

“(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 30-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

“SEC. 611. FUNDING.

“(a) TRANSFER FROM THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.—Of the amounts authorized to be appropriated by this Act [see Tables for classification] and made available in public law 107–248 [see Tables for classification] (Department of Defense Appropriations Act, 2003) for the National Foreign Intelligence Program, not to exceed \$3,000,000 shall be available for transfer to the Commission for purposes of the activities of the Commission under this title.

“(b) ADDITIONAL FUNDING.—In addition to the amounts made available to the Commission under subsection (a) and under chapter 2 of title II of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 591), of the amounts appropriated for the programs and activities of the Federal Government for fiscal year 2004 that remain available for obligation, not more than \$1,000,000 shall be available for transfer to the Commission for purposes of the activities of the Commission under this title.

“(c) DURATION OF AVAILABILITY.—Amounts made available to the Commission under this section shall remain available until the termination of the Commission.”

## § 102. Construction; severability

Any provision of this chapter held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this chapter and shall not affect the remainder thereof, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

(Pub. L. 107–296, § 3, Nov. 25, 2002, 116 Stat. 2141.)

### 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.

## § 103. Use of appropriated funds

Notwithstanding any other provision of this chapter, any report, notification, or consultation addressing directly or indirectly the use of appropriated funds and stipulated by this chapter to be submitted to, or held with, the Congress or any Congressional committee shall also be submitted to, or held with, the Committees on Appropriations of the Senate and the House of Representatives under the same conditions and with the same restrictions as stipulated by this chapter.

(Pub. L. 107–296, title XVII, § 1714, as added Pub. L. 108–7, div. L, § 103(5), Feb. 20, 2003, 117 Stat. 529.)

### Editorial Notes

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#### 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.”

## § 103a. Department of Homeland Security Non-recurring Expenses Fund

### (a) Establishment

There is hereby established in the Treasury of the United States a fund to be known as the “Department of Homeland Security Non-recurring Expenses Fund” (the Fund).

### (b) Transfer of unobligated balances of expired discretionary funds

Unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Homeland Security by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund.

### (c) Availability of funds

Amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information technology system modernization and facilities infrastructure improvements necessary for the operation of the Department, subject to approval by the Office of Management and Budget.

### (d) Notification of planned use of funds

Amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

(Pub. L. 117–103, div. F, title V, § 538, Mar. 15, 2022, 136 Stat. 343.)

### Editorial Notes

#### CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2022, and also

as part of the Consolidated Appropriations Act, 2022, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

#### **§ 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-Government 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.