

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO
ESTABLISH A NATIONAL BIO AND AGRO-DEFENSE FA-
CILITY

AUGUST 1, 2008.—Ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 1717]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1717) to amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. ESTABLISHMENT OF NATIONAL BIO- AND AGRO-DEFENSE FACILITY OF DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6. U.S.C. 181 et seq.) is amended by adding at the end the following new section:

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

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

“(b) MISSION.—

“(1) IN GENERAL.—The NBAF shall be an integrated foreign-animal and disease research, development, testing, and evaluation facility, the purpose of which is to support the Department, the Department of Agriculture, and other Federal agencies, as appropriate, in defending against the threat of potential acts of agroterrorism and natural-occurring incidents related to agriculture with the potential to adversely impact animal health, public health, the economy, or homeland security.

“(2) KNOWLEDGE PRODUCTION AND SHARING.—The NBAF shall produce and share knowledge and technology for the purpose of protecting animal health and public health and reducing economic losses caused by foreign-animal, zoonotic, and, as appropriate, endemic animal diseases of livestock and poultry.

“(c) JOINT STRATEGY AND INTERAGENCY AGREEMENT WITH DEPARTMENT OF AGRICULTURE.—

“(1) JOINT STRATEGY.—The Secretary and the Secretary of Agriculture shall develop a joint strategy to define the respective roles and responsibilities of the Department and the Department of Agriculture with respect to activities undertaken at the NBAF on foreign animal diseases, including foot and mouth disease, and zoonotic diseases. The joint strategy shall be updated as necessary.

“(2) INTERAGENCY AGREEMENT.—The Secretary and the Secretary of Agriculture shall formalize the joint strategy developed under paragraph (1) by entering into an interagency agreement, which shall be updated and revised as appropriate.

“(d) OTHER INTERAGENCY AGREEMENTS.—The Secretary and the Secretary of Agriculture may enter into understandings or agreements with the heads of Federal departments and agencies with missions that may be supported by activities undertaken at the NBAF or may use existing understandings or agreements with the heads of such Federal departments or agencies, to define the respective roles and responsibilities of each department or agency in carrying out research, development, testing, evaluation, and diagnostic activities at the NBAF.

“(e) NBAF DIRECTOR.—The Secretary, in consultation with the Secretary of Agriculture, shall appoint a Director of the NBAF (referred to in this section as the ‘Director’). The Secretary, acting through the Director, shall be responsible for—

“(1) managing, operating, and maintaining the NBAF;

“(2) ensuring NBAF physical site security, information security, biosafety, biosecurity, and biosurety;

“(3) developing an emergency response plan under which emergency response providers in the surrounding community are sufficiently prepared and trained to respond effectively and given sufficient notice to allow for an effective response; and

“(4) monitoring the activities of the Department and the Department of Agriculture and reporting to the Secretary and the Secretary of Agriculture on the status of the fulfillment of the respective obligations of each Department, as agreed to under the joint strategy and formalized in the interagency agreement under subsection (c).

“(f) DIRECTOR OF HOMELAND SECURITY RESEARCH PROGRAMS.—The Secretary shall appoint one or more Directors of Homeland Security Programs, one of whom shall be the Director of Homeland Security Research Programs at the NBAF. The Director of Homeland Security Research Programs at the NBAF shall be responsible for—

“(1) directing the research programs of the Department at the NBAF;

“(2) facilitating the coordination of Federal, State, and local governmental efforts and resources relating to the Department’s activities carried out pursuant to the joint strategy developed under subsection (c)(1);

“(3) providing training to Department research and technical staff at the NBAF to equip them with the requisite skills and expertise necessary to contribute to and carry out operations at the NBAF;

“(4) conducting animal model development and testing and evaluation to support the development of human medical countermeasures where appropriate; and

“(5) leveraging the expertise of academic institutions, private industry, the Department of Energy National Laboratories, State and local governmental resources, and professional organizations to carry out the Department’s activities at the NBAF.”

“(g) DIRECTORS OF USDA PROGRAMS.—The Secretary of Agriculture shall appoint one or more Directors of USDA Programs at the NBAF who shall be responsible for directing the programs of the Department of Agriculture at the NBAF.

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

“(1) The NBAF shall consist of state-of-the-art biocontainment laboratories capable of performing research and activities at Biosafety Level 3 and 4.

