

111TH CONGRESS
2D SESSION

H. R. 6297

To improve the international strategy of the United States for monitoring, reducing, and responding to biological risks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. SHERMAN introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To improve the international strategy of the United States for monitoring, reducing, and responding to biological risks, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “International Biosecurity Act of 2010”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.
- Sec. 4. International Biosecurity Initiative (IBSI).
- Sec. 5. International Biosecurity Task Force.

- Sec. 6. Establishment of the Nonproliferation and Counterterrorism Fellowship Program.
- Sec. 7. Technical review and assessment of harmful biological incident and activity investigation technologies.
- Sec. 8. Review and assessment of global legal regime for biosecurity.
- Sec. 9. Reporting requirements.
- Sec. 10. International disease outbreak information sharing.
- Sec. 11. Definitions.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The advance of biological science is vital to
4 increasing the health of humanity, ensuring the well-
5 being of the environment, and spurring economic
6 growth.

7 (2) In 2001, letters containing anthrax spores
8 were distributed via the United States postal system,
9 infecting 22 people and resulting in five deaths, ex-
10 tensive social disruption, and extensive costs for
11 emergency response and remediation.

12 (3) In 2001, while engaging the Taliban in Af-
13 ghanistan, coalition forces came into possession of a
14 significant body of evidence that al-Qaeda was seek-
15 ing to develop the capability to conduct biological
16 weapons attacks.

17 (4) In a time of international terrorist threats
18 and global health epidemics, United States policy
19 with regard to biological risks is in need of a well
20 coordinated strategy to ensure the effectiveness of

1 efforts to protect the national security and foreign
2 policy interests of the United States.

3 (5) Biological risks extend beyond biological
4 weapons developed or used by foreign countries and
5 also include intentional release of harmful biological
6 agents by non-state groups or individuals, harmful
7 outcomes through unintentional release or unfore-
8 seen consequences of biological research and experi-
9 mental biological agents, and natural disease out-
10 breaks.

11 (6) A major disease outbreak affecting animals
12 or crops, whether intentionally inflicted or natural,
13 anywhere in the world could threaten food supplies
14 and economic prosperity, potentially exacerbating
15 broader security concerns.

16 (7) A major disease outbreak against civilian
17 populations, whether intentionally inflicted or nat-
18 ural, anywhere in the world could cause devastating
19 loss of life and economic harm. Such an outbreak
20 would have adverse implications for United States
21 national security and foreign policy.

22 (8) Improving global capacity for monitoring
23 and detecting disease outbreaks improves the ability
24 of the United States to counter both natural and
25 man-made biological risks.

1 (9) A well-coordinated strategy for countering
2 harmful biological incidents that integrates United
3 States foreign policies will help ensure the health of
4 Americans as well as security against terrorism and
5 other threats.

6 (10) In November 2009, President Obama set
7 forth a “National Strategy for Countering Biological
8 Threats”.

9 (11) The changing geopolitical climate in which
10 a number of countries and non-state actors are seek-
11 ing or have acquired weapons of mass destruction
12 indicates that the United States will require special-
13 ized nonproliferation experts in addition to experts
14 in regional security.

15 (12) The United States national security com-
16 munity has focused primarily on technical and inter-
17 national security solutions to international prolifera-
18 tion.

19 (13) There are limited opportunities for the
20 next generation of policy makers and nonprolifera-
21 tion specialists to undertake interdisciplinary study
22 in the area of nonproliferation policy.

23 (14) Coordinating foreign assistance and other
24 international efforts to improve the ability of partner
25 countries to detect and respond to disease outbreaks

1 benefits partner nations and also improves the
2 United States security by preventing the spread of
3 infectious disease.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) emerging biological technologies, while pro-
7 viding the promise for unprecedented improvements
8 in health and the environment, may pose a potential
9 for harm, both intentional and accidental or inad-
10 vertent;

11 (2) the “National Strategy for Countering Bio-
12 logical Threats”, released by President Obama in
13 November 2009, is a significant step toward enhanc-
14 ing domestic and international biosecurity;

15 (3) because biological risks do not heed political
16 borders, United States policy to counter such risks
17 should include cooperation with other countries and
18 improved coordination within the United States Gov-
19 ernment;

