

118TH CONGRESS
1ST SESSION

S. 2538

To authorize the Secretary of Health and Human Services to award grants to regional biocontainment laboratories for maintaining surge capacity for purposes of responding to outbreaks of infectious diseases or acts of bioterrorism.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Mr. CASEY (for himself and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the Secretary of Health and Human Services to award grants to regional biocontainment laboratories for maintaining surge capacity for purposes of responding to outbreaks of infectious diseases or acts of bioterrorism.

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 “Regional Biocontain-
5 ment Laboratory Authorization Act of 2023”.

1 **SEC. 2. SUPPORTING RESEARCH AND LABORATORY SURGE**
2 **CAPACITY.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services (referred to in this section as the “Sec-
5 retary”) shall make awards to establish or maintain, as
6 applicable, not fewer than 12 regional biocontainment lab-
7 oratories, for purposes of—

8 (1) conducting biomedical research to support
9 public health and medical preparedness for, and
10 rapid response to, biological agents, including emerg-
11 ing infectious diseases;

12 (2) ensuring the availability of surge capacity
13 for purposes of responding to such biological agents;

14 (3) supporting information-sharing between,
15 and the dissemination of findings to, researchers and
16 other relevant individuals to facilitate collaboration
17 between industry and academia; and

18 (4) providing, as appropriate and applicable,
19 technical assistance and training to researchers and
20 other relevant individuals to support the biomedical
21 research workforce in improving the management
22 and mitigation of safety and security risks in the
23 conduct of research involving such biological agents.

24 (b) REQUIREMENTS.—As a condition of receiving a
25 grant under this section, a regional biocontainment labora-
26 tory shall agree—

1 (1) to such oversight activities as the Secretary
2 determines appropriate, including periodic meetings
3 with relevant officials of the Department of Health
4 and Human Services, facility inspections, and other
5 activities as necessary and appropriate to ensure
6 compliance with the terms and conditions of such
7 award; and

8 (2) to report accidents, near-accidents, or other
9 safety incidents involving biological agents and tox-
10 ins to the Secretary.

11 (c) BOARD.—The Secretary shall establish a Board
12 consisting of a representative from each entity in receipt
13 of an award under subsection (a), which shall be headed
14 by an executive committee of 3 members elected upon an
15 affirmative vote from a majority of such representatives.
16 The Board shall make recommendations to the Secretary
17 in administering awards under this section, for purposes
18 of—

19 (1) improving the quality and consistency of ap-
20 plicable procedures and practices within laboratories
21 funded pursuant to subsection (a); and

22 (2) ensuring coordination, as appropriate, of
23 federally funded activities carried out at such labora-
24 tories.

1 (d) DEFINITION.—In this section, the term “regional
2 biocontainment laboratory” means a Biosafety or Animal
3 Biosafety Level-3 and Level-2 facility located at an insti-
4 tution in the United States that is designated by the Sec-
5 retary to carry out the activities described in subsection
6 (a).

7 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there are authorized to be appropriated
9 \$52,000,000 for each of fiscal years 2024 through 2028.

10 (f) ADMINISTRATIVE EXPENSES.—Of the amount
11 available to carry out this section for a fiscal year, the
12 Secretary may use not more than 5 percent for the admin-
13 istrative expenses of carrying out this section, including
14 expenses related to carrying out subsection (c).

15 (g) REPORT TO CONGRESS.—Not later than 1 year
16 after the date of the enactment of this Act, and biannually
17 thereafter, the Secretary, in consultation with the heads
18 of applicable Federal departments and agencies shall re-
19 port to the Committee on Health, Education, Labor, and
20 Pensions of the Senate and the Committee on Energy and
21 Commerce of the House of Representatives on—

22 (1) the activities and accomplishments of the
23 regional biocontainment laboratories;

1 (2) any published or disseminated research
2 findings based on research conducted in such labora-
3 tories in the applicable year;

4 (3) oversight activities carried out by the Sec-
5 retary pursuant to subsection (b);

6 (4) activities undertaken by the Secretary to
7 take into consideration the capacity and capabilities
8 of the network of regional biocontainment labora-
9 tories in activities to prepare for and respond to bio-
10 logical agents, which may include leveraging such ca-
11 pacity and capabilities to support the Laboratory
12 Response Network, as applicable and appropriate;

13 (5) plans for the maintenance and sustainment
14 of federally funded activities conducted at the re-
15 gional biocontainment laboratories, consistent with
16 the strategy required under section 2312 of the
17 PREVENT Pandemics Act (Public Law 117–328);
18 and

19 (6) activities undertaken by the Secretary to co-
20 ordinate with applicable agencies to ensure work car-
21 ried out by such facilities is prioritized and com-
22 plementary to one another, and avoiding unneces-
23 sary duplication.

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