“(2) The NBAF shall be of sufficient size in terms of acreage and laboratory capacity and shall have access to necessary supporting infrastructure to enable the Secretary and the Secretary of Agriculture to carry out their respective responsibilities pursuant to the joint strategy developed under subsection (c)(1).

“(3) The NBAF shall be located at a site that has been subject to an Environmental Impact Statement under the National Environmental Policy Act of 1969.

“(i) AUTHORIZATION TO PROCURE REAL PROPERTY AND ACCEPT IN KIND DONATIONS FOR THE NBAF SITE.—The Secretary may acquire real property for the NBAF through purchase or donation and may accept and use in-kind donations of personal property, laboratory and office space, utility services, and infrastructure upgrades to carry out the purposes of this section.

“(j) LIVE VIRUS OF FOOT AND MOUTH DISEASE RESEARCH.—The Secretary of Agriculture shall issue a permit required under section 12 of the Act of May 29, 1884 (23 Stat. 31; 21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at the NBAF. The permit shall be valid unless the Secretary of Agriculture finds that the study of live foot and mouth disease virus at the NBAF is not being carried out in accordance with the regulations issued by the Secretary of Agriculture pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401). The suspension, revocation, or other impairment of such permit shall be made by the Secretary of Agriculture and is a nondelegable function.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.”

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

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

Amend the title so as to read:

A bill to amend the Homeland Security Act of 2002 to establish a National Bio- and Agro-defense Facility, and for other purposes.

PURPOSE AND SUMMARY

The purpose of H.R. 1717 is to amend the Homeland Security Act of 2002 to establish a National Bio- and Agro-defense Facility, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Nation currently lacks necessary Biosafety Level (BSL) 3 and BSL 4 large animal laboratory space needed to research many high consequence foreign animal and zoonotic diseases. BSL 3 facilities require a double door entry and unidirectional airflow into the lab. BSL 4 facilities require all these things, as well as a complete body suit with separate air source worn by the researcher. The National Bio- and Agro-defense Facility (NBAF) will fill this gap, provide a unique capability, and fulfill the guidance in Homeland Security Presidential Directive (HSPD)–9, “Defense of United States Agriculture and Food,” to develop a plan “to provide safe, secure, and state-of-the-art agriculture biocontainment laboratories that research and develop diagnostic capabilities for foreign animal and zoonotic diseases.”

HEARINGS

On May 23, 2007, the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "Reducing Threats to our Nation's Agriculture: Authorizing a National Bio and Agro-Defense Facility." The Subcommittee received testimony from Dr. John Vitko, Head, Chemical and Biological Division, Science and Technology Directorate, Department of Homeland Security; Dr. Edward Knipling, Administrator, Agricultural Research Service, Department of Agriculture; and Mr. Kevin Shea, Assistant Administrator, Animal and Plant Health Inspection Service, Department of Agriculture.

COMMITTEE CONSIDERATION

H.R. 1717 was introduced by Mr. McCaul and five original cosponsors on March 27, 2007 and referred to the Committee on Homeland Security, and in addition to the Committee on Agriculture and the Committee on Energy and Commerce. Within the Committee on Homeland Security, H.R. 1717 was referred to the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology.

On June 6, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology met in open markup session and ordered H.R. 1717 forwarded to the Full Committee for consideration, as amended, by voice vote.

On August 1, 2007, the Full Committee met in open markup session and ordered H.R. 1717 favorably reported to the House of Representatives, as amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

On June 6, 2007, the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology met in open markup session and ordered H.R. 1717 forwarded to the Full Committee for consideration, as amended, by voice vote.

The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Langevin, (#1), was AGREED TO by voice vote.

On August 1, 2007, the Full Committee met in open markup session and ordered H.R. 1717 favorably reported to the House of Representatives, as amended, by voice vote.

The Committee considered a Committee Print showing the text of H.R. 1717 as agreed to by the Subcommittee. The title of the Committee Print was amended so as to read "To amend the Homeland Security Act of 2002 to establish a National Bio- and Agro-defense Facility, and for other purposes."

The Committee adopted the bill, as amended, by voice vote.

The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Thompson (#1), was AGREED TO by voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 1717, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 24, 2007.

