

117TH CONGRESS
1ST SESSION

H. R. 4492

To establish an interagency forum for biodefense preparedness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mr. SWALWELL introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Homeland Security, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish an interagency forum for biodefense preparedness, 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 “Biosecurity Informa-
5 tion Optimization for Defense Act of 2021”.

6 **SEC. 2. NATIONAL BIODEFENSE STRATEGY.**

7 Section 1086 of the National Defense Authorization
8 Act for Fiscal year 2017 (Public Law 114–328; 130 Stat.

1 2423; 6 U.S.C. 104), as amended by section 1704 of the
2 National Defense Authorization Act for Fiscal Year 2020
3 (Public Law 116–92; 133 Stat. 1797; 6 U.S.C. 104), is
4 further amended to read as follows:

5 **“SEC. 104. NATIONAL BIODEFENSE STRATEGY.**

6 “(a) INTERAGENCY FORUM FOR BIODEFENSE PRE-
7 PAREDNESS.—The President shall establish a cabinet-level
8 interagency forum to be known as the ‘National Bio-
9 defense Directorate’ (referred to in this section as the ‘Di-
10 rectorate’).

11 “(b) DUTIES OF DIRECTORATE.—The Directorate
12 shall develop—

13 “(1) a national biodefense strategy and associ-
14 ated implementation plan; and

15 “(2) a national strategy with respect to coun-
16 tering the spread of misinformation and
17 disinformation relating to biodefense and associated
18 implementation plans.

19 “(c) MEMBERSHIP.—

20 “(1) IN GENERAL.—The Directorate shall be
21 composed from governmental positions specified in
22 paragraph (2).

23 “(2) GOVERNMENTAL POSITIONS.—Govern-
24 mental positions specified in this paragraph are the
25 following:

1 “(A) The Secretary of Agriculture.

2 “(B) The Secretary of Defense.

3 “(C) The Secretary of Health and Human
4 Services.

5 “(D) The Secretary of Homeland Security.

6 “(E) The Vice President.

7 “(F) Other officers of the United States
8 Government designated by the President.

9 “(3) CHAIRPERSON.—The Chairperson of the
10 Directorate shall be the Vice President, or in the ab-
11 sence of the Vice President, the designee of the Vice
12 President.

13 “(d) MEETING.—

14 “(1) MEETINGS.—The Directorate shall meet
15 not less than once every six months or at the call
16 of the Chairperson.

17 “(2) QUORUM.—A simple majority shall con-
18 stitute a quorum.

19 “(e) EXECUTIVE SECRETARY AND STAFF OF DIREC-
20 TORATE.—

21 “(1) EXECUTIVE SECRETARY.—The Directorate
22 shall have an Executive Secretary who shall be—

23 “(A) appointed by the Chairperson; and

24 “(B) be an employee of the Office of the
25 Vice President.

1 “(2) PERSONNEL.—

2 “(A) IN GENERAL.—Subject to the rules
3 prescribed by the Directorate, the Executive
4 Secretary may appoint and fix the pay of per-
5 sonnel as the Executive Secretary considers ap-
6 propriate.

7 “(B) APPLICABILITY OF CIVIL SERVICE
8 LAWS.—Personnel appointed to the Directorate
9 pursuant to subparagraph (A) shall be subject
10 to the provisions of title 5, United States Code,
11 governing appointments in the competitive serv-
12 ice, and shall be paid in accordance with the
13 provisions of chapter 51 and subchapter III of
14 chapter 53 of such title relating to classification
15 and General Schedule pay rates.

16 “(3) PROHIBITION OF COMPENSATION OF FED-
17 ERAL EMPLOYEES.—Except as provided in para-
18 graph (4), members of the Directorate who are full-
19 time officers or employees of the United States may
20 not receive additional pay, allowances, or benefits by
21 reason of their service on the Directorate.

22 “(4) TRAVEL EXPENSES.—Each member of the
23 Directorate shall receive travel expenses, including
24 per diem in lieu of subsistence, in accordance with

1 applicable provisions under subchapter I of chapter
2 57 of title 5, United States Code.

