AMENDMENT TO RULES COMMITTEE PRINT 117–13

OFFERED BY MR. GALLAGHER OF WISCONSIN

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

SEC. 60. NATIONAL SECURITY COMMISSION ON SYNTHETIC BIOLOGY.

(a) Establishment.—

(1) In general.—There is established in the executive branch a commission to review advances and develop a consensus on a strategic approach to advance American national security and competitiveness in synthetic biology, related bioengineering and genetics developments, and associated technologies.

(2) Designation.—The commission established under paragraph (1) shall be known as the “National Security Commission on Synthetic Biology” (referred to in this section as the “Commission”).

(b) Membership.—

(1) Composition.—
(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall be composed of the following members:

(i) The Deputy Secretary of Defense.

(ii) The Deputy Secretary of Commerce.

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

(iv) The Principal Deputy Director of National Intelligence.

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

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

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

(viii) Three members appointed by the minority leader of the House of Represent-
atives, one of whom shall be a member of the House of Representatives and two of whom shall not be.

(B) QUALIFICATIONS.—

(i) The members of the Commission who are not members of Congress and who are appointed under clauses (v) through (viii) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) synthetic biology or related bioengineering;

(II) genetic developments;

(III) use of life sciences technologies by national policymakers and military leaders; or

(IV) the implementation, funding, or oversight of the national security policies of the United States.

(ii) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.
(iii) All members of the Commission described in clause (i) shall possess an appropriate security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(2) CO-CHAIRS.—

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

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

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

(c) APPOINTMENT; INITIAL MEETING; TERMS.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.
(2) INITIAL MEETING.—The Commission shall hold its initial meeting on or before the date that is 60 days after the date of the enactment of this Act.

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

(d) MEETINGS; QUORUM; VACANCIES.—

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

(2) QUORUM.—Seven members of the Commission shall constitute a quorum for purposes of conducting business, except that two members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

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

(5) EFFECT OF LACK OF APPOINTMENT.—If one or more appointments under subsection (b) is
not made by the appointment date specified in sub-
section (c), the authority to make such appointment
or appointments shall expire, and the number of
members of the Commission shall be reduced by the
number equal to the number of appointments so not
made.

(e) ACTIONS OF COMMISSION.—

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

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

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

(f) DUTIES.—
(1) **IN GENERAL.**—The Commission shall carry out the review described in paragraph (2). In carrying out such review, the Commission shall consider the methods and means necessary to advance the development of synthetic biology, bioengineering, and associated technologies by the United States to comprehensively address the national security and defense needs of the United States.

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

(A) The competitiveness of the United States in synthetic biology, bioengineering, and associated technologies, including matters related to national security, defense, public-private partnerships, and investments.

(B) Means and methods for the United States to maintain a technological advantage in synthetic biology, bioengineering, and other associated technologies related to national security and defense.

(C) Developments and trends in international cooperation and competitiveness, including foreign investments in synthetic biology,
bioengineering, and genetics fields that are materially related to national security and defense.

(D) Means by which to foster greater emphasis and investments in basic and advanced research to stimulate private, public, academic, and combined initiatives in synthetic biology, bioengineering, and other associated technologies, to the extent that such efforts have application materially related to national security and defense.

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

(F) Risks associated with adversary advances in military employment of synthetic biology and bioengineering, including international law of armed conflict, international humanitarian law, and escalation dynamics.

(G) Associated ethical considerations related to synthetic biology, bioengineering, and genetics as it will be used for future applications related to national security and defense.
(H) Means to establish international genomic data standards and incentivize the sharing of open training data within related national security and defense synthetic biology-driven industries.

(I) Consideration of the evolution of synthetic biology and bioengineering and appropriate mechanisms for managing such technology related to national security and defense.

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

(g) POWERS OF COMMISSION.—

(1) IN GENERAL.—(A) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and docu-
ments, as the Commission or such designated subcommittee or designated member considers necessary.

(B) Subpoenas may be issued under subparagraph (A)(ii) under the signature of the co-chairs of the Commission, and may be served by any person designated by such co-chairs.

(C) The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of a witness to comply with any subpoena or to testify when summoned under authority of this section.

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

(3) INFORMATION FROM FEDERAL AGENCIES.—(A) The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title.
(B) Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the co-chairs of the Commission.

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

(4) Assistance from federal agencies.—

(A) The Secretary of Defense shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission’s duties under this title.

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

(C) In addition to the assistance set forth in paragraphs (1) and (2), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and
other support as such departments and agencies
consider advisable and as may be authorized by law.

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

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

(6) GIFTS.—No member or staff of the Com-
mission may receive a gift or benefit by reason of
the service of such member or staff to the Commiss-
ion.

(h) STAFF OF COMMISSION.—

(1) IN GENERAL.—(A) The co-chairs of the
Commission, in accordance with rules agreed upon
by the Commission, shall appoint and fix the com-
pensation of a staff director and such other per-
sonnel as may be necessary to enable the Commiss-
ion to carry out its duties, without regard to the
provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

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

(2) CONSULTANT SERVICES.—(A) The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.
(B) All experts and consultants employed by the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(i) COMPENSATION AND TRAVEL EXPENSES.—

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

(B) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in
the Government service are allowed expenses under section 5703 of title 5, United States Code.

(j) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

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

(B) Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committees or the congressional armed services committees may not be further provided or released without the approval of the chairman of such committees.

(2) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (k)(2), only the members and designated staff of the congressional intelligence committees, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the na-
tional security of the United States that is received, considered, or used by the Commission.

(k) Reports; Termination.—

(1) Initial Report.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress an initial report on the findings of the Commission and such recommendations that the Commission may have for action by the executive branch and Congress related to synthetic biology, bioengineering, and associated technologies, including recommendations to more effectively organize the Federal Government.

(2) Annual Comprehensive Reports.—Not later than one year after the date of this enactment of this Act, and every year thereafter annually, until the date specified in subsection (e), the Commission shall submit a comprehensive report on the review required under subsection (b).

(3) Termination.—The Commission, and all the authorities of this section, shall terminate on October 1, 2023.

(l) Assessments of Annual Comprehensive Reports.—Not later than 60 days after receipt of the annual 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.

(m) Inapplicability of Certain Administrative
10 Provisions.—

(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.

(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.

(n) Funding.—

(1) In General.—Notwithstanding the
23 amounts set forth in the funding tables in division
24 D, the amount authorized to be appropriated in sec-
25 tion 301 for operation and maintenance, Defense-
wide, as specified in the corresponding funding table in section 4301, for admin & servicewide activities, Office of the Secretary of Defense, line 540, is hereby increased by $10,000,000 (to be made available in support of the Commission under this subtitle).

(2) Availability.—Subject to paragraph (1), the Secretary of Defense shall make available to the Commission such amounts as the Commission may require for purposes of the activities of the Commission under this section.

(3) Duration of Availability.—Amounts made available to the Commission under paragraph (2) shall remain available until expended.

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

(o) Definitions.—In this section—

(1) Synthetic Biology.—The term “synthetic biology” means the design and construction of new biological parts devices and systems and the re-design of existing, natural biological systems for useful purposes.
(2) BIOMANUFACTURING.—The term “biomanufacturing” means the utilization of biological systems to develop new and advance existing products, tools, and processes at commercial scale.

(3) BIOENGINEERING.—The term “bioengineering” means the application of engineering design principles and practices to biological systems, including molecular and cellular systems, to advance fundamental understanding of complex natural systems and to enable novel or optimize functions and capabilities.