

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. COSTA OF CALIFORNIA

At the end of subtitle C of title II, add the following new section:

1 **SEC. 2___ . REPORT ON BIOSECURITY AND FOREIGN OWN-**
2 **ERSHIP RISKS IN DEPARTMENT OF DEFENSE**
3 **LIFE SCIENCES AWARDS.**

4 (a) **REPORT REQUIRED.**—Not later than 270 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit to the congressional defense com-
7 mittees a report on the biosafety, biosecurity, foreign own-
8 ership or control, and pathogen-traceability safeguards ap-
9 plicable to awards of the Department of Defense under
10 which a recipient possesses, uses, or transfers a biological
11 agent or toxin, operates a high-containment laboratory, or
12 provides life sciences products or services to the Depart-
13 ment involving a human or animal pathogen.

14 (b) **ELEMENTS.**—The report under subsection (a)
15 shall include the following:

16 (1) An assessment of the extent to which the
17 awards described in such subsection involve a highly
18 pathogenic agent that is not regulated under the

1 Federal Select Agent Program, and any resulting
2 gaps in biosafety, biosecurity, or traceability relative
3 to that Program.

4 (2) An assessment of the risk that a recipient,
5 a facility used in performance of such an award, or
6 an entity with substantial control over such recipient
7 or facility is owned by, controlled by, or subject to
8 the jurisdiction or direction of the government of a
9 covered nation, and a description of the processes
10 the Department of Defense uses to identify and
11 mitigate that risk.

12 (3) Options for, and any anticipated resource
13 implications of, incorporating biosafety, biosecurity,
14 foreign ownership or control, and traceability safe-
15 guards as terms of such awards, including options
16 that rely on existing Department processes and ex-
17 pertise.

18 (4) Any recommendations of the Secretary of
19 Defense for legislative or administrative action.

20 (c) FORM.—The report under subsection (a) shall be
21 submitted in unclassified form, but may include a classi-
22 fied annex.

23 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to supersede, duplicate, or other-
25 wise affect the Federal Select Agent Program or any re-

1 quirement administered by another Federal agency, or to
2 authorize the appropriation of additional funds.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “covered nation” has the meaning
5 given that term in section 4872 of title 10, United
6 States Code.

7 (2) The term “Federal Select Agent Program”
8 means the program jointly administered by the Cen-
9 ters for Disease Control and Prevention and the
10 Animal and Plant Health Inspection Service of the
11 Department of Agriculture to oversee the possession,
12 use, and transfer of select agents and toxins.

13 (3) The term “highly pathogenic agent” means
14 a pathogenic agent that is classified as a Risk Group
15 3 or Risk Group 4 agent under the latest edition of
16 the National Institutes of Health Guidelines for Re-
17 search Involving Recombinant or Synthetic Nucleic
18 Acid Molecules and that is not regulated under the
19 Federal Select Agent Program.

