

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MR. GALLAGHER OF WISCONSIN

At the end of title LX, add the following new section:

1 **SEC. 60__ . NATIONAL SECURITY COMMISSION ON SYN-**
2 **THETIC BIOLOGY.**

3 (a) **ESTABLISHMENT.—**

4 (1) **IN GENERAL.—**There is established in the
5 executive branch a commission to review advances
6 and develop a consensus on a strategic approach to
7 advance American national security and competitive-
8 ness in synthetic biology, related bioengineering and
9 genetics developments, and associated technologies.

10 (2) **DESIGNATION.—**The commission estab-
11 lished under paragraph (1) shall be known as the
12 “National Security Commission on Synthetic Biol-
13 ogy” (referred to in this section as the “Commis-
14 sion”).

15 (b) **MEMBERSHIP.—**

16 (1) **COMPOSITION.—**

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the Commission shall be composed
3 of the following members:

4 (i) The Deputy Secretary of Defense.

5 (ii) The Deputy Secretary of Com-
6 merce.

7 (iii) The Deputy Secretary of Health
8 and Human Services.

9 (iv) The Principal Deputy Director of
10 National Intelligence.

11 (v) Three members appointed by the
12 majority leader of the Senate, one of whom
13 shall be a member of the Senate and two
14 of whom shall not be.

15 (vi) Three members appointed by the
16 minority leader of the Senate, one of whom
17 shall be a member of the Senate and two
18 of whom shall not be.

19 (vii) Three members appointed by the
20 Speaker of the House of Representatives,
21 one of whom shall be a member of the
22 House of Representatives and two of whom
23 shall not be.

24 (viii) Three members appointed by the
25 minority leader of the House of Represent-

1 atives, one of whom shall be a member of
2 the House of Representatives and two of
3 whom shall not be.

4 (B) QUALIFICATIONS.—

5 (i) The members of the Commission
6 who are not members of Congress and who
7 are appointed under clauses (v) through
8 (viii) of subparagraph (A) shall be individ-
9 uals who are nationally recognized for ex-
10 pertise, knowledge, or experience in—

11 (I) synthetic biology or related
12 bioengineering;

13 (II) genetic developments;

14 (III) use of life sciences tech-
15 nologies by national policymakers and
16 military leaders; or

17 (IV) the implementation, fund-
18 ing, or oversight of the national secu-
19 rity policies of the United States.

20 (ii) An official who appoints members
21 of the Commission may not appoint an in-
22 dividual as a member of the Commission if
23 such individual possesses any personal or
24 financial interest in the discharge of any of
25 the duties of the Commission.

1 (iii) All members of the Commission
2 described in clause (i) shall possess an ap-
3 propriate security clearance in accordance
4 with applicable provisions of law con-
5 cerning the handling of classified informa-
6 tion.

7 (2) CO-CHAIRS.—

8 (A) IN GENERAL.—The Commission shall
9 have two co-chairs, selected from among the
10 members of the Commission.

11 (B) PARTY AFFILIATION.—One co-chair of
12 the Commission shall be a member of the
13 Democratic Party, and one co-chair shall be a
14 member of the Republican Party.

15 (C) SELECTION.—The individuals who
16 serve as the co-chairs of the Commission shall
17 be jointly agreed upon by the President, the
18 majority leader of the Senate, the minority
19 leader of the Senate, the Speaker of the House
20 of Representatives, and the minority leader of
21 the House of Representatives.

22 (c) APPOINTMENT; INITIAL MEETING, TERMS.—

23 (1) APPOINTMENT.—Members of the Commis-
24 sion shall be appointed not later than 45 days after
25 the date of the enactment of this Act.

1 (2) INITIAL MEETING.—The Commission shall
2 hold its initial meeting on or before the date that is
3 60 days after the date of the enactment of this Act.

4 (3) TERMS.—Members shall be appointed for
5 the life of the Commission.

6 (d) MEETINGS; QUORUM; VACANCIES.—

7 (1) IN GENERAL.—After its initial meeting, the
8 Commission shall meet upon the call of the co-chairs
9 of the Commission.

10 (2) QUORUM.—Seven members of the Commis-
11 sion shall constitute a quorum for purposes of con-
12 ducting business, except that two members of the
13 Commission shall constitute a quorum for purposes
14 of receiving testimony.

15 (3) VACANCIES.—Any vacancy in the Commis-
16 sion shall not affect its powers, but shall be filled in
17 the same manner in which the original appointment
18 was made.

19 (4) QUORUM WITH VACANCIES.—If vacancies in
20 the Commission occur on any day after 45 days
21 after the date of the enactment of this Act, a
22 quorum shall consist of a majority of the members
23 of the Commission as of such day.

