agency procedures; referral to Board**

20 “(a) *IN GENERAL.*—

21 “(1) *PROHIBITION.*—The head of an agency may
 22 not award Federal funding for—

23 “(A) high-risk life sciences research without
 24 approval by the Board under section
 25 7906(a)(1)(B); or

1 “(B) *life sciences research if the Board, in*
2 *accordance with section 7906(a)(2)(A)(i), sub-*
3 *mits notification to the agency under section*
4 *7906(a)(2)(B)(i) that Board is reviewing the*
5 *Federal funding for life sciences research under*
6 *section 7906(a) until the date on which the*
7 *Board makes a final determination with respect*
8 *to the proposed Federal funding.*

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

12 “(b) *HIGH-RISK ATTESTATION; SELECT AGENT OR*
13 *TOXIN DISCLOSURE; CERTIFICATION.—*

14 “(1) *IN GENERAL.—An entity seeking Federal*
15 *funding from an agency for life sciences research*
16 *shall, under the penalty of perjury—*

17 “(A) *attest whether—*

18 “(i) *the life sciences research will con-*
19 *stitute high-risk life sciences research; and*

20 “(ii) *the entity is performing active re-*
21 *search with a select agent or toxin; and*

22 “(B) *if the entity is makes a positive attes-*
23 *tation under subparagraph (A), disclose the*
24 *source of funding for all active research.*

1 “(2) *ACTIVE RESEARCH WITH SELECT AGENTS*
2 *OR TOXINS.*—

3 “(A) *IN GENERAL.*—*The head of an agency*
4 *that receives a disclosure from an entity under*
5 *paragraph (1)(B) shall submit to the Board the*
6 *disclosure.*

7 “(B) *BOARD INQUIRIES.*—*The Board may*
8 *contact an entity that submits a disclosure under*
9 *paragraph (1)(B) to request additional informa-*
10 *tion relating to the disclosure.*

11 “(3) *AGENCY CERTIFICATION.*—

12 “(A) *POSITIVE ATTESTATIONS.*—*The head of*
13 *an agency making an award of Federal funding*
14 *to an entity that makes a positive attestation*
15 *under paragraph (1)(A)(i) shall—*

16 “(i) *submit to the Board the high-risk*
17 *life sciences proposal; and*

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

21 “(B) *NEGATIVE ATTESTATIONS.*—*The head*
22 *of an agency making an award of Federal fund-*
23 *ing to an entity that makes a negative attesta-*
24 *tion under paragraph (1)(A)(i) shall—*

25 “(i) *review the attestation; and*

1 “(ii) using the process established by
2 the head of the agency under paragraph (4),
3 certify the validity of the attestation.

4 “(4) *PROCESS FOR REVIEW.*—The head of each
5 agency that awards Federal funding for life sciences
6 research, in consultation with the Board, shall estab-
7 lish and implement a process for identifying pro-
8 posals from entities seeking Federal funding for life
9 sciences research from the agency that will constitute
10 high-risk life sciences research.

11 “(5) *MAINTENANCE OF RECORDS.*—The head of
12 each agency shall—

13 “(A) maintain records of the certification
14 process described in paragraph (3) for each ap-
15 plication for Federal funding in accordance with
16 chapter 31 of title 44; and

17 “(B) make the records maintained under
18 subparagraph (A) available for audit and review
19 upon request by the Board.

20 “(c) *NOTIFICATION.*—

21 “(1) *IN GENERAL.*—Not later than 30 days be-
22 fore the date on which the head of an agency plans
23 to award Federal funding to an entity for life sciences
24 research, the head of the agency shall submit to the
25 Board a notification of the proposed Federal funding.

1 “(2) *CONTENTS.*—*The notification of Federal*
2 *funding for life sciences research required under para-*
3 *graph (1) shall include the attestation and certifi-*
4 *cation required under subsection (b).*

5 “(3) *BOARD REQUESTS.*—

6 “(A) *IN GENERAL.*—*The Board may request*
7 *additional information from the head of an*
8 *agency relating to a notification submitted under*
9 *paragraph (1).*

10 “(B) *PROVISION OF INFORMATION.*—*The*
11 *head of an agency from which the Board request*
12 *additional information under subparagraph (A)*
13 *shall provide the information in a timely man-*
14 *ner.*

15 “(d) *AGENCY PROCEDURES.*—*Not later than 180 days*
16 *after the date on which the Board publishes the process of*
17 *the Board in the Federal Register pursuant to section*
18 *7904(c), the head of each agency shall publish on the website*
19 *of the agency prepayment and preaward procedures of the*
20 *agency with respect to Federal funding for life sciences re-*
21 *search to—*

22 “(1) *guarantee that—*

23 “(A) *all high-risk life science research pro-*
24 *posals are referred to the Board before the award*
25 *of Federal funding by the agency;*

1 “(B) no Federal funding for high-risk life
2 sciences research is awarded by the agency with-
3 out approval by the Board; and

4 “(C) not later than 30 days before the date
5 on which the head of the agency plans to award
6 the Federal funding, the agency notifies the
7 Board of the proposal for Federal funding; and

8 “(2) otherwise ensure compliance with this chap-
9 ter.