20 (4) the United States should work with other
21 countries toward developing international standards
22 and an oversight framework for biological research
23 to prevent and mitigate harmful outcomes;

24 (5) the United States strategy for monitoring,
25 reducing, and responding to biological risks should

1 address both natural and man-made risks and
2 should be able to identify and mitigate the impact of
3 both intentional and unintentional or unforeseen
4 harmful biological incidents;

5 (6) United States collaboration with and assist-
6 ance to foreign countries aimed at reducing biologi-
7 cal risks should be mutually beneficial and serve to
8 counter natural or man-made biological risks that
9 are mutually determined to be of high importance;
10 and

11 (7) because the Convention on the Prohibition
12 of the Development, Production and Stockpiling of
13 Bacteriological (Biological) and Toxin Weapons and
14 on their Destruction (commonly referred to as the
15 “Biological Weapons Convention” or “BWC”) em-
16 bodies the global norm against the development, pro-
17 duction, acquisition, and transfer of biological agents
18 for hostile purposes, United States policy should aim
19 to strengthen the Biological Weapons Convention by
20 increasing its adherence, addressing its transparency
21 and compliance mechanisms, and strengthening its
22 effectiveness to build confidence internationally.

23 **SEC. 4. INTERNATIONAL BIOSECURITY INITIATIVE (IBSI).**

24 (a) ESTABLISHMENT.—To improve the United States
25 international strategy for reducing and responding to bio-

1 logical risks and to aid in the implementation of President
2 Obama’s 2009 “National Strategy for Countering Biologi-
3 cal Threats”, the Secretary of State, in coordination with
4 the heads of other relevant Federal agencies, shall estab-
5 lish an initiative to be known as the “International Bio-
6 security Initiative”.

7 (b) PURPOSE.—The International Biosecurity Initia-
8 tive shall—

9 (1) pursue efforts, through multilateral and bi-
10 lateral activities, to support, establish, and imple-
11 ment internationally harmonized standards for as-
12 suring critical pathogen and laboratory safety and
13 security and for assessing broad social consequences,
14 including—

15 (A) working in multilateral forums, includ-
16 ing forums that engage the private sector, re-
17 search, and public health communities, to estab-
18 lish, based on international needs and domestic
19 lessons-learned, and regularly update inter-
20 national standards for pathogen and laboratory
21 safety and security;

22 (B) promoting international codes of ethics
23 to ensure safety and security and reinforcing
24 norms during the education and throughout the

1 career of scientists in academia, industry, or
2 government;

3 (C) encouraging the development and im-
4 plementation of emergency reporting and re-
5 sponse in the event of a breach of pathogen or
6 laboratory security; and

7 (D) providing technical and financial as-
8 sistance, including training, to other countries
9 to facilitate the adoption, sustainable implemen-
10 tation, and enforcement of national measures in
11 accordance with international standards for the
12 safety, transportation, and security of biological
13 agents and laboratories;

14 (2) pursue efforts, through bilateral, regional,
15 and multilateral activities, to ensure a strong global
16 legal regime for biosecurity, including—

17 (A) working with other countries to de-
18 velop and strengthen the national criminal leg-
19 islation and law enforcement capabilities of
20 such countries for detecting, interdicting, inves-
21 tigating, and prosecuting criminal activities and
22 harmonizing international biosecurity legal ef-
23 forts;

24 (B) developing, establishing, and pro-
25 moting common internationally harmonized

standards, guidance, and best practices for obtaining, handling, analyzing and sharing microbial forensic evidence;

(C) promoting appropriate information sharing, that is in the national security interests of the United States, relating to threats and to best practices, and promoting cooperation for preventing, deterring, detecting, attributing, interdicting, investigating, and prosecuting criminal or terrorist use of biological or toxin agents between the intelligence community, United States Federal law enforcement, and international law enforcement and security officials;

(D) promoting international legal and technical cooperation to achieve the goals described in subparagraphs (A) through (C); and

(E) providing technical assistance to other countries, including training, to achieve the goals described in subparagraphs (A) through (C);

(3) pursue strategies to strengthen the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (com-

1 monly referred to as the “Biological Weapons Con-
2 vention” or “BWC”) and its enforcement by—

3 (A) promoting universal membership in, in-
4 creased adherence to, effective implementation
5 of, and compliance with the BWC;

