

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) Limitation on apportionment or allotment of funds**

Amounts in the Fund may not be apportioned or allotted for any fiscal year until after the date on which the Act making full-year appropriations for the Department of Homeland Security for the applicable fiscal year is enacted into law, subject to subsection (e).

**(e) Notification of planned use of funds**

The Committees on Appropriations of the House of Representatives and the Senate shall be 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; Pub. L. 118–47, div. C, title V, § 539(a), Mar. 23, 2024, 138 Stat. 623.)

**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.

**AMENDMENTS**

2024—Subsecs. (d), (e). Pub. L. 118–47 added subsecs. (d) and (e) and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: “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.”

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2024 AMENDMENT**

Pub. L. 118–47, div. C, title V, § 539(b), Mar. 23, 2024, 138 Stat. 624, provided that: “The amendments made by this section [amending this section] shall apply to amounts transferred under such section 538 [of Pub. L. 117–103, 6 U.S.C. 103a] on or after the date of enactment of this Act [Mar. 23, 2024].”

**§ 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.

**§ 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