24 (5) EFFECT OF LACK OF APPOINTMENT.—If
25 one or more appointments under subsection (b) is

1 not made by the appointment date specified in sub-
2 section (c), the authority to make such appointment
3 or appointments shall expire, and the number of
4 members of the Commission shall be reduced by the
5 number equal to the number of appointments so not
6 made.

7 (e) ACTIONS OF COMMISSION.—

8 (1) IN GENERAL.—The Commission shall act by
9 resolution agreed to by a majority of the members
10 of the Commission voting and present.

11 (2) PANELS.—The Commission may establish
12 panels composed of less than the full membership of
13 the Commission for purposes of carrying out the du-
14 ties of the Commission under this title. The actions
15 of any such panel shall be subject to the review and
16 control of the Commission. Any findings and deter-
17 minations made by such a panel shall not be consid-
18 ered the findings and determinations of the Commis-
19 sion unless approved by the Commission.

20 (3) DELEGATION.—Any member, agent, or staff
21 of the Commission may, if authorized by the co-
22 chairs of the Commission, take any action which the
23 Commission is authorized to take pursuant to this
24 title.

25 (f) DUTIES.—

1 (1) IN GENERAL.—The Commission shall carry
2 out the review described in paragraph (2). In car-
3 rying out such review, the Commission shall consider
4 the methods and means necessary to advance the de-
5 velopment of synthetic biology, bioengineering, and
6 associated technologies by the United States to com-
7 prehensively address the national security and de-
8 fense needs of the United States.

9 (2) SCOPE OF THE REVIEW.—In conducting the
10 review described in this subsection, the Commission
11 shall consider the following:

12 (A) The competitiveness of the United
13 States in synthetic biology, bioengineering, and
14 associated technologies, including matters re-
15 lated to national security, defense, public-pri-
16 vate partnerships, and investments.

17 (B) Means and methods for the United
18 States to maintain a technological advantage in
19 synthetic biology, bioengineering, and other as-
20 sociated technologies related to national secu-
21 rity and defense.

22 (C) Developments and trends in inter-
23 national cooperation and competitiveness, in-
24 cluding foreign investments in synthetic biology,

1 bioengineering, and genetics fields that are ma-
2 terially related to national security and defense.

3 (D) Means by which to foster greater em-
4 phasis and investments in basic and advanced
5 research to stimulate private, public, academic,
6 and combined initiatives in synthetic biology,
7 bioengineering, and other associated tech-
8 nologies, to the extent that such efforts have
9 application materially related to national secu-
10 rity and defense.

11 (E) Workforce and education incentives to
12 attract and recruit leading talent in synthetic
13 biology and bioengineering disciplines, including
14 science, technology, engineering, and biology
15 and genetics programs.

16 (F) Risks associated with adversary ad-
17 vances in military employment of synthetic biol-
18 ogy and bioengineering, including international
19 law of armed conflict, international humani-
20 tarian law, and escalation dynamics.

21 (G) Associated ethical considerations re-
22 lated to synthetic biology, bioengineering, and
23 genetics as it will be used for future applica-
24 tions related to national security and defense.

1 (H) Means to establish international
2 genomic data standards and incentivize the
3 sharing of open training data within related na-
4 tional security and defense synthetic biology-
5 driven industries.

6 (I) Consideration of the evolution of syn-
7 thetic biology and bioengineering and appro-
8 priate mechanisms for managing such tech-
9 nology related to national security and defense.

10 (J) Any other matters the Commission
11 deems relevant to the common defense of the
12 Nation.

13 (g) POWERS OF COMMISSION.—

14 (1) IN GENERAL.—(A) The Commission or, on
15 the authorization of the Commission, any sub-
16 committee or member thereof, may, for the purpose
17 of carrying out the provisions of this section—

18 (i) hold such hearings and sit and act at
19 such times and places, take such testimony, re-
20 ceive such evidence, and administer such oaths;
21 and

22 (ii) require, by subpoena or otherwise, the
23 attendance and testimony of such witnesses and
24 the production of such books, records, cor-
25 respondence, memoranda, papers, and docu-

1 ments, as the Commission or such designated
2 subcommittee or designated member considers
3 necessary.

4 (B) Subpoenas may be issued under subpara-
5 graph (A)(ii) under the signature of the co-chairs of
6 the Commission, and may be served by any person
7 designated by such co-chairs.

8 (C) The provisions of sections 102 through 104
9 of the Revised Statutes of the United States (2
10 U.S.C. 192–194) shall apply in the case of any fail-
11 ure of a witness to comply with any subpoena or to
12 testify when summoned under authority of this sec-
13 tion.

14 (2) CONTRACTING.—The Commission may, to
15 such extent and in such amounts as are provided in
16 advance in appropriation Acts, enter into contracts
17 to enable the Commission to discharge its duties
18 under this title.