6 (B) developing an action plan for increas-
7 ing international adherence to the BWC;

8 (C) promoting stronger confidence-building
9 and other transparency measures designed to
10 provide mutual reassurance that national bio-
11 defense, threat assessment, and other activities
12 comply with the BWC;

13 (D) ensuring that United States participa-
14 tion in BWC meetings is broadly inclusive of
15 representatives of relevant Federal departments
16 and agencies; and

17 (E) supporting efforts to strengthen the
18 United Nations Secretary-General’s mechanism
19 for investigating allegations of biological weap-
20 ons use and to establish a multilateral capa-
21 bility to investigate alleged breaches of BWC
22 obligations;

23 (4) engage in cooperative efforts to improve na-
24 tional, regional, and multinational surveillance and
25 response capabilities with respect to outbreaks of in-

1 fectious diseases, whether naturally occurring or
2 man-made, including—

3 (A) working with countries to ensure full
4 compliance with World Health Organization
5 disease reporting obligations;

6 (B) supporting efforts, in coordination
7 with the Emerging Pandemic Threats program,
8 to improve global capacity for identifying, diag-
9 nosing, tracking, and reporting pathogens re-
10 sponsible for possible infectious disease out-
11 breaks of international significance, including—

12 (i) improving international laboratory
13 capacity for expeditiously collecting, ana-
14 lyzing, and identifying a broad array of
15 pathogens including mutated strains which
16 may cause infectious disease outbreaks or
17 may be used in a biological weapon; and

18 (ii) improving international capacity
19 for effectively collecting, analyzing, trans-
20 mitting, and reporting validated data and
21 public health information about such infec-
22 tious disease outbreaks;

23 (C) providing assistance to international
24 and regional health organizations to—

1 (i) enhance the surveillance and re-
2 porting capabilities of the World Health
3 Organization and existing international re-
4 gional and international health networks;
5 and

6 (ii) develop new international regional
7 and international health networks;

8 (D) providing assistance to facilitate
9 standardization in the reporting of public health
10 information between and among developing
11 countries and international health organiza-
12 tions;

13 (E) working with the Secretary of Health
14 and Human Services to establish new country
15 or regional international Field Epidemiology
16 Training Programs in eligible developing coun-
17 tries;

18 (F) establishing and providing assistance
19 for short training courses in—

20 (i) laboratory techniques relating to
21 the identification, diagnosis, and tracking
22 of pathogens responsible for possible infec-
23 tious disease outbreaks; and

24 (ii) techniques of disease and syn-
25 drome surveillance reporting and rapid

1 analysis of syndrome information using
2 Geographic Information System (GIS)
3 tools;

4 (G) promoting efforts to make widely avail-
5 able, especially in developing countries, medical
6 and pharmaceutical measures to counter infec-
7 tious diseases, including through stockpiling of
8 such measures; and

9 (H) working with other countries and mul-
10 tilateral and regional bodies to provide technical
11 assistance for developing biological and health
12 response capabilities in other countries;

13 (5) support the development of international
14 mechanisms that enhance the coordination and im-
15 plementation of biosecurity policies;

16 (6) facilitate the alignment of foreign assistance
17 for biosecurity with the public health needs of recipi-
18 ent countries, including—

19 (A) assisting in the planning, development,
20 enhancement, and training of response capabili-
21 ties for disease outbreaks in recipient countries
22 and regions; and

23 (B) assisting in the promotion of effective
24 cooperation among public health, law enforce-

1 ment, and other responder communities in re-
2 cipient countries and regions;

3 (7) engage in multilateral and bilateral discus-
4 sions of biodefense programs and control of sensitive
5 biotechnologies to ensure that they are limited to
6 prophylactic, protective, and other peaceful purposes;

7 (8) develop an assessment of, and appropriate
8 policies to address, the potential security threats and
9 societal and ethical impacts posed by emerging and
10 future biotechnology developments, including syn-
11 thetic genomics, synthetic biology, human genetic
12 modification, and other biotechnology relevant for
13 the modification of human beings, including through
14 the establishment of international agreement regard-
15 ing the appropriate uses of advanced biotechnology
16 and proscription of nefarious uses and abhorrent
17 practices; and

18 (9) pursue such other activities that the Sec-
19 retary of State determines will enhance international
20 biosecurity.

