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CHAPTER 116—NATIONAL BIO AND AGRO-DEFENSE FACILITY

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§ 9201. Definitions

In this chapter:

(1) Animal

The term “animal” has the meaning given the term in section 8302 of this title.

(2) Transboundary disease

The term “transboundary disease” has the meaning given the term in section 8914(a) of this title.

(3) Veterinary countermeasure

The term “veterinary countermeasure” has the meaning given the term in section 8302 of this title.

(Pub. L. 116-260, div. P, § 2, Dec. 27, 2020, 134 Stat. 2159.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116-260, div. P, § 1, Dec. 27, 2020, 134 Stat. 2159, provided that: “This division [enacting this chapter] may be cited as the ‘National Bio and Agro-Defense Facility Act of 2020.’”

§ 9202. National Bio and Agro-Defense Facility

(a) In general

The National Bio and Agro-Defense Facility shall be a national security laboratory asset to provide integrated research, development, and test and evaluation infrastructure to improve preparedness and response capabilities to prevent, detect, respond to, or mitigate harm resulting from animal pests or diseases and zoonotic diseases for the purpose of defending the United States against bio- and agro-threats, whether naturally occurring or intentional.

(b) Mission

Pursuant to subsection (a), the mission of the National Bio and Agro-Defense Facility shall be to protect the food supply, agriculture, and public health of the United States, including by—

- (1) integrating agricultural, zoonotic disease, and other research, as appropriate;
- (2) addressing threats from high-consequence zoonotic disease agents, emerging foreign animal diseases, and animal transboundary diseases;
- (3) addressing biological threats;
- (4) ensuring that research conducted at the National Bio and Agro-Defense Facility addresses gaps that fall between the ongoing animal and zoonotic disease research efforts across the Federal Government and does not duplicate those ongoing efforts;

(5) facilitating, integrating, and coordinating the development and implementation of the strategic plan for research under section 9203(a)(2) of this title, relating to protection of the food supply, agriculture, and public health of the United States;

(6) providing appropriate education and training to prepare for and respond to bio- and agro-defense threats;

(7) sharing data and related information with appropriate Federal departments or agencies, as requested by the heads of those departments or agencies, or as necessary, to support biological material threat assessments; and

(8) sharing data and related information, and developing strategic partnerships, to enhance the carrying out of the duties of the National Bio and Agro-Defense Facility for the development of priority zoonotic animal disease diagnostics, vaccines, drugs, and other countermeasures.

(Pub. L. 116-260, div. P, § 3, Dec. 27, 2020, 134 Stat. 2159.)

§ 9203. Evaluation and research plan

(a) In general

Not less frequently than biennially, the Secretary of Agriculture, in coordination with the Secretary of Homeland Security and the heads of other appropriate Federal departments and agencies, shall—

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

(2) develop, biennially update, and publish a strategic plan for research at the National Bio and Agro-Defense Facility based on priority risk and threat assessments, including strategies to—

(A) develop veterinary countermeasures for emerging foreign animal diseases and animal transboundary diseases;

(B) provide advanced testing, diagnostic, and evaluation capabilities for threat detection, vulnerability assessments of animal and zoonotic diseases, and veterinary countermeasures for animal and zoonotic diseases;

(C) assist, as appropriate, with the development, and address vulnerability assessments, of the agriculture and food sectors;

(D) address gaps in the ongoing animal and zoonotic disease research efforts across the Federal Government, ensuring not to duplicate those ongoing efforts; and

(E) be used for such other purposes as the Secretary of Agriculture, in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal departments and agencies, determines to be appropriate; and

(3) submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Homeland Security of the House of Representatives, the strategic plan for research described in paragraph (2).

(b) Classified information

The strategic plan for research required under subsection (a)(2)—

(1) shall be published in an unclassified format that is publicly available;

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

(3) may include in the submission under subsection (a)(3) a classified annex for any sensitive or classified information, as necessary.

(Pub. L. 116-260, div. P, § 4, Dec. 27, 2020, 134 Stat. 2160.)

§ 9204. Availability of data and congressional briefings**(a) In general**

Every 6 months until the date described in subsection (b), the Secretary of Agriculture, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, as appropriate, shall provide to the Committees on Agriculture, Nutrition, and Forestry and Homeland Security and Governmental Affairs of the Senate and the Committees on Agriculture and Homeland Security of the House of Representatives a report and briefing describing—

(1) progress under each phase described in the memorandum of agreement entitled “Memorandum of Agreement Between the U.S. Department of Agriculture Marketing and Regulatory Programs, the U.S. Department of Agriculture Research, Education, and Economics, and the Department of Homeland Security Science and Technology Directorate” and dated June 20, 2019, that is not completed as of December 27, 2020;

(2) the status of the actions taken pursuant to the areas of collaborative opportunity and responsibilities as described in the memorandum of understanding entitled “Memorandum of Understanding Between the U.S. Department of Agriculture Marketing and Regulatory Programs, the U.S. Department of Agriculture Research, Education, and Economics, and the Department of Homeland Security Science and Technology Directorate for National Bio and Agro-Defense Facility Collaboration” and dated January 7, 2020; and

(3) the operations and mission of the National Bio and Agro-Defense Facility, including the coordination and carrying out of—

(A) the memorandum of agreement and memorandum of understanding described in paragraphs (1) and (2), respectively;

(B) any successor memoranda of agreement or understanding to the memorandum of agreement and memorandum of understanding described in paragraphs (1) and (2), respectively;

(C) any similar joint agreement or understanding between the Department of Agri-

culture and the Department of Homeland Security, or other relevant agencies, that documents the biodefense mission of the National Bio and Agro-Defense Facility; and

(D) research, including a description of the users of the National Bio and Agro-Defense Facility.

(b) Termination

The reporting and briefing requirements under subsection (a) shall terminate on the date that is 5 years after the date on which the National Bio and Agro-Defense Facility attains full operating capability.

(Pub. L. 116-260, div. P, § 5, Dec. 27, 2020, 134 Stat. 2160.)

§ 9205. Budget and report**(a) Budget**

Concurrently with each budget submission to the Director of the Office of Management and Budget, the Secretary of Agriculture, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, as required by Homeland Security Presidential Directive 9, shall jointly submit to the Director of the Office of Management and Budget an integrated budget plan for the defense and protection of the food supply of the United States, including the operation and use of the National Bio and Agro-Defense Facility.

(b) Report

Not later than 60 days after the date on which the budget of the United States Government is submitted by the President under section 1105 of title 31 for each fiscal year, the Secretary of Agriculture, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies shall jointly submit to Congress a report describing an integrated budget plan described in subsection (a), which shall be consistent with the budget submission of the President under that section for the defense and protection of the food supply of the United States, including the operation and use of the National Bio and Agro-Defense Facility.

(Pub. L. 116-260, div. P, § 6, Dec. 27, 2020, 134 Stat. 2161.)

§ 9206. Effect on other authorities

Nothing in this chapter affects the authority of the Secretary of Agriculture or the Secretary of Homeland Security under any other provision of law or program relating to the protection of food supplies, agriculture, or public health.

(Pub. L. 116-260, div. P, § 7, Dec. 27, 2020, 134 Stat. 2162.)