

110TH CONGRESS
1ST SESSION

H. R. 1717

To amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2007

Mr. McCARTHY of Texas (for himself, Mr. PICKERING, Mr. LANGEVIN, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Agriculture and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility.

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. NATIONAL BIO AND AGRO-DEFENSE FACILITY.**
4 (a) IN GENERAL.—Title III of the Homeland Secu-
5 rity Act of 2002 (6. U.S.C. 181 et seq.) is amended by
6 adding at the end the following new section:

1 **“SEC. 316. NATIONAL BIO AND AGRO-DEFENSE FACILITY.**

2 “(a) ESTABLISHMENT.—There is in the Department
3 a National Bio and Agro-defense Facility (referred to in
4 this section as the ‘NBAF’), which shall be headed by a
5 Director who shall be appointed by the Secretary.

6 “(b) PURPOSES.—

7 “(1) IN GENERAL.—The NBAF shall be an in-
8 tegrated human, foreign-animal, and zoonotic dis-
9 ease research, development, testing, and evaluation
10 facility with the purpose of supporting the com-
11 plementary missions of the Department, the Depart-
12 ment of Agriculture, and the Department of Health
13 and Human Services in defending against the threat
14 of potential acts of agroterrorism and natural-occur-
15 ring incidents related to agriculture with the poten-
16 tial to adversely impact public health, animal health,
17 and the economy, or may otherwise impact homeland
18 security.

19 “(2) KNOWLEDGE PRODUCTION AND SHAR-
20 ING.—The NBAF shall produce and share knowl-
21 edge and technology for the purpose of reducing eco-
22 nomic losses caused by foreign-animal, zoonotic, and,
23 as appropriate, other endemic animal diseases of
24 livestock and poultry and preventing human suf-
25 fering and death caused by diseases existing or
26 emerging in the agricultural sector.

1 “(c) RESPONSIBILITIES OF DIRECTOR.—The Sec-
2 retary shall vest in the Director primary responsibility for
3 each of the following:

4 “(1) Directing basic, applied, and advanced re-
5 search, development, testing, and evaluation relating
6 to foreign-animal, zoonotic, and, as appropriate,
7 other endemic animal diseases, including foot and
8 mouth disease, and performing related activities, in-
9 cluding—

10 “(A) developing countermeasures for for-
11 eign-animal, zoonotic, and, as appropriate,
12 other endemic animal diseases, including
13 diagnostics, vaccines and therapeutics;

14 “(B) providing advanced test and evalua-
15 tion capability for threat detection, vulner-
16 ability, and countermeasure assessment for for-
17 eign-animal, zoonotic, and, as appropriate,
18 other endemic animal diseases;

19 “(C) conducting nonclinical, animal model
20 testing and evaluation under the Food and
21 Drug Administration’s Animal Rule as defined
22 in parts 314 and 601 of title 21, Code of Fed-
23 eral Regulations, to support the development of
24 human medical countermeasures by the Depart-

10 “(2) Facilitating the coordination of Federal,
11 State, and local governmental research and develop-
12 ment efforts and resources relating to protecting
13 public health and animal health from foreign-animal,
14 zoonotic, and, as appropriate, other endemic animal
15 diseases.

16 “(3) Ensuring public safety during an emer-
17 gency by developing an emergency response plan
18 under which emergency response providers in the
19 community are sufficiently prepared or trained to re-
20 spond effectively and given sufficient notice to allow
21 for an effective response.

- 22 “(4) Ensuring NBAF site and facility security.
- 23 “(5) Providing training to develop skilled re-
- 24 search and technical staff with the needed expertise

1 in operations conducted at biological and agricultural
2 research facilities.

3 “(6) Leveraging the expertise of academic institutions,
4 industry, the Department of Energy National Laboratories,
5 State and local governmental resources, and professional organizations involved in
6 veterinary, medical and public health, and agriculture issues to carry out functions described in (1)
7 and (2).

10 “(d) REQUIREMENTS.—The Secretary, in designing
11 and constructing the NBAF, shall ensure that the facility
12 meets the following requirements:

13 “(1) The NBAF shall consist of state-of-the-art
14 biocontainment laboratories capable of performing
15 research and activities at Biosafety Level 3 and 4,
16 as designated by the Centers for Disease Control
17 and Prevention and the National Institutes of
18 Health.

19 “(2) The NBAF facility shall be located on a
20 site of at least 30 acres that can be readily secured
21 by physical measure.

22 “(3) The NBAF facility shall be at least
23 500,000 square feet with a capacity of housing a
24 minimum of 80 large animals for research, testing
25 and evaluation.

1 “(4) The NBAF shall be located at a site with
2 a preexisting utility infrastructure, or a utility infra-
3 structure that can be easily built.

4 “(5) The NBAF shall be located at a site that
5 has been subject to an Environmental Impact State-
6 ment under the National Environmental Policy Act
7 of 1969.

8 “(6) The NBAF shall be located within a rea-
9 sonable proximity to a national or regional airport
10 and to major roadways.

11 “(e) AUTHORIZATION TO PROCURE REAL PROPERTY
12 AND ACCEPT IN KIND DONATIONS FOR THE NBAF
13 SITE.—The Secretary may accept and use donations of
14 real property for the NBAF site and may accept and use
15 in-kind donations of real property, personal property, lab-
16 oratory and office space, utility services, and infrastruc-
17 ture upgrades for the purpose of assisting the Director
18 in carrying out the responsibilities of the Director under
19 this section.

20 “(f) APPLICABILITY OF OTHER LAWS.—

21 “(1) PUBLIC BUILDINGS ACT.—The NBAF
22 shall not be considered a “public building” for pur-
23 poses of the Public Buildings Act of 1959 (40
24 U.S.C. 3301 et seq.).

1 “(2) LIVE VIRUS OF FOOT AND MOUTH DISEASE
2 RESEARCH.—The Secretary shall enable the study of
3 live virus of foot and mouth disease at the NBAF,
4 wherever it is sited, notwithstanding section 113a of
5 title 21, United States Code.

6 “(g) COORDINATION.—

7 “(1) INTERAGENCY AGREEMENTS.—

8 “(A) IN GENERAL.—The Secretary shall
9 enter into understandings or agreements with
10 the heads of appropriate Federal departments
11 and agencies, including the Secretary of Agri-
12 culture and the Secretary of Health and
13 Human Services, to define the respective roles
14 and responsibilities of each Department in car-
15 rying out foreign-animal, zoonotic, and other
16 endemic animal disease research and develop-
17 ment at the NBAF to protect public health and
18 animal health.

19 “(B) DEPARTMENT OF AGRICULTURE.—
20 The understanding or agreement entered into
21 with the Secretary of Agriculture shall include
22 a provision describing research programs and
23 functions of the Department of Agriculture and
24 the Department of Homeland Security, includ-
25 ing those research programs and functions car-

11 “(2) COOPERATIVE RELATIONSHIPS.—The Di-
12 rector shall form cooperative relationships with the
13 National Animal Health Laboratory Network and
14 American Association of Veterinary Laboratory Di-
15 agnosticians to connect with the network of Federal
16 and State resources intended to enable an inte-
17 grated, rapid, and sufficient response to animal
18 health emergencies.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of such Act is amended by adding at the
21 end of the items relating to title III the following:

“Sec. 316. National Bio and Agro-defense Facility.”.

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