3 “(5) STAFF OF FEDERAL AGENCIES.—The Sec-
4 retary of Defense, the Secretary of Health and
5 Human Services, the Secretary of Homeland Secu-
6 rity, Secretary of Agriculture, and each officer of the
7 United States appointed to the Directorate pursuant
8 to subsection (e) shall detail, on a reimbursable
9 basis, one staff member of that department or agen-
10 cy to the Directorate to assist it in carrying out its
11 duties under this Act.

12 “(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon
13 the request of the Directorate, the Administrator of Gen-
14 eral Services shall provide to the Directorate, on a reim-
15 bursable basis, the administrative support services nec-
16 essary for the Directorate to carry out its responsibilities
17 under this Act.

18 “(g) STRATEGY AND IMPLEMENTATION PLAN RE-
19 QUIRED.—

20 “(1) IN GENERAL.—The Directorate shall joint-
21 ly develop a national biodefense strategy to be
22 known as the ‘National Biodefense Strategy’ and as-
23 sociated implementation plan, which shall—

1 “(A) include a review and assessment of
2 biodefense policies, practices, programs and ini-
3 tiatives;

4 “(B) base such review and assessment on
5 methods established by the Directorate for the
6 collection and analysis of data provided by Fed-
7 eral, State, and local agencies; and

8 “(C) review and, as appropriate, revise the
9 strategy every 6 months.

10 “(2) ELEMENTS.—The strategy and associated
11 implementation plan required under subsection (a)
12 shall include each of the following:

13 “(A) An inventory and assessment of all
14 existing strategies, plans, policies, laws, and
15 interagency agreements related to biodefense,
16 including prevention, deterrence, preparedness,
17 detection, response, attribution, recovery, and
18 mitigation.

19 “(B) A description of biological threats, in-
20 cluding biological warfare, bioterrorism, natu-
21 rally occurring infectious diseases, and acci-
22 dental exposures.

23 “(C) A description of the current pro-
24 grams, efforts, or activities of the Federal Gov-
25 ernment with respect to—

1 “(i) preventing the acquisition, pro-
2 liferation, and use of a biological weapon;

3 “(ii) preventing an accidental or natu-
4 rally occurring biological outbreak; and

5 “(iii) mitigating the effects of a bio-
6 logical epidemic.

7 “(D) A description of the roles and respon-
8 sibilities of the Executive Agencies, including
9 internal and external coordination procedures,
10 in identifying and sharing information related
11 to, warning of, and protection against, acts of
12 terrorism using biological agents and weapons
13 and accidental or naturally occurring biological
14 outbreaks.

15 “(E) An articulation of related or required
16 interagency capabilities and whole-of-Govern-
17 ment activities required to support the National
18 Biodefense Strategy.

19 “(F) An identification of challenges relat-
20 ing to disease outbreak prediction and mod-
21 eling.

22 “(G) An assessment relating to the need
23 for a National Infectious Disease Forecasting
24 Center to—

1 “(i) advance the development and ef-
2 fective application of Federal outbreak
3 models, predictions, and forecasts; and

4 “(ii) support the duties of the Direc-
5 torate pursuant to subsection (b).

6 “(H) Recommendations for—

7 “(i) strengthening and improving the
8 current biodefense capabilities, authorities,
9 and command structures of the Federal
10 Government;

11 “(ii) improving and formalizing inter-
12 agency coordination and support mecha-
13 nisms with respect to providing a robust
14 national biodefense; and

15 “(iii) predicting, modeling, preventing,
16 mitigating, and eliminating biological
17 threats that may impact the national secu-
18 rity of the United States.

19 “(I) Any other matters the Directorate
20 may determine necessary.

21 “(h) NATIONAL STRATEGY COMBATING BIODEFENSE
22 MISINFORMATION.—

23 “(1) IN GENERAL.—The Directorate shall—

24 “(A) jointly develop a national strategy
25 with respect to combating public health misin-

1 formation and disinformation that threatens the
2 national security, and associated implementa-
3 tion plan, including a review and assessment of
4 Federal government communications policies,
5 practices, programs and initiatives;

6 “(B) with respect to developing such strat-
7 egy and plan, engage stakeholders, including so-
8 cial media companies, news media organiza-
9 tions, public health practitioners, and members
10 of the academic community; and

11 “(C) review and, as appropriate, revise the
12 strategy every 6 months.