19 (3) INFORMATION FROM FEDERAL AGENCIES.—

20 (A) The Commission may secure directly from any
21 executive department, agency, bureau, board, com-
22 mission, office, independent establishment, or instru-
23 mentality of the Government information, sugges-
24 tions, estimates, and statistics for the purposes of
25 this title.

1 (B) Each such department, agency, bureau,
2 board, commission, office, establishment, or instru-
3 mentality shall, to the extent authorized by law, fur-
4 nish such information, suggestions, estimates, and
5 statistics directly to the Commission, upon request
6 of the co-chairs of the Commission.

7 (C) The Commission shall handle and protect
8 all classified information provided to it under this
9 section in accordance with applicable statutes and
10 regulations.

11 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

12 (A) The Secretary of Defense shall provide to the
13 Commission, on a nonreimbursable basis, such ad-
14 ministrative services, funds, staff, facilities, and
15 other support services as are necessary for the per-
16 formance of the Commission's duties under this title.

17 (B) The Director of National Intelligence may
18 provide the Commission, on a nonreimbursable basis,
19 with such administrative services, staff, and other
20 support services as the Commission may request.

21 (C) In addition to the assistance set forth in
22 paragraphs (1) and (2), other departments and
23 agencies of the United States may provide the Com-
24 mission such services, funds, facilities, staff, and

1 other support as such departments and agencies
2 consider advisable and as may be authorized by law.

3 (D) The Commission shall receive the full and
4 timely cooperation of any official, department, or
5 agency of the United States Government whose as-
6 sistance is necessary, as jointly determined by the
7 co-chairs selected under subsection (b)(2), for the
8 fulfillment of the duties of the Commission, includ-
9 ing the provision of full and current briefings and
10 analyses.

11 (5) POSTAL SERVICES.—The Commission may
12 use the United States postal services in the same
13 manner and under the same conditions as the de-
14 partments and agencies of the United States.

15 (6) GIFTS.—No member or staff of the Com-
16 mission may receive a gift or benefit by reason of
17 the service of such member or staff to the Commis-
18 sion.

19 (h) STAFF OF COMMISSION.—

20 (1) IN GENERAL.—(A) The co-chairs of the
21 Commission, in accordance with rules agreed upon
22 by the Commission, shall appoint and fix the com-
23 pensation of a staff director and such other per-
24 sonnel as may be necessary to enable the Commis-
25 sion to carry out its duties, without regard to the

1 provisions of title 5, United States Code, governing
2 appointments in the competitive service, and without
3 regard to the provisions of chapter 51 and sub-
4 chapter III of chapter 53 of such title relating to
5 classification and General Schedule pay rates, except
6 that no rate of pay fixed under this subsection may
7 exceed the equivalent of that payable to a person oc-
8 cupying a position at level V of the Executive Sched-
9 ule under section 5316 of such title.

10 (B) Any Federal Government employee may be
11 detailed to the Commission without reimbursement
12 from the Commission, and such detailee shall retain
13 the rights, status, and privileges of his or her reg-
14 ular employment without interruption.

15 (C) All staff of the Commission shall possess a
16 security clearance in accordance with applicable laws
17 and regulations concerning the handling of classified
18 information.

19 (2) CONSULTANT SERVICES.—(A) The Commis-
20 sion may procure the services of experts and consult-
21 ants in accordance with section 3109 of title 5,
22 United States Code, but at rates not to exceed the
23 daily rate paid a person occupying a position at level
24 IV of the Executive Schedule under section 5315 of
25 such title.

1 (B) All experts and consultants employed by
2 the Commission shall possess a security clearance in
3 accordance with applicable laws and regulations con-
4 cerning the handling of classified information.

5 (i) COMPENSATION AND TRAVEL EXPENSES.—

6 (1) COMPENSATION.—(A) Except as provided
7 in paragraph (2), each member of the Commission
8 may be compensated at not to exceed the daily
9 equivalent of the annual rate of basic pay in effect
10 for a position at level IV of the Executive Schedule
11 under section 5315 of title 5, United States Code,
12 for each day during which that member is engaged
13 in the actual performance of the duties of the Com-
14 mission under this title.

15 (B) Members of the Commission who are offi-
16 cers or employees of the United States or Members
17 of Congress shall receive no additional pay by reason
18 of their service on the Commission.

19 (2) TRAVEL EXPENSES.—While away from
20 their homes or regular places of business in the per-
21 formance of services for the Commission, members
22 of the Commission may be allowed travel expenses,
23 including per diem in lieu of subsistence, in the
24 same manner as persons employed intermittently in

1 the Government service are allowed expenses under
2 section 5703 of title 5, United States Code.