21 (c) PROGRAM COMPONENTS.—With respect to—

22 (1) the short training courses related to labora-
23 tory techniques referred to in subsection
24 (b)(4)(F)(i)—

1 (A) such courses shall be for eligible na-
2 tionals who are laboratory technicians or other
3 public health personnel;

4 (B) the training shall be held outside the
5 United States and may be conducted in facili-
6 ties of the Centers for Disease Control and Pre-
7 vention located in foreign countries or in Over-
8 seas Medical Research Units of the Department
9 of Defense, as appropriate; and

10 (C) the Secretary of State shall coordinate
11 the training, where appropriate, with existing
12 programs and activities of international health
13 organizations; and

14 (2) disease and syndrome surveillance reporting
15 and rapid analysis of syndrome information referred
16 to in subsection (b)(4)(F)(ii)—

17 (A) such courses shall be for eligible na-
18 tionals who are health care providers or other
19 public health personnel;

20 (B) the training shall be conducted via the
21 Internet or in appropriate facilities located in a
22 foreign country, as determined by the Secretary
23 of State; and

24 (C) the Secretary of State shall coordinate
25 the training, where appropriate, with existing

1 programs and activities of international regional
2 and international health organizations.

3 (d) REPORTING.—Activities undertaken pursuant to
4 subsection (b) to improve or facilitate the reporting of bio-
5 logical incidents, including breaches of pathogen or labora-
6 tory security, infectious disease outbreaks, and public
7 health information, shall be aimed at improving and facili-
8 tating such reporting only to the United States, the World
9 Health Organization, and other responsible countries and
10 international entities.

11 (e) RULE OF CONSTRUCTION.—Nothing in this Act
12 shall require the Secretary of State to share information
13 about United States defensive measures against biological
14 weapons or other threats that could be useful to adver-
15 saries in developing biological weapons or agents that
16 could defeat such defensive measures.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to the Secretary of State for carrying out this sec-
20 tion.

21 **SEC. 5. INTERNATIONAL BIOSECURITY TASK FORCE.**

22 The Secretary of State shall convene an International
23 Biosecurity Task Force of prominent experts, including
24 from the scientific, public health, legal, academic, security,
25 research bioethics, and private sector communities, to

1 serve as a nongovernmental consultative body for the
2 International Biosecurity Initiative established pursuant
3 to section 4. The Task Force shall provide advice to the
4 security, societal, and ethical implications of emerging and
5 future biotechnology developments, including synthetic
6 genomics, synthetic biology, human genetic modification,
7 and other biotechnology relevant for the modification of
8 human beings, as well as efforts toward the establishment
9 of international agreement regarding the appropriate uses
10 of advanced biotechnology and proscription of nefarious
11 uses and abhorrent practices.

12 **SEC. 6. ESTABLISHMENT OF THE NONPROLIFERATION AND**
13 **COUNTERTERRORISM FELLOWSHIP PRO-**
14 **GRAM.**

15 (a) IN GENERAL.—The Secretary of State shall es-
16 tablish a program (to be known as the “Nonproliferation
17 and Counterterrorism Fellowship Program”) to provide el-
18 igible students and recent graduates educational fellow-
19 ships for obtaining a deeper understanding of Federal ef-
20 forts to counter terrorist activities and groups and to pro-
21 mote nonproliferation.

22 (b) FELLOWSHIP PROGRAM COMPONENTS.—The
23 Nonproliferation and Counterterrorism Fellowship Pro-
24 gram authorized by this section shall—

1 (1) be awarded to eligible students and recent
2 graduates;

3 (2) require such students or recent graduates to
4 complete an educational fellowship at a Federal
5 agency or in Congress, for a period of not less than
6 3 months, during which fellowship such students and
7 recent graduates shall participate in activities rel-
8 evant to the goals of the graduate studies of such
9 students and recent graduates;

10 (3) ensure that such educational fellowships at
11 Federal agencies or in Congress are designed to con-
12 tribute to the eligible students' and recent grad-
13 uates' preparation for a career in a field relating to
14 the goals of the Program authorized by this section;
15 and

16 (4) provide financial support to eligible students
17 and recent graduates selected for the program in ac-
18 cordance with subsection (c).

