

Calendar No. 376

116TH CONGRESS
1ST SESSION

S. 2695

To authorize the Secretary of Agriculture to provide for the defense of United States agriculture and food through the National Bio and Agro-Defense Facility, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2019

Mr. ROBERTS (for himself, Ms. STABENOW, Mr. GRASSLEY, Mr. MORAN, Ms. SMITH, Mr. BLUNT, Ms. ERNST, Mrs. HYDE-SMITH, Mr. BOOZMAN, Mr. GARDNER, Mr. THUNE, Mr. SHELBY, Mrs. FISCHER, Mr. BRAUN, Mr. McCONNELL, Mr. HOEVEN, Mr. LEAHY, Mr. TESTER, Mr. CRAPO, Mr. CASEY, Mr. PERDUE, Mr. ROUNDS, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

DECEMBER 17, 2019

Reported by Mr. ROBERTS, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To authorize the Secretary of Agriculture to provide for the defense of United States agriculture and food through the National Bio and Agro-Defense Facility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Bio and
3 Agro-Defense Facility Act of 2019”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ANIMAL.**—The term “animal” has the
7 meaning given the term in section 10403 of the Ani-
8 mal Health Protection Act (7 U.S.C. 8302).

9 (2) **SECRETARY.**—The term “Secretary” means
10 the Secretary of Agriculture.

11 (3) **TRANSBOUNDARY DISEASE.**—The term
12 “transboundary disease” has the meaning given the
13 term in section 12203(a) of the Agriculture Im-
14 provement Act of 2018 (7 U.S.C. 8914(a)).

15 (4) **VETERINARY COUNTERMEASURE.**—The
16 term “veterinary countermeasure” has the meaning
17 given the term in section 10403 of the Animal
18 Health Protection Act (7 U.S.C. 8302).

19 **SEC. 3. NATIONAL BIO AND AGRO-DEFENSE FACILITY.**

20 (a) **IN GENERAL.**—The Secretary shall carry out the
21 relevant responsibilities of the Secretary under Homeland
22 Security Presidential Directive 9 (relating to the defense
23 of United States agriculture and food) and the national
24 biodefense strategy developed under section 1086 of the
25 National Defense Authorization Act for Fiscal Year 2017
26 (6 U.S.C. 104) by acting, as appropriate, through the Na-

1 tional Bio and Agro-Defense Facility as a national secu-
 2 rity laboratory asset of the national biodefense enterprise
 3 to provide integrated research, development, and test and
 4 evaluation infrastructure for defending against bio- and
 5 agro-terrorism threats.

6 (b) DUTIES.—Pursuant to subsection (a), the Sec-
 7 retary shall use the National Bio and Agro-Defense Facil-
 8 ity—

9 (1) to integrate agricultural, zoonotic disease,
 10 and public health research;

11 (2) to address threats from human pathogens,
 12 high-consequence zoonotic disease agents, emerging
 13 foreign animal diseases, and animal transboundary
 14 diseases;

15 (3) to address biological incidence threats;

16 (4) to provide training; and

17 (5) to coordinate, partner, and share data and
 18 information with the Secretary of Homeland Secu-
 19 rity, including the support of the production of bio-
 20 logical material threat assessments.

21 (a) *IN GENERAL.*—*The National Bio and Agro-Defense*
 22 *Facility shall be a national security laboratory asset to pro-*
 23 *vide integrated research, development, test and evaluation*
 24 *infrastructure, and response capabilities for defending the*
 25 *United States against bio- and agro-terrorism threats.*

1 (b) *DUTIES.*—Pursuant to subsection (a), the Sec-
2 retary, the Secretary of Homeland Security, the Secretary
3 of Health and Human Services, and the heads of other ap-
4 propriate Federal departments and agencies shall use the
5 National Bio and Agro-Defense Facility to protect the food
6 supply, agriculture, and public health of the United States,
7 including by—

8 (1) *integrating agricultural, zoonotic disease,*
9 *and other appropriate research;*

10 (2) *addressing threats from high-consequence*
11 *zoonotic disease agents, emerging foreign animal dis-*
12 *eases, and animal transboundary diseases;*

13 (3) *addressing biological incidence threats;*

14 (4) *providing appropriate education and train-*
15 *ing to address bio- and agro-defense threats and re-*
16 *sponses;*

17 (5) *sharing data and related information with*
18 *appropriate Federal departments or agencies, as re-*
19 *quested by the heads of those departments or agencies,*
20 *or as necessary, to support the production of biologi-*
21 *cal material threat assessments; and*

22 (6) *coordinating, partnering, and sharing data*
23 *and related information to enhance the carrying out*
24 *of the duties of the National Bio and Agro-Defense*
25 *Facility for the development of priority zoonotic ani-*