13 “(2) ELEMENTS.—The strategy and associated
14 implementation plan required under paragraph (1)
15 shall include each of the following:

16 “(A) An inventory and assessment of all
17 existing strategies, plans, policies, laws, and
18 interagency agreements with respect to Federal
19 communications relating to biodefense.

20 “(B) A description of the current pro-
21 grams, efforts, or activities of the United States
22 Government with respect to countering the
23 spread of misinformation and disinformation re-
24 lating to biological threats.

1 “(C) A description of the roles and respon-
2 sibilities of the Executive Agencies, including
3 internal and external coordination procedures,
4 with respect to—

5 “(i) communicating information relat-
6 ing to biodefense; and

7 “(ii) countering the spread of misin-
8 formation and disinformation relating to
9 biodefense.

10 “(D) An articulation of related or required
11 interagency capabilities and whole-of-Govern-
12 ment activities required to support the national
13 strategy for countering the spread of misin-
14 formation and disinformation relating to bio-
15 logical threats.

16 “(E) Recommendations with respect to
17 predicting, preventing, mitigating, and elimi-
18 nating the spread of misinformation and
19 disinformation relating to biological threats that
20 may impact the national security of the United
21 States.

22 “(F) Recommendations for improving and
23 formalizing interagency coordination and sup-
24 porting processes with respect to providing ro-

1 bust Federal communications relating to bio-
2 defense.

3 “(G) Recommendations for public-private
4 partnerships between social media companies
5 and Federal agencies to counter the spread of
6 misinformation and disinformation relating to
7 biological threats on social media platforms.

8 “(H) Specific and practice-based strategies
9 and guidance with respect to Federal and State
10 communications relating to biological threats.

11 “(I) Any other matters the Directorate
12 may determine necessary.

13 “(i) REPORT.—

14 “(1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this section and
16 annually thereafter, the Directorate shall submit to
17 the National Security Council and appropriate con-
18 gressional committees a report including the strategy
19 and associated implementation plans required by
20 subsections (f) and (g).

21 “(2) FORM.—Each report required under para-
22 graph (1) shall be submitted in unclassified form,
23 but may include a classified annex.

24 “(j) GAO REVIEW.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date on which the report is submitted pur-
3 suant to subsection (i), the Comptroller General of
4 the United States shall complete a review of such re-
5 port.

6 “(2) REPORT.—Not later than 90 days after
7 the date on which the Comptroller General completes
8 the report required under paragraph (1), the Comp-
9 troller General shall submit to the appropriate con-
10 gressional committees a report that includes—

11 “(A) the identification of gaps in such
12 strategies and plans; and

13 “(B) recommendations to address such
14 gaps.

15 “(k) DEFINITIONS.—In this section:

16 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 “(A) the congressional defense committees;

20 “(B) the Committee on Energy and Com-
21 merce of the House of Representatives and the
22 Committee on Health, Education, Labor, and
23 Pensions of the Senate;

24 “(C) the Committee on Homeland Security
25 of the House of Representatives and the Com-

1 committee on Homeland Security and Govern-
2 mental Affairs of the Senate; and

3 “(D) the Committee on Agriculture of the
4 House of Representatives and the Committee
5 on Agriculture, Nutrition, and Forestry of the
6 Senate.

7 “(2) BIODEFENSE.—The term ‘biodefense’ in-
8 cludes actions to counter biological threats, reduce
9 risks, and prepare for, respond to, and recover from
10 biological incidents.

11 “(3) BIOLOGICAL THREAT.—The term ‘biologi-
12 cal threat’ includes biological warfare, bioterrorism,
13 naturally occurring infectious diseases, and acci-
14 dental exposures.

15 “(4) MISINFORMATION.—The term ‘misin-
16 formation’ means information that is materially in-
17 correct in the context of scientific information of the
18 time.

19 “(5) DISINFORMATION.—The term
20 ‘disinformation’ means information that is inten-
21 tionally materially incorrect in the context of sci-
22 entific information of the time.”.

○