THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

CHARTER

NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY

AUTHORITY

42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended and Pub. L. 109–417, section 205 of the Pandemic and All-Hazards and Preparedness Act. The National Science Advisory Board for Biosecurity (NSABB) is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

OBJECTIVES AND SCOPE OF ACTIVITIES

The purpose of the NSABB is to provide, as requested, advice, guidance, and leadership regarding biosecurity oversight of dual use research, defined as biological research with legitimate scientific purpose that may be misused to pose a biologic threat to public health and/or national security. The NSABB will provide advice on and recommend specific strategies for the efficient and effective oversight of federally conducted or supported dual use biological research, taking into consideration both national security concerns and the needs of the research community to foster continued rapid progress in public health and agricultural research. Toward this end, the NSABB will also include providing strategies to raise awareness of dual use issues relevant to the life science and related interdisciplinary research communities. NIH will manage and provide support services for the NSABB.

DESCRIPTION OF DUTIES

The NSABB will be composed of subject matter experts who are not full-time employees of the Federal Government as well as ex officio members from Federal entities listed below, and will perform the following activities:

- Recommend strategies and guidance for enhancing personnel reliability among individuals with access to biological select agents and toxins.
- Provide recommendations on the development of programs for outreach, education and training in dual use research issues for scientists, laboratory workers, students, and trainees in relevant disciplines.
- Advise on policies governing publication, public communication, and dissemination of dual use research methodologies and results.
- Recommend strategies for fostering international engagement on dual use biological research issues.
- Advise on the development, utilization and promotion of codes of conduct to interdisciplinary life scientists, and relevant professional groups.

- Advise on policies regarding the conduct, communication, and oversight of dual use research and research results, as requested.
- Advise on the Federal Select Agent Program, as requested.
- Address any other issues as directed by the Secretary of HHS.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The NSABB will advise the Secretary of HHS, the Director of NIH, and the heads of all Federal entities that conduct, support or have an interest in life sciences research.

SUPPORT

Management and support services for the NSABB will be provided by the Office of Biotechnology Activities, within the Office of Science Policy, within the Office of the Director, NIH. HHS and NIH staff will hold security clearances at the level of Secret or higher, as needed, to provide support to the NSABB.

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

The estimated annual cost for operating the Committee, including compensation and travel expenses for members, but excluding staff support, is $198,065. The estimated annual person-years of staff support required is 4.2 at an estimated cost of $415,931.

DESIGNATED FEDERAL OFFICER

The Director, NIH, will assign a full-time or permanent part-time NIH employee to serve as the Designated Federal Officer (DFO) of the NSABB. In the event that the DFO cannot fulfill the assigned duties of the NSABB, one or more full-time or permanent part-time NIH employees will be assigned these duties on a temporary basis.

The DFO will approve or call all of the NSABB and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meetings when it is determined to be in the public interest, and chair meetings when directed to do so by the Director, NIH, or the Director, OBA.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

Meetings of the full Committee will be held approximately two times within a fiscal year, and may be convened on an as-needed basis, at the call of the NSABB Executive Director or DFO. Meetings of the NSABB will be open to the public except as determined otherwise by the Secretary of Health and Human Services (Secretary), in accordance with subsection (c) of section 552b of Title 5 U.S.C. Notice of all meetings will be given to the public. In the event a portion of a meeting is closed to the public, as determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act, a report will be prepared which will contain, as a minimum, a list of members and their business addresses, the Committee's functions,

dates and places of meetings, and a summary of the Committee's activities and recommendations made during the fiscal year. A copy of the report will be provided to the Department Committee Management Officer.

DURATION

Continuing. This committee is authorized with no specified end date.

TERMINATION

Unless renewed by appropriate action prior to its expiration, the Charter for the NSABB will expire two years from the date the charter is filed.