1 *mal disease diagnostics, vaccines, drugs, and other*
 2 *countermeasures.*

3 **SEC. 4. RESEARCH AND DEVELOPMENT.**

4 ~~Pursuant to section 3,~~ the Secretary shall carry out
 5 research and development objectives—

6 *Pursuant to section 3, the Secretary, the Secretary of*
 7 *Homeland Security, the Secretary of Health and Human*
 8 *Services, and the heads of other appropriate Federal depart-*
 9 *ments and agencies shall continually establish shared prior-*
 10 *ities for the research to be conducted in the National Bio*
 11 *and Agro-Defense Facility and carry out research and de-*
 12 *velopment objectives at the National Bio and Agro-Defense*
 13 *Facility—*

14 (1) to develop veterinary countermeasures for
 15 emerging foreign animal diseases and animal trans-
 16 boundary diseases;

17 (2) to provide ~~advance~~ *advanced* test, diag-
 18 nostic, and evaluation capability for threat detection,
 19 vulnerability assessment, and veterinary counter-
 20 measure assessment for animal and zoonotic dis-
 21 eases; and

22 ~~(3) for such other purposes as the Secretary de-~~
 23 ~~termines to be appropriate.~~

1 **SEC. 5. EVALUATION.**

2 Pursuant to section 4, not less frequently than bien-
 3 nially, the Secretary, in coordination with the Secretary
 4 of Homeland Security and the heads of other relevant
 5 agencies, shall evaluate and update the strategic research
 6 plan for the National Bio and Agro-Defense Facility based
 7 on risk and threat assessments.

8 **SEC. 6. AVAILABILITY OF DATA.**

9 (a) CONGRESSIONAL REPORT.—Every 6 months until
 10 diseases;

11 (3) to assist, as appropriate, with the develop-
 12 ment, and address vulnerability assessments, of the
 13 agriculture and food sectors; and

14 (4) for such other purposes as the Secretary, in
 15 consultation with the Secretary of Homeland Secu-
 16 rity, the Secretary of Health and Human Services,
 17 and the heads of other appropriate Federal depart-
 18 ments and agencies, determines to be appropriate.

19 **SEC. 5. EVALUATION AND PLAN.**

20 (a) IN GENERAL.—Pursuant to section 4, not less fre-
 21 quently than biennially, the Secretary, in coordination with
 22 the Secretary of Homeland Security, the Secretary of
 23 Health and Human Services, and the heads of other appro-
 24 priate Federal departments and agencies, shall—

25 (1) evaluate the work of the National Bio and
 26 Agro-Defense Facility;

1 (2) *publish a strategic research plan for the Na-*
 2 *tional Bio and Agro-Defense Facility based on risk*
 3 *and threat assessments; and*

4 (3) *submit to the Committee on Agriculture, Nu-*
 5 *trition, and Forestry of the Senate, the Committee on*
 6 *Homeland Security and Governmental Affairs of the*
 7 *Senate, the Committee on Health, Education, Labor,*
 8 *and Pensions of the Senate, the Committee on Agri-*
 9 *culture of the House of Representatives, the Com-*
 10 *mittee on Homeland Security of the House of Rep-*
 11 *resentatives, and the Committee on Energy and Com-*
 12 *merce of the House of Representatives the strategic re-*
 13 *search plan described in paragraph (2).*

14 (b) *CLASSIFIED INFORMATION.*—*The strategic research*
 15 *plan required under subsection (a)(2)—*

16 (1) *shall be published in an unclassified format*
 17 *that is publically available;*

18 (2) *shall be submitted under subsection (a)(3) in*
 19 *unclassified form; and*

20 (3) *may include in the submission under sub-*
 21 *section (a)(3) a classified annex for any sensitive or*
 22 *classified information, as necessary.*

23 **SEC. 6. MEMORANDA OF AGREEMENT.**

24 *Not later than 90 days after the date of enactment of*
 25 *this Act, the Secretary shall enter into memoranda of agree-*

1 *ment with the Secretary of Homeland Security, the Sec-*
 2 *retary of Health and Human Services, and the heads of*
 3 *other appropriate Federal departments and agencies for the*
 4 *use, operation, and research of the National Bio and Agro-*
 5 *Defense Facility by those Secretaries and department and*
 6 *agency heads.*

