

§ 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 Imple-

mentation 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 Security, shall jointly, and in consultation with the Director of National Intelligence, and other agency heads as appropriate—

- (A) conduct an assessment of current and potential biological threats against the United States, both naturally occurring and man-made, either accidental or deliberate, including the potential for catastrophic biological threats, such as a pandemic;
- (B) not later than 1 year after January 1, 2021, submit the findings of the assessment conducted under subparagraph (A) to the Federal officials described in subsection (d)(1) and¹ the appropriate congressional committees described in subsection (e);
- (C) not later than 30 days after the date on which the assessment is submitted under subparagraph (B), conduct a briefing for the appropriate congressional committees on the findings of the assessment;

¹ So in original.

(D) update the assessment under subparagraph (A) biennially, as appropriate, and provide the findings of such updated assessments to the Federal officials described in subsection (d)(1) and the appropriate congressional committees; and

(E) conduct briefings for the appropriate congressional committees as needed any time an assessment under this paragraph is updated.

(2) Classification and format

Assessments under paragraph (1) shall be submitted in an unclassified format and include a classified annex, as appropriate.

(e) Appropriate congressional committees defined

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

(1) The Committees on Armed Services of the House of Representatives and the Senate.

(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.

(5) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(6) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f) Rule of construction

Nothing in this section shall be construed to alter, limit, or duplicate the roles, responsibilities, authorities, or current activities, as established in statute or otherwise through existing practice or policy, of each Federal department or agency with responsibilities for biodefense or otherwise relevant to implementation of the National Biodefense Strategy.

(Pub. L. 116–283, div. A, title III, §364, Jan. 1, 2021, 134 Stat. 3548.)

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.

**SUBCHAPTER I—DEPARTMENT OF
HOMELAND SECURITY**

§ 111. Executive department; mission

(a) Establishment

There is established a Department of Homeland Security, as an executive department of the United States within the meaning of title 5.

(b) Mission

(1) In general

The primary mission of the Department is to—

(A) prevent terrorist attacks within the United States;

(B) reduce the vulnerability of the United States to terrorism;

(C) minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States;

(D) carry out all functions of entities transferred to the Department, including by acting as a focal point regarding natural and manmade crises and emergency planning;

(E) ensure that the functions of the agencies and subdivisions within the Department that are not related directly to securing the homeland are not diminished or neglected except by a specific explicit Act of Congress;

(F) ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;

(G) ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland; and

(H) monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.

(2) Responsibility for investigating and prosecuting terrorism

Except as specifically provided by law with respect to entities transferred to the Department under this chapter, primary responsibility for investigating and prosecuting acts of terrorism shall be vested not in the Department, but rather in Federal, State, and local law enforcement agencies with jurisdiction over the acts in question.

(Pub. L. 107–296, title I, §101, Nov. 25, 2002, 116 Stat. 2142; Pub. L. 108–458, title VIII, §8302, Dec. 17, 2004, 118 Stat. 3867.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2), 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.

AMENDMENTS

2004—Subsec. (b)(1)(G), (H). Pub. L. 108–458 added subpar. (G) and redesignated former subpar. (G) as (H).

Statutory Notes and Related Subsidiaries

**TRANSFER OF CERTAIN OPM AUTHORITY TO
DEPARTMENT OF HOMELAND SECURITY**

Pub. L. 109–295, title V, §513, Oct. 4, 2006, 120 Stat. 1378, provided that: “Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Direc-