MEMBERSHIP AND DESIGNATION

The NSABB will consist of not more than 25 voting members, including the Chair. Members will be appointed by the Secretary, HHS, in consultation with the heads of Federal departments and agencies that conduct or support life science research. The Secretary, HHS, will designate the Chair. All members will hold security clearances at the level of Secret or higher. A member of the NIH Recombinant DNA Advisory Committee (RAC) will serve as a voting member of the NSABB. Voting members are Special Government Employees (SGEs) and as such serve in their individual capacity as subject matter experts. None of these members serve as Representatives.

Areas of expertise to be represented on the NSABB, may include but are not be limited to:

- Molecular Biology/Genomics
- Microbiology (Bacteriology)
- Microbiology (Virology)
- Clinical Infectious Diseases/Diagnostics
- Laboratory Biosafety and Biosecurity
- Public Health/Epidemiology
- Health Physicist/Radiation Safety
- Pharmaceutical Production
- Veterinary Medicine
- Plant Health
- Food Production
- Bioethics
- National Security
- Military Biodefense Programs and Military Medicine
- Intelligence
- Biodefense
- Law
- Law Enforcement
- Academia

- Scientific Publishing
- Industry Perspective
- NIH Recombinant DNA Advisory Committee Experience/Perspective
- Public Perspective
- IBC perspective
- Export Controls

There may be non-voting ex officio members from each of the following Federal entities:

- Executive Office of the President
- Department of Health and Human Services
- Department of Energy
- Department of Homeland Security
- Department of Veterans Affairs
- Department of Defense
- Department of the Interior
- Environmental Protection Agency
- Department of Agriculture
- National Science Foundation
- Department of Justice
- Department of State
- Department of Commerce
- Intelligence Community
- National Aeronautics and Space Administration
- Others as appropriate

Voting members will be invited to serve for overlapping terms of up to four years; terms of more than two years are contingent upon the renewal of the NSABB's Charter by appropriate action prior to its expiration. A voting member's term may be extended until a successor has been appointed.

A quorum for the NSABB and each of its subcommittees will consist of a majority of the appointed members eligible to vote. The nonvoting agency representatives will not be counted in calculating a quorum. Of the voting members, any who are recused from participating in an action on a particular issue, (e.g., due to a conflict of interest), will not be counted in calculating the quorum. All votes relating to any review of a recommendation by the NSABB will be open to the public unless the meeting has been closed to the public in accordance with the Government in the Sunshine Act and the Federal Advisory Committee Act.

SUBCOMMITTEES

As necessary, subcommittees and ad hoc working groups may be established by the NSABB Executive Director or DFO to perform functions within the Committee's jurisdiction. The advice/recommendations of the subcommittee/working group must

be deliberated by the parent advisory committee. A subcommittee may not report directly to a Federal official unless there is statutory authority to do so.

Subcommittee membership may be drawn in whole or in part from the parent advisory committee. All subcommittee members may vote on subcommittee actions and all subcommittee members count towards the quorum for a subcommittee meeting. Ad hoc consultants do not count towards the quorum and may not vote. The Department Committee Management Officer will be notified upon establishment of each standing subcommittee and will be provided information on its name, membership, function, and estimated frequency of meetings.

RECORDKEEPING

Meetings of the committee and its subcommittees will be conducted according to the Federal Advisory Committee Act, other applicable laws and Department policies. Committee and subcommittee records will be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5, U.S.C. 552.

FILING DATE

April 7, 2010

APPROVED

MAR 1 0 2010

Date

Kathleen Sebelius

Secretary

THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

NOTICE OF RENEWAL
NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY

I hereby determine after appropriate consultation between the HHS and the General Services Administration, that renewal of the National Science Advisory Board for Biosecurity (NSABB) beyond April 7, 2010, is in the public interest in connection with the performance of duties imposed on the HHS by law, and that these duties can best be performed through the advice and counsel of such a group. The NSABB is continued until April 7, 2012.

I further deem that it is not feasible for the HHS or any of its existing committees to perform these duties, and that a satisfactory plan for appropriate balance of NSABB membership has been submitted.

MAR 1 0 2010
Date

Kathleen Sebelius
Secretary