

117TH CONGRESS  
1ST SESSION

# H. R. 5406

To require the development of a plan for the establishment of an interagency biodefense task force on the attribution of certain biological events, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 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, Natural Resources, Foreign Affairs, Financial Services, Ways and Means, Veterans' Affairs, the Judiciary, Intelligence (Permanent Select), 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

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## A BILL

To require the development of a plan for the establishment of an interagency biodefense task force on the attribution of certain biological events, 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 “Biological Intelligence  
5       Organization and Attribution Act”.

1 **SEC. 2. PLAN FOR ESTABLISHMENT OF INTERAGENCY BIO-**  
2 **DEFENSE TASK FORCE ON BIOLOGICAL AT-**  
3 **TRIBUTION.**

4 (a) **PLAN REQUIRED.**—Not later than 180 days after  
5 the date of the enactment of this Act, the officials de-  
6 scribed in subsection (e) shall jointly develop a plan for  
7 the establishment of an interagency biodefense task force  
8 to support and inform decision making based on biological  
9 attribution.

10 (b) **ELEMENTS.**—The plan developed under sub-  
11 section (a) shall include the following:

12 (1) A description of the biological attribution  
13 duties of the task force, including an identification  
14 of the following:

15 (A) The extent and nature of involvement,  
16 if any, of the task force (or the member agen-  
17 cies of the task force) in the collection, analysis,  
18 or distribution of intelligence, or other informa-  
19 tion, relevant to the attribution of biological  
20 events, including any interagency coordination  
21 functions related to such collection, analysis, or  
22 distribution.

23 (B) The level and type of biological events  
24 that may trigger an attribution determination  
25 by the task force (or the member agencies of

1 the task force) regarding the source, cause, or  
2 origin of the event.

3 (C) The process of the task force for mak-  
4 ing an attribution determination as specified in  
5 subparagraph (B).

6 (D) In making such an attribution deter-  
7 mination, the extent to which the task force  
8 shall—

9 (i) ensure the accuracy, reliability,  
10 timeliness, credibility, and defensibility of  
11 such intelligence, information, and evi-  
12 dence, including by meeting applicable evi-  
13 dentiary standards; and

14 (ii) address national security consider-  
15 ations.

16 (E) The reporting structure for the task  
17 force following such a determination, including  
18 the reporting structure if the task force has de-  
19 termined the source, cause, or origin of a bio-  
20 logical event to be an act of biological warfare  
21 or bioterrorism.

22 (F) The extent and nature of involvement  
23 of the task force in national security decision  
24 making following such a determination, includ-

ing a description of how the task force shall support and inform the decision making.

(G) Any other coordination functions to be carried out by the task force, including—

(i) functions relating to intelligence and information sharing with agencies other than member agencies with responsibilities for biodefense; and

(ii) the conduct of coordinated exercises relating to biological attribution determinations, decision making following such determinations, and ensuring that such decisions are defensible.

(2) A description of the specific roles of each member agency of the task force in carrying out the duties under paragraph (2).

(3) A description of any additional authorities or resources that may be necessary for the task force to carry out such duties.

(4) A description of how the national biodefense strategy and implementation plan under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104), including any updates to such plan made pursuant to section 364 of the William M. (Mac) Thornberry National Defense

1 Authorization Act for Fiscal Year 2021 (6 U.S.C.  
2 106), may require revision or further update in con-  
3 sideration of the establishment, and subsequent per-  
4 formance of duties, of the task force.

5 (5) A description of how the task force may, or  
6 shall, contribute to the biennial review of such strat-  
7 egy and the further update of such implementation  
8 plan.

9 (c) SUBMISSION TO CONGRESS.—Not later than 180  
10 days after the date of the enactment of this Act, the offi-  
11 cials described in subsection (e) shall submit to the appro-  
12 priate congressional committees the plan required under  
13 subsection (a).

14 (d) ESTABLISHMENT.—Not later than 90 days after  
15 the date of the submission of the plan pursuant to sub-  
16 section (c), the officials described in subsection (e) shall  
17 establish the interagency biodefense task force in accord-  
18 ance with such plan.

19 (e) COVERED OFFICIALS.—The officials described in  
20 this subsection are the following:

21 (1) The Secretary of Agriculture.

22 (2) The Secretary of Defense.

23 (3) The Secretary of Energy.

24 (4) The Secretary of Health and Human Serv-  
25 ices.

- 1 (5) The Secretary of Homeland Security,
- 2 (6) The Secretary of the Interior.
- 3 (7) The Secretary of State.
- 4 (8) The Secretary of Treasury.
- 5 (9) The Secretary of Veterans Affairs.
- 6 (10) The Attorney General.
- 7 (11) The Director of National Intelligence.
- 8 (12) The Director of the Central Intelligence
- 9 Agency.

10 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
11 FINED.—In this section, the term “appropriate congres-  
12 sional committees” means—

13 (1) the Committee on Armed Services, the  
14 Committee on Health, Education, Labor, and Pen-  
15 sions, the Committee on Homeland Security and  
16 Governmental Services, and the Select Committee on  
17 Intelligence of the Senate; and

18 (2) the Committee on Armed Services, the  
19 Committee on Energy and Commerce, the Com-  
20 mittee on Homeland Security, and the Permanent  
21 Select Committee on Intelligence of the House of  
22 Representatives.

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