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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. SWALWELL of California introduced the following bill; which was referred to the Committee on _____

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.
9 2423; 6 U.S.C. 104), as amended by section 1704 of the

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

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

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

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

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

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

18 “(c) MEMBERSHIP.—

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

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

25 “(A) The Secretary of Agriculture.

1 “(B) The Secretary of Defense.

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

4 “(D) The Secretary of Homeland Security.

5 “(E) The Vice President.

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

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

12 “(d) MEETING.—

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

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

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

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

22 “(A) appointed by the Chairperson; and

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

25 “(2) PERSONNEL.—

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

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

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

21 “(4) TRAVEL EXPENSES.—Each member of the
22 Directorate shall receive travel expenses, including
23 per diem in lieu of subsistence, in accordance with
24 applicable provisions under subchapter I of chapter
25 57 of title 5, United States Code.

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

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

16 “(g) STRATEGY AND IMPLEMENTATION PLAN RE-
17 QUIRED.—

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

22 “(A) include a review and assessment of
23 biodefense policies, practices, programs and ini-
24 tiatives;

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

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

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

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

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

20 “(C) A description of the current pro-
21 grams, efforts, or activities of the Federal Gov-
22 ernment with respect to—

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

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

3 “(iii) mitigating the effects of a bio-
4 logical epidemic.

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

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

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

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

23 “(i) advance the development and ef-
24 fective application of Federal outbreak
25 models, predictions, and forecasts;

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

3 “(H) Recommendations for—

4 “(i) strengthening and improving the
5 current biodefense capabilities, authorities,
6 and command structures of the Federal
7 Government;

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

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

16 “(I) Any other matters the Directorate
17 may determine necessary.

18 “(h) NATIONAL STRATEGY COMBATING BIODEFENSE
19 MISINFORMATION.—

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

21 “(A) jointly develop a national strategy
22 with respect to combating public health misin-
23 formation and disinformation that threatens the
24 national security, and associated implementa-
25 tion plan, including a review and assessment of

1 Federal government communications policies,
2 practices, programs and initiatives;

3 “(B) with respect to developing such strat-
4 egy and plan, engage stakeholders, including so-
5 cial media companies, news media organiza-
6 tions, public health practitioners, and members
7 of the academic community; 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 paragraph (1)
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 with respect to Federal
16 communications relating to biodefense.

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

22 “(C) A description of the roles and respon-
23 sibilities of the Executive Agencies, including
24 internal and external coordination procedures,
25 with respect to—

1 “(i) communicating information relat-
2 ing to biodefense; and

3 “(ii) countering the spread of misin-
4 formation and disinformation relating to
5 biodefense.

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

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

18 “(F) Recommendations for improving and
19 formalizing interagency coordination and sup-
20 porting processes with respect to providing ro-
21 bust Federal communications relating to bio-
22 defense.

23 “(G) Recommendations for public-private
24 partnerships between social media companies
25 and Federal agencies to counter the spread of

1 misinformation and disinformation relating to
2 biological threats on social media platforms.

3 “(H) Specific and practice-based strategies
4 and guidance with respect to Federal and State
5 communications relating to biological threats.

6 “(I) Any other matters the Directorate
7 may determine necessary.

8 “(i) REPORT.—

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

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

19 “(j) GAO REVIEW.—

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

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

6 “(A) the identification of gaps in such
7 strategies and plans; and

8 “(B) recommendations to address such
9 gaps.

10 “(k) DEFINITIONS.—In this section:

11 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 “(A) the congressional defense committees;

15 “(B) the Committee on Energy and Com-
16 merce of the House of Representatives and the
17 Committee on Health, Education, Labor, and
18 Pensions of the Senate;

19 “(C) the Committee on Homeland Security
20 of the House of Representatives and the Com-
21 mittee on Homeland Security and Govern-
22 mental Affairs of the Senate; and

23 “(D) the Committee on Agriculture of the
24 House of Representatives and the Committee

1 on Agriculture, Nutrition, and Forestry of the
2 Senate.

3 “(2) BIODEFENSE.—The term ‘biodefense’ in-
4 cludes actions to counter biological threats, reduce
5 risks, and prepare for, respond to, and recover from
6 biological incidents.

7 “(3) BIOLOGICAL THREAT.—The term ‘biologi-
8 cal threat’ includes biological warfare, bioterrorism,
9 naturally occurring infectious diseases, and acci-
10 dental exposures.

11 “(4) MISINFORMATION.—The term ‘misin-
12 formation’ means information that is materially in-
13 correct in the context of scientific information of the
14 time.

15 “(5) DISINFORMATION.—The term
16 ‘disinformation’ means information that is inten-
17 tionally materially incorrect in the context of sci-
18 entific information of the time.”.