HON. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1717, a bill to amend the Homeland Security Act of 2002 to establish a National Bio- and Agro-defense Facility.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

H.R. 1717—A bill to amend the Homeland Security Act of 2002 to establish a National Bio- and Agro-defense Facility

H.R. 1717 would formally establish a National Bio- and Agro-defense Facility in the Department of Homeland Security (DHS). The department would use this facility—as planned under current law—to conduct research on biological and agricultural threats against the United States, including diseases affecting livestock.

DHS is currently selecting a site for this facility and anticipates beginning construction in 2010, with operations commencing by the end of 2013. CBO expects that implementing H.R. 1717 would not significantly affect the department's plans or spending for this facility. Based on preliminary information from the department, CBO expects that it will cost roughly \$600 million to build and equip the new facility; subsequently, operating costs will be about \$40 million per year. The bill would authorize the department to accept in-kind donations of real property or services to support the planned facility. Enacting the bill would not affect direct spending or revenues.

H.R. 1717 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no direct costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1717 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 1717 establishes, in statute, the National Bio- and Agro-defense Facility (NBAF). The bill defines the mission of the facility to conduct research in order to protect the U.S. from foreign animal and zoonotic diseases. The bill details the roles and responsibilities of the Department of Homeland Security and the Department of Agriculture at the facility, including by authorizing the Secretary of Homeland Security to accept real property and in-kind donations for the NBAF site, and directing the Secretary of Agriculture to provide to the Secretary of Homeland Security a permit to conduct research on the live virus of foot and mouth disease at the NBAF.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. National Bio and Agro-Defense Facility

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section: “**SEC. 316. NATIONAL BIO- AND AGRO-DEFENSE FACILITY.**”

Section (a) Establishment

This section establishes the National Bio- and Agro-defense Facility (NBAF).

The Committee agrees with the assessments of the Department of Homeland Security (DHS) and the Department of Agriculture that the Plum Island Animal Disease Center is an aging facility and that a new integrated foreign animal and zoonotic disease research facility will enhance the Nation’s defense against potential acts of agro-terrorism and naturally-occurring incidents relating to agriculture that have the potential to adversely impact animal health, public health, and the economy. The Nation currently lacks Biosafety Level (BSL) 3 and BSL 4 livestock laboratory space needed to research many high consequence foreign animal and zoonotic diseases and to fulfill the requirements of Homeland Security Presidential Directive 9. The NBAF will fill this gap, providing the capacity and capability to fulfill critical homeland and agriculture security missions.

Section (b) Mission

The NBAF shall be an integrated foreign animal disease research facility, owned by the Department of Homeland Security (DHS), to support research by DHS, the Department of Agriculture, and other Federal agencies to protect the U.S. from these diseases. Knowledge and technology developed at the NBAF will be shared between the Departments of Homeland Security and Agriculture and with other Federal, State, and local agencies to support that mission.

The Committee expects that the new facility will continue to support the efforts of DHS and the Department of Agriculture currently ongoing at the Plum Island Animal Disease Center, provide opportunities for important new foreign animal and zoonotic disease research, and enable collaborations between DHS, the Department of Agriculture and with other Federal departments and agencies.

Section (c) Joint Strategy and Interagency Agreement with the Department of Agriculture

The Secretary of Homeland Security and the Secretary of Agriculture shall jointly develop a strategy for the study of high-consequence biological threats involving foreign-animal and zoonotic diseases. This strategy shall apply to activities undertaken at the NBAF and define the respective roles and responsibilities of the two Departments which shall be formalized in an interagency agreement. The Committee believes that all activities at the NBAF should be consistent with but not limited to the agreement.

The Committee recommends that the Joint Strategy should include, but not be limited to, activities related to: developing coun-

termeasures for foreign-animal, zoonotic, and, as appropriate, endemic animal diseases, including diagnostics, vaccines and therapeutics; providing advanced test and evaluation capability for threat detection, vulnerability and countermeasure assessment for foreign animal, zoonotic, and, as appropriate, endemic animal diseases; sharing information with relevant stakeholders, including the National Animal Health Laboratory Network and the American Association of Veterinary Laboratory Diagnosticians, and connecting with the network of Federal and State resources intended to enable an integrated and rapid response to animal health emergencies of potential national concern; and identifying and promoting uniform national standards for animal disease diagnostics.