3 (j) TREATMENT OF INFORMATION RELATING TO NA-
4 TIONAL SECURITY.—

5 (1) IN GENERAL.—(A) The Director of Na-
6 tional Intelligence shall assume responsibility for the
7 handling and disposition of any information related
8 to the national security of the United States that is
9 received, considered, or used by the Commission
10 under this title.

11 (B) Any information related to the national se-
12 curity of the United States that is provided to the
13 Commission by a congressional intelligence commit-
14 tees or the congressional armed services committees
15 may not be further provided or released without the
16 approval of the chairman of such committees.

17 (2) ACCESS AFTER TERMINATION OF COMMIS-
18 SION.—Notwithstanding any other provision of law,
19 after the termination of the Commission under sub-
20 section (k)(2), only the members and designated
21 staff of the congressional intelligence committees,
22 the Director of National Intelligence (and the des-
23 ignees of the Director), and such other officials of
24 the executive branch as the President may designate
25 shall have access to information related to the na-

1 tional security of the United States that is received,
2 considered, or used by the Commission.

3 (k) REPORTS; TERMINATION.—

4 (1) INITIAL REPORT.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 Commission shall submit to the President and Con-
7 gress an initial report on the findings of the Com-
8 mission and such recommendations that the Com-
9 mission may have for action by the executive branch
10 and Congress related to synthetic biology, bio-
11 engineering, and associated technologies, including
12 recommendations to more effectively organize the
13 Federal Government.

14 (2) ANNUAL COMPREHENSIVE REPORTS.—Not
15 later than one year after the date of this enactment
16 of this Act, and every year thereafter annually, until
17 the date specified in subsection (e), the Commission
18 shall submit a comprehensive report on the review
19 required under subsection (b).

20 (3) TERMINATION.—The Commission, and all
21 the authorities of this section, shall terminate on Oc-
22 tober 1, 2023.

23 (l) ASSESSMENTS OF ANNUAL COMPREHENSIVE RE-
24 PORTS.—Not later than 60 days after receipt of the an-
25 nual comprehensive report(s) under subsection (k)(2), the

1 Secretary of Defense, the Secretary of Commerce, the Sec-
2 retary of Health and Human Services, and the Director
3 of National Intelligence shall each submit to congress an
4 assessment by the Director or the Secretary, as the case
5 may be, of the final report. Each assessment shall include
6 such comments on the findings and recommendations con-
7 tained in the final report as the Director or Secretary, as
8 the case may be, considers appropriate.

9 (m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE
10 PROVISIONS.—

11 (1) FEDERAL ADVISORY COMMITTEE ACT.—The
12 provisions of the Federal Advisory Committee Act (5
13 U.S.C. App.) shall not apply to the activities of the
14 Commission under this section.

15 (2) FREEDOM OF INFORMATION ACT.—The pro-
16 visions of section 552 of title 5, United States Code
17 (commonly referred to as the Freedom of Informa-
18 tion Act), shall not apply to the activities, records,
19 and proceedings of the Commission under this sec-
20 tion.

21 (n) FUNDING.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
23 the amounts authorized to be appropriated by this
24 Act for fiscal year 2022 for the Department of De-
25 fense, not more than \$10,000,000 shall be made

1 available to the Commission to carry out its duties
2 under this subtitle. Funds made available to the
3 Commission under the preceding sentence shall re-
4 main available until expended.

5 (2) AVAILABILITY IN GENERAL.—Subject to
6 paragraph (1), the Secretary of Defense shall make
7 available to the Commission such amounts as the
8 Commission may require for purposes of the activi-
9 ties of the Commission under this section.

10 (3) DURATION OF AVAILABILITY.—Amounts
11 made available to the Commission under paragraph
12 (2) shall remain available until expended.

13 (4) OFFSET.—Notwithstanding the amounts set
14 forth in the funding tables in division D, the amount
15 authorized to be appropriated in section 1405 for
16 Defense Health Program, for Private Sector Care,
17 as specified in the corresponding funding table in
18 section 4501, is hereby reduced by \$10,000,000.

19 (o) DEFINITIONS.—In this section—

20 (1) SYNTHETIC BIOLOGY.—The term “synthetic
21 biology” means the design and construction of new
22 biological parts devices and systems and the re-de-
23 sign of existing, natural biological systems for useful
24 purposes.

1 (2) BIOMANUFACTURING.—The term “bio-
2 manufacturing” means the utilization of biological
3 systems to develop new and advance existing prod-
4 ucts, tools, and processes at commercial scale.

5 (3) BIOENGINEERING.—The term “bio-
6 engineering” means the application of engineering
7 design principles and practices to biological systems,
8 including molecular and cellular systems, to advance
9 fundamental understanding of complex natural sys-
10 tems and to enable novel or optimize functions and
11 capabilities.

