

SEC. 1091. NATIONAL SECURITY COMMISSION ON EMERGING BIOTECHNOLOGY.

(a) Establishment.--

(1) In general.--There is hereby established, as of the date specified in paragraph (2), an independent commission in the legislative branch to be known as the "National Security Commission on Emerging Biotechnology" (in this section referred to as the "Commission").

(2) Date of establishment.--The date of establishment referred to in paragraph (1) is 30 days after the date of the enactment of this Act.

(b) Membership.--

(1) Number and appointment.--The Commission shall be composed of 12 members appointed as follows:

(A) Two members appointed by the Chair of the Committee on Armed Services of the Senate, one of whom is a Member of the Senate and one of whom is not.

(B) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate, one of whom is a Member of the Senate and one of whom is not.

(C) Two members appointed by the Chair of the Committee on Armed Services of the House of Representatives, one of whom is a Member of the House of Representatives and one of whom is not.

(D) Two members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives, one of whom is a Member of the House of Representatives and one of whom is not.

(E) One member appointed by the Speaker of the House of Representatives.

(F) One member appointed by the Minority Leader of the House of Representatives.

(G) One member appointed by the Majority Leader of the Senate.

(H) One member appointed by the Minority Leader of the Senate.

(2) Deadline for appointment.--Members shall be appointed to the Commission under paragraph (1) not later than 45 days after the Commission establishment date specified under subsection (a)(2).

(3) Effect of lack of appointment by appointment date <<NOTE: Expiration date.>> .--If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), 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.

(4) Qualifications.--The members of the Commission who are not members of Congress and who are appointed under subsection (b)(1) shall be individuals from private civilian life who are recognized experts and have relevant professional experience in matters relating to--

(A) emerging biotechnology and associated technologies;

(B) use of emerging biotechnology and associated technologies by national policy makers and military leaders; or

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

(c) Chair and Vice Chair.--

(1) Chair.--The Chair of the Committee on Armed Services of the Senate and the Chair of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Commission to serve as Chair of the Commission.

(2) Vice chair.--The ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Commission to serve as Vice Chair of the Commission.

(d) Period of Appointment and Vacancies.--Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(e) Purpose.--The purpose of the Commission is to examine and make recommendations with respect to emerging biotechnology as it pertains to current and future missions and activities of the Department of Defense.

(f) Scope and Duties.--

(1) In general.--The Commission shall carry out a review of advances in emerging biotechnology and associated technologies. In carrying out such review, the Commission shall consider the methods, means, and investments necessary to advance and secure the development of biotechnology, biomanufacturing, 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 global competitiveness of the United States in biotechnology, biomanufacturing, and associated technologies, including matters related to national security, defense, public-private partnerships, and investments.

(B) Means, methods, and investments for the United States to maintain and protect a technological advantage in biotechnology, biomanufacturing, and associated technologies related to national security and defense.

(C) Developments and trends in international cooperation and competitiveness, including foreign investments in biotechnology, biomanufacturing, and associated technologies that are scientifically and materially related to national security and defense.

(D) Means by which to foster greater emphasis and investments in basic and advanced research to stimulate government, industry, academic and combined initiatives in biotechnology,

biomanufacturing, and associated technologies, to the extent that such efforts have application scientifically and materially related to national security and defense.

(E) Means by which to foster greater emphasis and investments in advanced development and test and evaluation of biotechnology-enabled capabilities to stimulate the growth of the United States bioeconomy and commercial industry, while also supporting and improving acquisition and adoption of biotechnologies for national security purposes.

(F) Workforce and education incentives and programs to attract, recruit, and retain leading talent in fields relevant to the development and sustainment of biotechnology and biomanufacturing, including science, technology, engineering, data science and bioinformatics, and biology and related disciplines.

(G) Risks and threats associated with advances in military employment of biotechnology and biomanufacturing.