Section (d) Other Interagency Agreements

The Secretaries of Homeland Security and Agriculture may enter into interagency agreements with other Federal agencies for activities that support shared missions at the NBAF.

The Committee strongly encourages cooperative and collaborative relationships with other Federal agencies that conduct disease detection and countermeasure research, development, testing, and evaluation, such as the Department of Defense and the Department of Health and Human Services, and encourages the use of interagency agreements to formalize the roles and responsibilities necessary for successful collaborations.

Section (e) NBAF Director

The Secretary, in consultation with the Secretary of Agriculture, shall appoint an NBAF Director responsible for managing the facility, ensuring security, developing an emergency response plan, and monitoring overall activities at the facility, including adherence to the Joint Strategy developed pursuant to section (c).

The Committee recognizes that the current governance structure at the Plum Island Animal Disease Center is a good model for the new NBAF and sections (e) through (g) are intended to promote a similar structure while allowing flexibility to each Department. The Committee intends such organizational structure to provide a necessary framework of accountability and responsibility, but not to limit interagency coordination and collaboration in any way. The Committee strongly urges the Directors of Homeland Security programs and the Directors of USDA programs, defined in sections (f) and (g) respectively, to establish a mechanism to ensure continual dialogue and facilitate coordination in carrying out the activities agreed to under the Joint Strategy.

Section (f) Directors of Homeland Security Programs

The Secretary shall appoint one or more Directors of Homeland Security Programs, one of which shall be the Director of Homeland Security Research Programs who will be responsible for the Department's research activities at the NBAF, facilitating coordination with other researchers, providing necessary training to Department researchers, conducting animal model testing where appropriate, and leveraging the expertise of other research facilities.

The Committee directs that the responsibilities of the Director of Homeland Security Research Programs should include, but not be limited to: directing the research programs of the Department at

the NBAF; facilitating the coordination of Federal, State, and local governmental efforts and resources; providing training to Department research and technical staff at the NBAF to equip them with the requisite skills and expertise necessary to contribute to and carry out operations at the NBAF; conducting animal model development and testing and evaluation to support the development of human medical countermeasures where appropriate; leveraging the expertise of academic institutions, private industry, the Department of Energy National Laboratories, State and local governmental resources, and professional organizations to carry out the Department's activities at the NBAF.

Section (g) Directors of USDA Programs

The Secretary of Agriculture shall appoint one or more Directors of USDA programs who will be responsible for carrying out USDA programs at the NBAF.

Section (h) Requirements

The Secretary of Homeland Security shall ensure that the NBAF facility contain large animal Biosafety level 3 and 4 laboratories, be of sufficient size and capacity to support all research, have access to necessary supporting infrastructure, and been determined to be located on a suitable site according to an Environmental Impact Statement.

Section (i) Authorization to Procure Real Property and Accept in Kind Donations for the NBAF Site

The Secretary of Homeland Security may acquire real property for the NBAF through purchase or donation and may accept and use in-kind donations of personal property, laboratory and office space, utility services, and infrastructure upgrades.

The Committee expects that the NBAF site selection process will ultimately choose the best possible site for the NBAF to complete its mission. The Committee therefore grants the authority to the Secretary to not only purchase property but to accept donations of such in order to obtain the best site at the lowest expenditure.

Section (j) Live Virus of Foot and Mouth Disease Research

The Secretary of Agriculture shall issue a permit to the Secretary that allows the study of live virus of foot and mouth disease (FMD) at the NBAF. The permit shall be valid unless the Secretary of Agriculture finds that the research on live FMD is not being carried out in accordance with the agricultural select agent rules issued by the Secretary of Agriculture.

The Committee believes that FMD represents one of the largest threats to our Nation's agriculture industry. As such, it is imperative that researchers at the NBAF be allowed to study the live virus of FMD at the facility. The Committee directs the Secretary to ensure that the research on the live virus of FMD be pursued vigorously, but always safely and securely.

Section (k) Authorization of Appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) * * *

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

* * * * *

TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

* * * * *

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

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**TITLE III—SCIENCE AND TECHNOLOGY
IN SUPPORT OF HOMELAND SECURITY**

* * * * *

SEC. 316. NATIONAL BIO- AND AGRO-DEFENSE FACILITY.