7 **SEC. 7. AVAILABILITY OF DATA AND CONGRESSIONAL**
 8 **BRIEFINGS.**

9 (a) *IN GENERAL.*—Every 6 months until the date de-
 10 scribed in subsection (b), the Secretary and the Secretary
 11 of Homeland Security, as appropriate, shall ~~submit~~ *pro-*
 12 *vide* to the Committees on Agriculture, Nutrition, and
 13 Forestry and Homeland Security and Governmental Af-
 14 fairs of the Senate and the Committees on Agriculture and
 15 Homeland Security of the House of Representatives a re-
 16 port *and briefing* describing—

17 (1) progress under each phase described in the
 18 memorandum of agreement entitled “Memorandum
 19 of Agreement Between the U.S. Department of Agri-
 20 culture Marketing and Regulatory Programs, the
 21 U.S. Department of Agriculture Research, Edu-
 22 cation, and Economics, and the Department of
 23 Homeland Security Science and Technology Direc-
 24 torate” and dated June 20, 2019, that is not com-
 25 pleted as of the date of enactment of this Act; ~~and~~

1 ~~(2) the operations and mission, including co-~~
 2 ~~ordination, under any successor memorandum of~~
 3 ~~agreement, or similar joint agreement or under-~~
 4 ~~standing, between the Department of Agriculture~~

5 *(2) the status of completion of the memoranda of*
 6 *agreement under section 6; and*

7 *(3) the operations and mission of the National*
 8 *Bio and Agro-Defense Facility, including the coordi-*
 9 *nation and carrying out of—*

10 *(A) the memoranda of agreement described*
 11 *in paragraphs (1) and (2);*

12 *(B) any successor memoranda of agreement*
 13 *to the memoranda of agreement described in*
 14 *paragraphs (1) and (2); or*

15 *(C) any similar joint agreement or under-*
 16 *standing between the Department of Agriculture*
 17 *and the Department of Homeland Security, or*
 18 *other relevant agencies, that documents the bio-*
 19 *defense mission of the National Bio and Agro-*
 20 *Defense Facility.*

21 (b) TERMINATION.—The reporting ~~requirement~~ *and*
 22 *briefing requirements* under subsection (a) shall terminate
 23 on the date that is ~~2~~ 5 years after the date on which the
 24 National Bio and Agro-Defense Facility attains full oper-
 25 ating capability.

1 ~~(c) EFFECTIVE DATE.—This section shall take effect~~
 2 ~~on the date of enactment of this Act.~~

3 **SEC. 7. EFFECT.**

4 **SEC. 8. BUDGET AND REPORT.**

5 (a) *BUDGET.*—Concurrently with each budget submis-
 6 sion to the Director of the Office of Management and Budg-
 7 et, the Secretary, the Secretary of Homeland Security, and
 8 the Secretary of Health and Human Services shall jointly
 9 submit to the Director of the Office of Management and
 10 Budget an integrated budget plan for the defense of the
 11 United States food system, including the operation and use
 12 of the National Bio and Agro-Defense Facility.

13 (b) *REPORT.*—Not later than 60 days after the date
 14 on which the budget of the United States Government is
 15 submitted by the President under section 1105 of title 31,
 16 United States Code, for each fiscal year, the Secretary, the
 17 Secretary of Homeland Security, and the Secretary of
 18 Health and Human Services shall jointly submit to Con-
 19 gress a report describing an integrated budget plan de-
 20 scribed in subsection (a), which shall be consistent with the
 21 budget submission of the President under that section for
 22 the defense of the United States food system, including the
 23 operation and use of the National Bio and Agro-Defense
 24 Facility.

1 **SEC. 9. EFFECT.**

2 (a) IN GENERAL.—Nothing in this Act requires the
3 Secretary to have ~~administrative jurisdiction over responsi-~~
4 *bility for operations of the National Bio and Agro-Defense*
5 *Facility.*

6 (b) TRANSFER OF JURISDICTION.—If ~~administrative~~
7 ~~jurisdiction over responsibility for operations of the Na-~~
8 *tional Bio and Agro-Defense Facility* is transferred from
9 the Secretary to another Federal agency, any reference in
10 this Act (other than section 6 7) to the Secretary shall
11 be deemed to be a reference to the head of that Federal
12 agency.

13 **SEC. 8. EFFECTIVE DATE.**

14 ~~Except for section 6, this Act shall take effect on the~~
15 ~~date on which all phases in the memorandum of agreement~~
16 ~~described in section 6(a)(1) are completed.~~

17 **SEC. 10. EFFECTIVE DATE.**

18 (a) IN GENERAL.—*Except as provided in subsection*
19 *(b), this Act shall take effect on the date on which the initial*
20 *operating capability described in the memorandum of*
21 *agreement described in section 7(a)(1) takes effect.*

22 (b) EXCEPTIONS.—*Sections 7 and 8 shall take effect*
23 *on the date of enactment of this Act.*

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