10 “(e) *PROVISION OF ADDITIONAL INFORMATION.*—Upon
11 request by the Board, the head of an agency shall provide
12 any information relating to Federal funding awards for life
13 sciences research determined necessary by the Board to pro-
14 vide oversight of the agency.

15 “(f) *CHANGE IN CIRCUMSTANCES DURING RE-*
16 *SEARCH.*—If, during the course of life sciences research in
17 progress performed by an entity supported by Federal fund-
18 ing from an agency, circumstances arise such that the life
19 sciences research in progress may constitute high-risk life
20 sciences research in contravention to the attestation of the
21 entity under subsection (b)(1)(A)(i)—

22 “(1) the entity shall—

23 “(A) not later than 24 hours after the iden-
24 tification of the change in circumstance, pause
25 the life sciences research in progress; and

1 “(B) not later than 5 days after the date of
2 the identification of the change in circumstance,
3 submit to the head of the agency a written notifi-
4 cation through an electronic or nonelectronic
5 communication method that—

6 “(i) notifies the head of the agency of
7 the possibility that the life sciences research
8 in progress may constitute high-risk life
9 sciences research; and

10 “(ii) includes a detailed description of
11 each change in circumstance that may
12 transform the life sciences research in
13 progress into high-risk life sciences research;
14 and

15 “(2) the head of the agency shall—

16 “(A) using the process of the agency estab-
17 lished under subsection (b)(4), determine whether
18 the life sciences research in progress constitutes
19 high-risk life sciences research;

20 “(B) if the head of the agency makes a neg-
21 ative determination under subparagraph (A), in-
22 form the entity that the entity may resume the
23 life sciences research in progress; and

24 “(C) if the head of the agency makes a posi-
25 tive determination under subparagraph (A), im-

1 *mediately submit to the Board a notification of*
2 *the Federal funding of high-risk life sciences re-*
3 *search in progress for review under section*
4 *7906(a)(1).*

5 “(g) *ENFORCEMENT.*—

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

14 “(2) *REFERRAL TO INSPECTOR GENERAL.*—*The*
15 *Board shall refer any employee of an agency respon-*
16 *sible for overseeing and reviewing research proposals*
17 *relating to Federal funding that knowingly fails to*
18 *comply with subsection (b)(3) to the inspector general*
19 *of the agency.*

20 “(3) *EMPLOYEE DISCIPLINE.*—

21 “(A) *IN GENERAL.*—*The head of an agency*
22 *employing an employee who knowingly violates*
23 *any provision of subsection (b)(3) (or, in the case*
24 *of the head of an agency who violates any provi-*

1 sion of subsection (b)(3), the President) shall im-
2 pose on that employee—

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

6 “(ii) permanent revocation of any ap-
7 plicable security clearance held by the em-
8 ployee.

9 “(B) CONTRACTOR PENALTY.—In the case of
10 contractor working under a contract with an
11 agency who knowingly violates subsection (b)(1),
12 the head of the agency shall refer the contractor
13 to the appropriate entity for suspension and de-
14 barment proceedings relating to the receipt of
15 Federal funding.

16 “(C) EMPLOYEE DISCIPLINE REPORTS.—

17 “(i) IN GENERAL.—Not later than 360
18 days after the date of enactment of this Act,
19 and not less frequently than once every 90
20 days thereafter, the head of each agency
21 shall submit to the Board and the appro-
22 priate congressional committees a report
23 that discloses, for the period covered by the
24 report, each violation by an employee of the
25 agency of subsection (b)(3).

1 “(ii) *CONTENTS.*—*Each report sub-*
2 *mitted under clause (i) shall include, with*
3 *respect to a violation described in that*
4 *clause—*

5 “(I) *the name and professional*
6 *title of each employee engaged in the*
7 *violation;*

8 “(II) *a detailed explanation of the*
9 *nature of the violation; and*

10 “(III) *the date of the violation.*

11 “(iii) *PUBLICATION.*—*Not later than 5*
12 *days after the date on which the Board re-*
13 *ceives a report under clause (i), the Board*
14 *shall publish on a publicly accessible and*
15 *searchable website the amount of violations*
16 *that have been committed under clause (i).*

17 “(h) *SUBAWARD AND SUBCONTRACTOR DISCLO-*
18 *SURE.*—

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

23 “(A) *continuously disclose to the head of the*
24 *agency any subcontracts or subawards made or*

1 *planned to be made with the Federal funding;*
2 *and*

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

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

10 “(3) *BOARD INQUIRIES.—*

11 “(A) *IN GENERAL.—The Board may contact*
12 *an entity that submits a disclosure under para-*
13 *graph (1) to request additional information re-*
14 *lating to the disclosure.*