(a) *ESTABLISHMENT.*—There is in the Department a National Bio- and Agro-defense Facility (referred to in this section as the “NBAF”), which shall be headed by a Director appointed by the Secretary, in consultation with the Secretary of Agriculture.

(b) *MISSION.*—

(1) *IN GENERAL.*—The NBAF shall be an integrated foreign-animal and disease research, development, testing, and evaluation facility, the purpose of which is to support the Department, the Department of Agriculture, and other Federal agencies, as appropriate, in defending against the threat of potential acts of agroterrorism and natural-occurring incidents related to agriculture with the potential to adversely impact animal health, public health, the economy, or homeland security.

(2) *KNOWLEDGE PRODUCTION AND SHARING.*—The NBAF shall produce and share knowledge and technology for the purpose of protecting animal health and public health and reducing economic losses caused by foreign-animal, zoonotic, and, as appropriate, endemic animal diseases of livestock and poultry.

(c) *JOINT STRATEGY AND INTERAGENCY AGREEMENT WITH DEPARTMENT OF AGRICULTURE.*—

(1) *JOINT STRATEGY.*—The Secretary and the Secretary of Agriculture shall develop a joint strategy to define the respective roles and responsibilities of the Department and the Department of Agriculture with respect to activities undertaken at the NBAF on foreign animal diseases, including foot and mouth disease, and zoonotic diseases. The joint strategy shall be updated as necessary.

(2) *INTERAGENCY AGREEMENT.*—*The Secretary and the Secretary of Agriculture shall formalize the joint strategy developed under paragraph (1) by entering into an interagency agreement, which shall be updated and revised as appropriate.*

(d) *OTHER INTERAGENCY AGREEMENTS.*—*The Secretary and the Secretary of Agriculture may enter into understandings or agreements with the heads of Federal departments and agencies with missions that may be supported by activities undertaken at the NBAF or may use existing understandings or agreements with the heads of such Federal departments or agencies, to define the respective roles and responsibilities of each department or agency in carrying out research, development, testing, evaluation, and diagnostic activities at the NBAF.*

(e) *NBAF DIRECTOR.*—*The Secretary, in consultation with the Secretary of Agriculture, shall appoint a Director of the NBAF (referred to in this section as the “Director”). The Secretary, acting through the Director, shall be responsible for—*

- (1) managing, operating, and maintaining the NBAF;*
- (2) ensuring NBAF physical site security, information security, biosafety, biosecurity, and biosururity;*
- (3) developing an emergency response plan under which emergency response providers in the surrounding community are sufficiently prepared and trained to respond effectively and given sufficient notice to allow for an effective response; and*
- (4) monitoring the activities of the Department and the Department of Agriculture and reporting to the Secretary and the Secretary of Agriculture on the status of the fulfillment of the respective obligations of each Department, as agreed to under the joint strategy and formalized in the interagency agreement under subsection (c).*

(f) *DIRECTOR OF HOMELAND SECURITY RESEARCH PROGRAMS.*—*The Secretary shall appoint one or more Directors of Homeland Security Programs, one of whom shall be the Director of Homeland Security Research Programs at the NBAF. The Director of Homeland Security Research Programs at the NBAF shall be responsible for—*

- (1) directing the research programs of the Department at the NBAF;*
- (2) facilitating the coordination of Federal, State, and local governmental efforts and resources relating to the Department’s activities carried out pursuant to the joint strategy developed under subsection (c)(1);*
- (3) providing training to Department research and technical staff at the NBAF to equip them with the requisite skills and expertise necessary to contribute to and carry out operations at the NBAF;*
- (4) conducting animal model development and testing and evaluation to support the development of human medical countermeasures where appropriate; and*
- (5) leveraging the expertise of academic institutions, private industry, the Department of Energy National Laboratories, State and local governmental resources, and professional organizations to carry out the Department’s activities at the NBAF.*

(g) *DIRECTORS OF USDA PROGRAMS.*—*The Secretary of Agriculture shall appoint one or more Directors of USDA Programs at*

the NBAF who shall be responsible for directing the programs of the Department of Agriculture at the NBAF.

(h) REQUIREMENTS.—The Secretary, in designing and constructing the NBAF, shall ensure that the facility meets the following requirements:

(1) The NBAF shall consist of state-of-the-art biocontainment laboratories capable of performing research and activities at Biosafety Level 3 and 4.