19 (c) FINANCIAL SUPPORT.—The Nonproliferation and
20 Counterterrorism Fellowship Program shall provide to
21 each eligible student and recent graduate selected for the
22 program for the period during which the student or recent
23 graduate is participating in an educational fellowship at
24 a Federal agency or in Congress as required by subsection

1 (b)(2), a stipend in an amount determined by the Sec-
2 retary.

3 (d) REGULATIONS.—Not later than one year after the
4 date of enactment of this Act, the Secretary of State shall
5 promulgate regulations to carry out this section.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated \$10,000,000 for each
8 of fiscal years 2011 through 2015 to the Secretary of
9 State for carrying out the Nonproliferation and Counter-
10 terrorism Fellowship Program under this section.

11 **SEC. 7. TECHNICAL REVIEW AND ASSESSMENT OF HARM-**
12 **FUL BIOLOGICAL INCIDENT AND ACTIVITY**
13 **INVESTIGATION TECHNOLOGIES.**

14 (a) IN GENERAL.—Not later than one year after the
15 date of the enactment of this Act, the Secretary of State,
16 in coordination with the heads of other relevant Federal
17 agencies, the National Academies, or any other agency or
18 organization the Secretary determines appropriate, shall
19 submit to the appropriate congressional committees a re-
20 port containing a technical review and assessment of the
21 limits and capabilities of technologies that could be used
22 for investigating biological incidents and allegations of ille-
23 gal biological weapons activities. This report shall be sub-
24 mitted in unclassified form, but may include a classified
25 annex.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to the Secretary of State for carrying out the review
4 and assessment described in section (a) of this section.

5 **SEC. 8. REVIEW AND ASSESSMENT OF GLOBAL LEGAL RE-**
6 **GIME FOR BIOSECURITY.**

7 (a) IN GENERAL.—Not later than one year after the
8 date of the enactment of this Act, the Secretary of State,
9 in coordination with the heads of other relevant Federal
10 agencies, shall submit to the appropriate congressional
11 committees a review and assessment of the global legal
12 regime for biosecurity, including—

13 (1) implementation and enforcement of laws
14 against criminal activities in other countries includ-
15 ing extradition treaties and agreements;

16 (2) transnational exchange of relevant informa-
17 tion between law enforcement authorities;

18 (3) attributing responsibility, apprehending,
19 and prosecuting individuals or entities responsible
20 for deliberately releasing pathogens;

21 (4) licensing and use approval of medical coun-
22 termeasures during a disease emergency;

23 (5) national and international authority for ef-
24 fectively responding to and recovering from a disease
25 outbreak;

1 (6) the establishment and implementation of
2 national and international legal measures for ensur-
3 ing pathogen and laboratory biosafety and biosecu-
4 rity; and

5 (7) national legal mechanisms to review bio-
6 defense research and development activities for com-
7 pliance with the BWC.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as are nec-
10 essary to the Secretary of State for carrying out the review
11 and assessment described in section (a) of this section.

12 **SEC. 9. REPORTING REQUIREMENTS.**

13 Section 140(a) of the Foreign Relations Authoriza-
14 tion Act, Fiscal Years 1988 and 1989 (22 U.S.C. 12
15 2656f(a)) is amended—

16 (1) in paragraph (3)(B), by striking “and” at
17 the end;

18 (2) in paragraph (4), by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(5) detailed assessments of the ability of each
23 foreign country described in paragraphs (1) through
24 (4) to detect and respond to acts of terrorism, in-
25 cluding information on—

1 “(A) surveillance capabilities for detecting
2 infectious disease outbreaks; and

3 “(B) the ability of the public health and
4 law enforcement communities of each such
5 country to effectively minimize damage to pub-
6 lic health, economic infrastructure, and global
7 security during and immediately after a ter-
8 rorist attack.”.

9 **SEC. 10. INTERNATIONAL DISEASE OUTBREAK INFORMA-**
10 **TION SHARING.**

11 (a) IN GENERAL.—The Secretary of State shall sub-
12 mit to the appropriate congressional committees a report
13 following any incident in which a foreign country fails to
14 share, in a timely manner, information, including biologi-
15 cal samples and epidemiological data, about the outbreak
16 of a previously unknown infectious disease or a new strain
17 of an infectious disease or about an outbreak for which
18 the country is otherwise required to share information
19 pursuant to commitments made by the country. This re-
20 port shall include a summary the activities of the relevant
21 country pertaining to the disease outbreak and steps taken
22 by the United States and by relevant international organi-
23 zations, including the World Health Organization, to ob-
24 tain this information.

