

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

PRIOR PROVISIONS

A prior section 1714 of Pub. L. 107–296 amended section 300aa–33 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 108–7, div. L, §102(a), Feb. 20, 2003, 117 Stat. 528.

Statutory Notes and Related Subsidiaries

NOTIFICATIONS FOR REPROGRAMMING OR TRANSFER OF FUNDS

Pub. L. 109–90, title V, §503(e), Oct. 18, 2005, 119 Stat. 2082, provided that: “Hereafter, notwithstanding any other provision of law, notifications pursuant to this section or any other authority for reprogramming or transfer of funds shall be made solely to the Committees on Appropriations of the Senate and the House of Representatives.”

§ 104. National biodefense strategy**(a) Strategy and implementation plan required**

The Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall jointly develop a national biodefense strategy and associated implementation plan, which shall include a review and assessment of biodefense policies, practices, programs and initiatives. Such Secretaries shall review and, as appropriate, revise the strategy biennially.

(b) Elements

The strategy and associated implementation plan required under subsection (a) shall include each of the following:

(1) An inventory and assessment of all existing strategies, plans, policies, laws, and interagency agreements related to biodefense, including prevention, deterrence, preparedness, detection, response, attribution, recovery, and mitigation.

(2) A description of the biological threats, including biological warfare, bioterrorism, naturally occurring infectious diseases, and accidental exposures.

(3) A description of the current programs, efforts, or activities of the United States Government with respect to preventing the acquisition, proliferation, and use of a biological weapon, preventing an accidental or naturally occurring biological outbreak, and mitigating the effects of a biological epidemic.

(4) A description of the roles and responsibilities of the Executive Agencies, including internal and external coordination procedures, in identifying and sharing information related to, warning of, and protection against, acts of terrorism using biological agents and weapons and accidental or naturally occurring biological outbreaks.

(5) An articulation of related or required interagency capabilities and whole-of-Govern-

ment activities required to support the national biodefense strategy.

(6) Recommendations for strengthening and improving the current biodefense capabilities, authorities, and command structures of the United States Government.

(7) Recommendations for improving and formalizing interagency coordination and support mechanisms with respect to providing a robust national biodefense.

(8) Any other matters the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture determine necessary.

(c) Submittal to Congress

Not later than 275 days after December 23, 2016, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall submit to the appropriate congressional committees the strategy and associated implementation plan required by subsection (a). The strategy and implementation plan shall be submitted in unclassified form, but may include a classified annex.

(d) Briefings

Not later than March 1, 2017, and annually thereafter until March 1, 2025, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall provide to the Committee on Armed Services of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Agriculture of the House of Representatives a joint briefing on the strategy developed under subsection (a) and the status of the implementation of such strategy.

(e) GAO Review

Not later than 180 days after the date of the submittal of the strategy and implementation plan under subsection (c), the Comptroller General of the United States shall conduct a review of the strategy and implementation plan to analyze gaps and resources mapped against the requirements of the National Biodefense Strategy and existing United States biodefense policy documents.

(f) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Pub. L. 114–328, div. A, title X, §1086, Dec. 23, 2016, 130 Stat. 2423; Pub. L. 116–92, div. A, title XVII, §1704, Dec. 20, 2019, 133 Stat. 1797.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2017, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

AMENDMENTS

2019—Subsec. (d). Pub. L. 116–92 substituted “March 1, 2025” for “March 1, 2019”.

Statutory Notes and Related Subsidiaries

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 114–328, 130 Stat. 2025. See note under section 101 of Title 10, Armed Forces.

§ 105. Biodefense analysis and budget submission

(a) Annual analysis

For each fiscal year, beginning in fiscal year 2023, the Director of the Office of Management and Budget, in consultation with the Secretary of Health and Human Services shall—

- (1) conduct a detailed and comprehensive analysis of Federal biodefense programs; and
- (2) develop an integrated biodefense budget submission.

(b) Definition of biodefense

In accordance with the National Biodefense Strategy, the Director shall develop and disseminate to all Federal departments and agencies a unified definition of the term “biodefense” to identify which programs and activities are included in the annual budget submission required under subsection (a).

(c) Requirements for analysis

The analysis required under subsection (a) shall include—

- (1) the display of all funds requested for biodefense activities, both mandatory and discretionary, by agency and categorized by biodefense enterprise element, such as threat awareness, prevention, deterrence, preparedness, surveillance and detection, response, attribution (including bioforensic capabilities), recovery, and mitigation; and
- (2) detailed explanations of how each program and activity included aligns with biodefense goals and objectives as part of the National Biodefense Strategy required under section 104 of this title.

(d) Submittal to Congress

The Director, in consultation with the Secretary of Health and Human Services, shall submit to Congress the analysis required under subsection (a) for a fiscal year concurrently with the President's annual budget request for that fiscal year.

(Pub. L. 116–283, div. A, title III, §363, Jan. 1, 2021, 134 Stat. 3547.)

Editorial Notes

CODIFICATION

Section was enacted as part of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 106. Update of national biodefense implementation plan

(a) In general

The Secretaries of Health and Human Services, Defense, Agriculture, Homeland Security, and all other Departments and agencies with responsibilities for biodefense, such as the Department of State, in consultation with the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget, as appropriate, shall jointly, after reviewing the biodefense threat assessment described in subsection (d) and any relevant input from external stakeholders, as appropriate, update the National Biodefense Implementation Plan developed under section 104 of this title to clearly document established processes, roles, and responsibilities related to the National Biodefense Strategy.

(b) Specific updates

The updated National Biodefense Implementation Plan shall—

- (1) describe the roles and responsibilities of the Federal departments and agencies, including internal and external coordination procedures, in identifying and sharing information between and among Federal departments and agencies, as described in section 104(b)(4) of this title and consistent with the statutory roles and authorities of such departments and agencies;
- (2) describe roles, responsibilities, and processes for decisionmaking, including decisions regarding use of resources for effective risk management across the enterprise;
- (3) describe resource plans for each department and agency with responsibility for biodefense to support implementation of the strategy within the jurisdiction of such department or agency, including for the Biodefense Coordination Team, as appropriate;
- (4) describe guidance and methods for analyzing the data collected from agencies to include non-Federal resources and capabilities to the extent practicable; and
- (5) describe and update, as appropriate, short-, medium-, and long-term goals for executing the National Biodefense Strategy and metrics for meeting each objective of the Strategy.

(c) Submittal to Congress

The Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Agriculture, and the Secretary of Homeland Security shall, not later than 6 months after the date of the completion of the assessment in subsection (d)(1)(A), submit the updated Implementation Plan to the appropriate congressional committees.

(d) Updated biodefense threat assessment

(1) In general

The Secretaries of Health and Human Services, Defense, Agriculture, and Homeland Se-