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

21 “(i) *the agency;*

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

24 “(iii) *any subcontractor or subawardee*
25 *of an entity described in clause (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 life*
8 *sciences research or the Board receives a notification*
9 *from an agency under section 7905(f)(2)(C) relating*
10 *to Federal funding of research in progress that con-*
11 *stitutes high-risk life sciences research, the Board*
12 *shall—*

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

15 “(B) *by a majority vote, determine whether*
16 *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 funded*
22 *by the proposed Federal funding or Federal*
23 *funding for high-risk life sciences research in*
24 *progress—*

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

4 “(ii) the minimum required biosecurity
5 engineering controls and operational con-
6 trols; 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 funding
17 in accordance with paragraph (1).

18 “(B) *NOTIFICATION.*—If the Board makes a
19 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 of*
7 *this chapter, the Board may review and audit the re-*
8 *search in order to assess the compliance of the agency*
9 *with the provisions of this chapter.*

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

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

18 “(B) *require the agency to provide complete*
19 *information on the Federal funding in order for*
20 *the Board to complete a review of the life*
21 *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 consider,*
3 *with respect to the high-risk life sciences research that*
4 *will be conducted with the proposed Federal funding*
5 *or high-risk life sciences research in progress—*

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

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

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

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

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

16 “(F) *whether the research is proposed to be*
17 *conducted at least in part in a foreign country;*

18 “(G) *the reasonably anticipated material*
19 *risks of the research;*

20 “(H) *the reasonably anticipated informa-*
21 *tion risks of the research;*

22 “(I) *the reasonably anticipated benefits of*
23 *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 ab-
8 sence of any factor under paragraph (1) shall not be
9 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 deter-
15 mination under subsection (a)(1)(B) with respect to
16 Federal funding by an agency, the Executive Director
17 of the Board shall notify the head of the agency of the
18 determination.

19 “(2) BOARD CONSULTATION.—

20 “(A) IN GENERAL.—Not later than 10 days
21 after receiving a notification from the Board
22 under paragraph (1), the head of an agency may
23 request a meeting with the Board to discuss the
24 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 section,*
9 *the Executive Director of the Board shall notify the*
10 *appropriate congressional committees when the Board*
11 *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 re-*
15 *search submitted to the Board that relates to a public*
16 *health emergency or addresses a specific national se-*
17 *curity concern.*

18 “(2) *REQUEST; NOTIFICATION.*—*The head of an*
19 *agency seeking expedited review from the Board to*
20 *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 with
14 a determination under subsection (a)(1)(B) with re-
15 spect to proposed emergency research by the 15 days
16 after the date on which the head of the agency submits
17 a request under paragraph (2)(A), the head of the
18 agency may award Federal funding for the emergency
19 research on a temporary basis.

20 “(e) *SCIENTIFIC EXPERT PANELS.*—

21 “(1) *IN GENERAL.*—The Board may establish a
22 scientific panel of nongovernmental experts to advise
23 the Board in the review by the Board of life sciences
24 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 the*
5 *establishment of the panel described in paragraph (1).*

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

11 “(4) *REPORT.*—

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

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

1 “(f) *REPORT.*—

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

10 “(A) *the findings of the Board;*

11 “(B) *the determination of the Board;*

12 “(C) *the name and location of the entity*
13 *proposing the life sciences research;*

14 “(D) *the name and location of any recipi-*
15 *ent of a subaward or subcontractor of an entity*
16 *proposing life sciences research and the nature of*
17 *the participation of such a recipient or subcon-*
18 *tractor; and*

19 “(E) *an account of significant challenges or*
20 *problems, including procedural or substantive*
21 *challenges or problems, that arise during the*
22 *course of the work of the Board, including the*
23 *views of any member of the Board who wishes to*
24 *have those views included in the report.*

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

6 “(g) *EFFECTIVE DATE.*—*This section shall take effect*
 7 *on the date that is 270 days after the date of enactment*
 8 *of this chapter.*

9 **“§ 7907. GAO Audits**

10 *“The Comptroller General of the United States shall*
 11 *periodically audit the Board.*

12 **“§ 7908. Funding**

13 *“There is authorized to be appropriated to the Board*
 14 *to carry out this chapter \$30,000,000 for each of fiscal years*
 15 *2025 through 2034.”.*

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

 “79. *Life Sciences Research Security Board* 7901”.

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

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

24 (2) *in paragraph (12), by striking the period at*
 25 *the end and inserting “; and”; and*

- 1 *(3) by adding at the end the following:*
- 2 *“(13) a member of the Life Sciences Research Se-*
- 3 *curity Board established under section 7902 of title*
- 4 *31.”.*

Calendar No. 667

118TH CONGRESS
2^D SESSION

S. 4667

[Report No. 118-264]

A BILL

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

DECEMBER 5, 2024

Reported with an amendment