

117TH CONGRESS  
1ST SESSION

# H. R. 5515

To direct the Secretary of Health and Human Services to ensure that certain biomedical research is conducted in a manner that considers national security risks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2021

Mr. DUNN introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Secretary of Health and Human Services to ensure that certain biomedical research is conducted in a manner that considers national security 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.**

4       This Act may be cited as the “Protecting Americans’  
5       Genomic Information Act of 2021”.

1 **SEC. 2. SECURING IDENTIFIABLE, SENSITIVE INFORMA-**  
2 **TION.**

3 (a) CONSIDERATION OF NATIONAL SECURITY  
4 RISKS.—

5 (1) IN GENERAL.—The Secretary of Health and  
6 Human Services (referred to in this section as the  
7 “Secretary”), in consultation with the Director of  
8 National Intelligence, the Secretary of State, the  
9 Secretary of Defense, and other national security ex-  
10 perts, as appropriate, shall ensure that biomedical  
11 research described in paragraph (2) is conducted in  
12 a manner that appropriately considers national secu-  
13 rity risks, including national security implications re-  
14 lated to potential misuse of such data.

15 (2) BIOMEDICAL RESEARCH DESCRIBED.—For  
16 purposes of paragraph (1), biomedical research is  
17 described in this paragraph if it—

18 (A) is conducted or supported, directly or  
19 indirectly, including through subgrants, by the  
20 National Institutes of Health or other relevant  
21 agencies and offices within the Department of  
22 Health and Human Services; and

23 (B) involves the sequencing of human  
24 genomic information, and collection, analysis, or  
25 storage of identifiable, sensitive information, as

1 defined in section 301(d)(4) of the Public  
2 Health Service Act (42 U.S.C. 241(d)(4)).

3 (b) RISK FRAMEWORK.—Not later than 2 years after  
4 the date of enactment of this Act, the Secretary shall en-  
5 sure that the National Institutes of Health and other rel-  
6 evant agencies and offices within the Department of  
7 Health and Human Services, working with the heads of  
8 agencies and national security experts, including the Of-  
9 fice of the National Security within the Department of  
10 Health and Human Services—

11 (1) develop a comprehensive framework for as-  
12 sessing and managing national security risks re-  
13 ferred to in subsection (a) that includes—

14 (A) criteria for how and when to conduct  
15 risk assessments for projects that may have na-  
16 tional security implications;

17 (B) security controls and training for re-  
18 searchers or entities, including peer reviewers,  
19 that manage or have access to such data; and

20 (C) methods to incorporate risk-reduction  
21 in the process for funding such projects that  
22 may have national security implications;

23 (2) not later than 1 year after the risk frame-  
24 work is developed under paragraph (1), develop and  
25 implement controls to—

1           (A) ensure that researchers or entities that  
2           manage or have access to such data have com-  
3           plied with the requirements of paragraph (1)  
4           and ongoing requirements with such paragraph;  
5           and

6           (B) ensure that data access committees re-  
7           viewing data access requests for projects that  
8           may have national security risks, as appro-  
9           priate, include members with expertise in cur-  
10          rent and emerging national security threats, in  
11          order to make appropriate decisions related to  
12          access to such identifiable, sensitive informa-  
13          tion; and

14          (3) not later than 2 years after the risk frame-  
15          work is developed under paragraph (1), update data  
16          access and sharing policies related to human  
17          genomic data, as appropriate, based on current and  
18          emerging national security threats.

19          (c) CONGRESSIONAL BRIEFING.—Not later than 2  
20          years after the date of enactment of this Act, the Sec-  
21          retary shall provide a briefing to the Committee on  
22          Health, Education, Labor, and Pensions and the Select  
23          Committee on Intelligence of the Senate and the Com-  
24          mittee on Energy and Commerce and the Permanent Se-  
25          lect Committee on Intelligence of the House of Represent-

- 1 atives on the activities required under subsections (a) and
- 2 (b).