(2) The NBAF shall be of sufficient size in terms of acreage and laboratory capacity and shall have access to necessary supporting infrastructure to enable the Secretary and the Secretary of Agriculture to carry out their respective responsibilities pursuant to the joint strategy developed under subsection (c)(1).

(3) The NBAF shall be located at a site that has been subject to an Environmental Impact Statement under the National Environmental Policy Act of 1969.

(i) AUTHORIZATION TO PROCURE REAL PROPERTY AND ACCEPT IN KIND DONATIONS FOR THE NBAF SITE.—The Secretary may acquire real property for the NBAF through purchase or donation and may accept and use in-kind donations of personal property, laboratory and office space, utility services, and infrastructure upgrades to carry out the purposes of this section.

(j) LIVE VIRUS OF FOOT AND MOUTH DISEASE RESEARCH.—The Secretary of Agriculture shall issue a permit required under section 12 of the Act of May 29, 1884 (23 Stat. 31; 21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at the NBAF. The permit shall be valid unless the Secretary of Agriculture finds that the study of live foot and mouth disease virus at the NBAF is not being carried out in accordance with the regulations issued by the Secretary of Agriculture pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401). The suspension, revocation, or other impairment of such permit shall be made by the Secretary of Agriculture and is a nondelegable function.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.

* * * * *

COMMITTEE CORRESPONDENCE

CONGRESS OF THE UNITED STATES, HOUSE OF
REPRESENTATIVES, COMMITTEE ON AGRICULTURE,
Washington, DC, August 2, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your recent correspondence regarding H.R. 1717, a bill to establish the National Bio and Agro-defense Facility (NBAF). As you are aware, the Committee on Agriculture was granted an additional referral of this legislation.

I appreciate your collaboration in developing the Amendment in the Nature of a Substitute to H.R. 1717, which greatly improved the underlying bill and was adopted at the Committee on Home-

land Security's full committee markup on August 1, 2007. In order to expedite this legislation, the Committee on Agriculture will forgo formal action on H.R. 1717 with the understanding that our Committee does not waive any future jurisdictional claims over this or similar measures. In addition, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees.

I also ask that you insert a copy of our exchange of letters into the Committee Report on H.R. 1717 and into the Congressional Record during consideration of this measure on the House floor.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between our Committees as we deal with issues regarding homeland security and agriculture in the future.

Sincerely,

COLLIN C. PETERSON,
CHAIRMAN.

CONGRESS OF THE UNITED STATES, HOUSE OF
REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, August 2, 2007.

Hon. COLLIN C. PETERSON,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN PETERSON: Thank you for working with me to address concerns in H.R. 1717, a bill to establish the National Bio and Agro-defense Facility (NBAF) within the Department of Homeland Security. Like you, I strongly believe that the nation's health and economic security must be protected from the threat of zoonotic diseases and other biological threats, both manmade and naturally-occurring.

Yesterday, the Committee on Homeland Security approved an Amendment in the Nature of a Substitute to H.R. 1717 that was developed between our two Committees that improves on the underlying legislation. It makes clear that Congress expects the Departments of Homeland Security and Agriculture to work in partnership. Specifically, it requires the two agencies to develop a joint strategy for research at the new facility and to formalize their respective responsibilities in an interagency agreement. As amended, H.R. 1717 will ensure that the interests of both the Departments of Homeland Security and Agriculture are protected and the security of the U.S. agriculture industry is enhanced.

Last month, the Department of Homeland Security (DHS) announced the completion of the initial site selection process for the NBAF and that five sites have been selected as finalists. Timely passage of H.R. 1717 is critical to this endeavor, as DHS needs the authorities granted in the bill to ensure final completion of the site selection process and commence land acquisition and construction.

I appreciate your willingness to work with me to develop the Amendment in the Nature of a Substitute in lieu of acting on H.R. 1717 in the Agriculture Committee. I do not construe your decision to waive consideration of this bill as a waiver of jurisdiction over H.R. 1717. Further, I would support a request for appointment of

conferees during any House-Senate conference convened on H.R. 1717 or similar legislation, should such a request be made.

Thank you, again, for working with me on this important legislation.

Sincerely,

BENNIE G. THOMPSON,
CHAIRMAN.

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