

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **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”.

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

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

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

3 **“§ 7901. Definitions**

4 “In this chapter:

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

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

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

16 “(4) DUAL USE.—The term ‘dual use’, with re-  
17 spect to research, means research that, based on  
18 current understanding as of the date of research,  
19 can be reasonably anticipated to provide knowledge,  
20 information, products, or technologies that could di-  
21 rectly or with only minor modification be misapplied  
22 to pose a significant threat with broad potential con-  
23 sequences to public health and safety, agricultural  
24 crops or other plants, animals, materiel, or national  
25 security.

1 “(5) EMPLOYEE.—

2 “(A) IN GENERAL.—The term ‘em-  
3 ployee’—

4 “(i) means an employee of an agency;  
5 and

6 “(ii) includes an individual, other than  
7 an employee of an agency, working under  
8 a contract with an agency.

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

16 “(6) FEDERAL FUNDING.—The term ‘Federal  
17 funding’—

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

22 “(B) includes—

23 “(i) an in-kind contribution by an  
24 agency used for life sciences research pur-  
25 poses; and

1                   “(ii) research conducted by an agency  
2                   to which funds were appropriated for con-  
3                   ducting research.

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

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

10                   “(A) means life sciences research that—

11                   “(i) has a potential dual use nature;  
12                   or

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

15                   “(B) includes—

16                   “(i) gain of function research;

17                   “(ii) research involving a potential  
18                   pandemic pathogen, including genetic  
19                   modification of a potential pandemic  
20                   pathogen and the synthetic creation of a  
21                   potential pandemic pathogen; and

22                   “(iii) an activity involving the collec-  
23                   tion or surveillance of a potential pandemic  
24                   pathogen.

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

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

15                   “(A) means a virus, natural or synthetic,  
16                   bacteria, fungus, prion, or eukaryotic parasite,  
17                   or any strain or variant of a virus, bacterium,  
18                   fungus, prion, or eukaryotic parasite—

19                           “(i) that—

20                                   “(I) is reasonably anticipated to  
21                                   be moderately or highly transmissible  
22                                   and likely capable of wide and uncon-  
23                                   trollable spread in human populations;  
24                                   and

1                   “(II) is described in clause (ii) or  
2                   (iii); and

3                   “(ii) reasonably anticipated to be of  
4                   low, moderate, or high virulence and likely  
5                   to cause significant morbidity or mortality  
6                   in humans; or

7                   “(iii) reasonably anticipated to pose a  
8                   severe threat to public health, the capacity  
9                   of public health systems to function, or na-  
10                  tional security if allowed to spread within  
11                  the general population; and

12                  “(B) includes—

13                  “(i) subject to subparagraph (C), in-  
14                  fluenza viruses;

15                  “(ii) sarbecoviruses;

16                  “(iii) merbecoviruses;

17                  “(iv) henipaviruses, including Nipah  
18                  virus;

19                  “(v) filoviruses;

20                  “(vi) arenaviruses;

21                  “(vii) orthopoxviruses;

22                  “(viii) *Yersinia pestis*;

23                  “(ix) any synthetic construct of such  
24                  viruses; and

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

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

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

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

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

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

21   **“§ 7902. Establishment and membership**

22                   “(a) ESTABLISHMENT.—There is established as an  
23                   independent agency within the Executive Branch a board  
24                   to be known as the ‘Life Sciences Research Security

1 Board' to review proposed Federal funding for life sciences  
2 research in accordance with section 7906.

3 “(b) APPOINTMENT OF MEMBERS.—

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

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

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

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

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

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



1 ommended by the Chair and Ranking Member of the  
2 appropriate congressional committees.

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

5 “(A) shall—

6 “(i) be impartial individuals; and

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

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

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

24 “(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           moval, 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 filiation, 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                   “(c) NOTIFICATION.—

1           “(1) IN GENERAL.—Not later than 30 days be-  
2 fore the date on which the head of an agency plans  
3 to award Federal funding to an entity for life  
4 sciences research, the head of the agency shall sub-  
5 mit to the Board a notification of the proposed Fed-  
6 eral funding 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 proc-  
13 ess of the Board in the Federal Register pursuant to sec-  
14 tion 7904(c), 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(c) 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           “(c) 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 individuals 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.”.