(H) Associated ethical, legal, social, and environmental considerations related to biotechnology, biomanufacturing, and associated technologies as it will be used for future applications related to national security and defense.

(I) Means to establish international standards for the tools of biotechnology, biomanufacturing, related cybersecurity, and digital biosecurity.

(J) Means to establish data sharing capabilities within and amongst government, industry, and academia to foster collaboration and accelerate innovation, while maintaining privacy and security for data as required for national security and personal protection purposes.

(K) Consideration of the transformative potential and rapidly-changing developments of biotechnology and biomanufacturing innovation and appropriate mechanisms for managing such technology related to national security and defense.

(L) Any other matters the Commission deems relevant to national security.

(g) Commission Report and Recommendations.--

(1) Final report.--Not later than 2 years after the Commission establishment date specified in subsection (a)(2), the Commission shall submit to the congressional defense committees and the President a final report on the findings of the Commission and such recommendations that the Commission may have for action by Congress and the Federal Government.

(2) Interim report.--Not later than 1 year after the Commission establishment date specified in subsection (a)(2), the Commission shall submit to the congressional defense committees and the President an interim report on the status of the Commission's review and assessment, including a discussion of any interim recommendations.

(3) Form.--The report submitted to Congress under paragraph

(1) shall be submitted in unclassified form, but may include a classified annex.

(h) Government Cooperation.--

(1) Cooperation.--In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense and other Federal departments and agencies in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) <<NOTE: Designation.>> Liaison.--The Secretary of Defense shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.

(3) Detailees authorized.--The Secretary of Defense and the heads of other departments and agencies of the Federal Government may provide, and the Commission may accept and employ, personnel detailed from the Department of Defense and such other departments and agencies, without reimbursement.

(4) Facilitation.--

(A) <<NOTE: Deadline.>> Independent, nongovernment institute.--Not later than 45 days after the Commission establishment date specified in subsection (a)(2), the Secretary of Defense may make available to the Commission the services of an independent, nongovernmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in national security and military affairs in order to facilitate the Commission's discharge of its duties under this section.

(B) Federally funded research and development center.--On request of the Commission, the Secretary of Defense shall make available the services of a federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense in order to enhance the Commission's efforts to discharge its duties under this section.

(5) Expedition of security clearances.--The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances under processes developed for the clearance of legislative branch employees for any personnel appointed to the Commission by their respective offices of the Senate and House of Representatives and any personnel appointed by the Executive Director appointed under subsection (i).

(6) Services.--

(A) DOD services.--The Secretary of Defense may 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 section.

(B) Other agencies.--In addition to any support provided under paragraph (1), the heads of other Federal departments and agencies may provide to the Commission such services, funds, facilities, staff, and other support as the heads of such departments and agencies determine advisable and as may be authorized by law.

(i) Staff.--

(1) Status as federal employees.--Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, any

member of the Commission who is not a Member of Congress shall be considered to be a Federal employee.

(2) <<NOTE: Appointment.>> Executive director.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(3) Pay.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(j) Personal Services.--

(1) Authority to procure.--The Commission may--

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) Maximum daily pay rates.--The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) Authority to Accept Gifts.--The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from nonfederal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. <<NOTE: Compliance.>> Subject to the authority in this section, members of the Commission shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and House of Representatives.

(l) Legislative Advisory Committee.--The Commission shall operate as a legislative advisory committee.

(m) Contracting Authority.--The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(n) Use of Government Information.--The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission. [[Page 135 STAT. 1934]]

(o) Postal Services.--The Commission may use the United States mail in the same manner and under the same conditions as Federal departments and agencies.

(p) <<NOTE: Deadline. Consultation.>> Space for Use of Commission.--Not later than 30 days after the establishment date of the Commission, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory

to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent the funds are available.

(q) Removal of Members.--A member may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal and voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this subsection shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment was made.

(r) Termination.--The Commission shall terminate 18 months after the date on which it submits the final report required by subsection (g).