1 (b) WITHHOLDING.—The Secretary of State shall
2 withhold 10 percent of the foreign assistance given to any
3 country failing to share information on infectious disease
4 outbreaks as described in subsection (a). This withholding
5 will remain in effect until the information is provided. This
6 withholding may be waived at if the President determines
7 that to do so is in the national interest.

8 **SEC. 11. DEFINITIONS.**

9 In this Act:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means the Committee on Foreign Affairs of
13 the House of Representatives and the Committee on
14 Foreign Relations of the Senate.

15 (2) APPROPRIATE GRADUATE PROGRAM.—The
16 term “appropriate graduate program” means a
17 graduate level degree or certificate program at an
18 institution of higher education that provides for the
19 multidisciplinary study of issues relating to weapons
20 nonproliferation or counterterrorism and includes
21 training in at least several of the following areas—

22 (A) assessment and forecasting of pro-
23 liferation threats, including non-state actors,

24 (B) technologies underlying weapons of
25 mass destruction,

1 (C) international agreements and regimes
2 to prevent and limit the spread of weapons of
3 mass destruction, including threat reduction as-
4 sistance,

5 (D) nonproliferation export controls, in-
6 cluding governance of dual-use technologies,

7 (E) policy tools and responses to prolifera-
8 tion by both states and non-state actors,

9 (F) the politics and process of nuclear pro-
10 liferation and renunciation decisionmaking, and

11 (G) regional security issues relevant to
12 proliferation.

13 (3) CRITICAL PATHOGEN.—The term “critical
14 pathogen” means any biological organism that is
15 used in biological research and is involved in the
16 transmission of infectious diseases whose intentional
17 or unintentional release poses a significant threat to
18 public health.

19 (4) ELIGIBLE NATIONAL.—The term “eligible
20 national” means any citizen or national of an eligible
21 developing country who—

22 (A) does not have a criminal background;

23 (B) is not on any immigration or other
24 United States watch list; and

1 (C) is not affiliated with any foreign ter-
2 rorist organization.

3 (5) ELIGIBLE STUDENT.—The term “eligible
4 student” means a student who—

5 (A) has obtained from an institution of
6 higher education (as defined in section 102 of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1002)) a bachelor’s degree or other degree that
9 is acceptable for admission to a graduate or
10 professional degree program;

11 (B) is applying to, or has been admitted
12 for enrollment in, an appropriate graduate pro-
13 gram;

14 (C) is a United States citizen; and

15 (D) is otherwise qualified (as determined
16 by the Secretary).

17 (6) FOREIGN ASSISTANCE.—The term “foreign
18 assistance” means assistance authorized under the
19 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
20 seq.).

21 (7) INSTITUTION OF HIGHER EDUCATION.—Ex-
22 cept as otherwise expressly provided, the term “insti-
23 tution of higher education” has the meaning given
24 such term in section 101(a) of the Higher Education
25 Act of 1965 (20 U.S.C. 1001(a)).

1 (8) TECHNICAL REVIEW AND ASSESSMENT.—

2 The term “technical review and assessment” means
3 a policy-neutral study conducted by scientific and
4 technical experts to assess the ability of available
5 technology to verify the purpose of biological re-
6 search programs and to detect weaponization activi-
7 ties.

8 (9) ELIGIBLE DEVELOPING COUNTRY.—The
9 term “eligible developing country” means any devel-
10 oping country that—

11 (A) has agreed to the objective of fully
12 complying with requirements of the World
13 Health Organization on reporting public health
14 information on outbreaks of infectious diseases;
15 and

16 (B) has not been determined by the Sec-
17 retary, for purposes of section 40 of the Arms
18 Export Control Act (22 U.S.C. 2780), section
19 620A of the Foreign Assistance Act of 1961
20 (22 U.S.C. 2371), or section 6(j) of the Export
21 Administration Act of 1979 (50 U.S.C. App.
22 2405), to have repeatedly provided support for
23 acts of international terrorism, unless the Sec-
24 retary exercises a waiver certifying that it is in
25 the national interest of the United States to

1 provide assistance under the provisions of this
2 Act.

