

NOVEMBER 10, 2022

National Security Memorandum on Strengthening the Security and Resilience of United States Food and Agriculture

NATIONAL SECURITY MEMORANDUM/NSM-16

THE SECRETARY OF STATE

THE SECRETARY OF DEFENSE

THE ATTORNEY GENERAL

THE SECRETARY OF THE INTERIOR

THE SECRETARY OF AGRICULTURE

THE SECRETARY OF COMMERCE

THE SECRETARY OF LABOR

THE SECRETARY OF HEALTH AND HUMAN SERVICES

THE SECRETARY OF HOMELAND SECURITY

THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY

THE DIRECTOR OF THE OFFICE OF MANAGEMENT
AND BUDGET

THE DIRECTOR OF NATIONAL INTELLIGENCE

THE DIRECTOR OF THE OFFICE OF SCIENCE AND
TECHONLOGY POLICY

THE ASSISTANT TO THE PRESIDENT FOR ECONOMIC
POLICY AND DIRECTOR OF THE NATIONAL ECONOMIC
COUNCIL

THE ASSISTANT TO THE PRESIDENT FOR DOMESTIC
POLICY AND DIRECTOR OF THE DOMESTIC POLICY
COUNCIL

THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Strengthening the Security and Resilience of United States Food and Agriculture

The food and agriculture sector is extensive, interconnected, diverse, and complex. Designated as critical infrastructure and primarily owned and operated by private sector and non-Federal entities, food and agriculture systems and supply chains are vulnerable to disruption and damage from domestic and global threats. Chemical, biological, radiological, and nuclear (CBRN) threats that may result in high-consequence and catastrophic incidents affecting the food and agriculture sector include but are not limited to: hazardous contaminants such as poisonous agents including toxic industrial compounds and materials, toxins, and chemical agents and precursors; natural or genetically engineered pests and pathogens of livestock, poultry, fish, shellfish, wildlife, plants, and insects; and physical effects of nuclear detonations or dispersion of radioactive materials. Other threats that may result in high-consequence and catastrophic incidents include pandemics impacting the sector's critical infrastructure and essential workforce, consequences of climate change, and threats in the cyber domain, such as disruption to systems as a result of increasing information technology and operational technology convergence and intellectual property theft. The evolving threat environment requires the sector and its essential workforce to better prepare for and respond to incidents with broad impacts on our national and economic security.

Section 1. Policy. It is the policy of the United States to ensure that our Nation's food and agriculture sector is secure and resilient in response to the possibility of high-consequence and catastrophic incidents. To achieve this, the Federal Government will identify and assess threats, vulnerabilities, and impacts from these high-consequence and catastrophic incidents — including but not limited to those presented by CBRN threats, climate change, and cybersecurity — and will prioritize resources to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.

Sec. 2. Coordination. The Assistant to the President for National Security Affairs (APNSA) or the APNSA's designee shall coordinate the executive branch actions necessary to implement this memorandum through the interagency process identified in National Security Memorandum 2 of February 4, 2021 (Renewing the National Security Council System), or any successor document. Actions taken to implement this memorandum shall be consistent with Presidential Policy Directive 8 of March 30, 2011 (National Preparedness), Presidential Policy Directive 21 (PPD-21) of February 12, 2013 (Critical Infrastructure Security and Resilience), Presidential Policy Directive 41 of July 26, 2016 (United States Cyber Incident Coordination), and the National Preparedness Goal. The APNSA or the APNSA's designee shall, within 1 year of the date of this memorandum and on a biennial basis thereafter, submit a report to the President summarizing progress on the implementation of this memorandum, identifying gaps in capabilities, and recommending how to address those gaps.

Sec. 3. Federal Risk Mitigation Strategy. (a) Within 60 days of the date of this memorandum and annually thereafter, or more frequently as warranted, the Attorney General and the Secretary of Homeland Security, in coordination with the Secretary of Defense and the heads of other relevant agencies, shall provide to the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health and Human Services, and the heads of other relevant agencies a threat assessment on potential actors and threats, delivery systems, and methods that could be directed against or affect the food and agriculture sector.

(b) Within 180 days of the date of this memorandum, the Secretary of Agriculture, the Secretary of Health and Human Services, and the heads of other relevant agencies shall assess the vulnerabilities of the food and agriculture sector to the threats identified in subsection (a) of this section, in consultation with private sector and Federal, State, local, Tribal, and territorial (SLTT) partners, as appropriate. These vulnerability assessments shall be updated when:

(i) there are emergent, credible, and actionable threats or events necessitating reassessment;

(ii) agencies determine that it is appropriate to do so, such as when significant changes have been made to assessment-specific food production or processing steps; or

(iii) required by statute.

(c) Within 1 year of the date of this memorandum, the Secretary of Homeland Security, in coordination with the Attorney General, the Secretary of Agriculture, the Secretary of Health and Human Services, and the heads of other relevant agencies, shall produce a comprehensive risk assessment for the food and agriculture sector that is:

(i) informed by the threat and vulnerability assessments required by subsections (a) and (b) of this section;

(ii) data-driven, sector-specific, and founded on interagency coordination;

(iii) inclusive of CBRN and cyber threats, and in later iterations other threats that may result in high-consequence and catastrophic incidents such as energy disruption, pandemics impacting the food and agriculture sector's critical infrastructure and essential workforce, catastrophic weather events, and consequences of climate change;

(iv) prioritized by the highest risks for the food and agriculture sector; and

(v) reviewed and updated on an annual basis.

(d) Within 180 days of the completion of the risk assessment required by subsection (c) of this section, the Secretary of Agriculture and the Secretary of Health and Human Services, in coordination with the heads of relevant agencies, shall submit to the President, through the APNSA or the APNSA's designee, a strategy and action plan that will:

(i) leverage results from the risk assessment, as well as information on security and resilience capabilities, costs, and benefits;

(ii) include a risk mitigation analysis that:

(A) contains high-level actions for mitigating threats that may result in high-consequence and catastrophic incidents, and a proposed timeline for their completion;

(B) identifies strategies, capabilities, and areas for research and development (R&D) that prioritize mitigation of the greatest risks, as identified in subsection (c) of this section; and

(C) identifies approaches to determine the effectiveness of national risk reduction measures undertaken; (iii) include a communication plan for sharing information with SLTT and private sector partners and the general public, as appropriate; and

(iii) include a communication plan for sharing information with SLTT and private sector partners and

(iv) be reviewed, and revised, if necessary, on a biennial basis.

Sec. 4. Interim Risk Review. (a) To ensure risk to the food and agriculture sector is appropriately managed while the Federal Risk Mitigation Strategy is developed, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Homeland Security, in coordination with the heads of other relevant agencies, shall submit to the APNSA or the APNSA's designee, within 120 days of the date of this memorandum, an interim review of critical and emergent risks to the food and agriculture sector. The review shall:

(i) leverage existing information and ongoing work to identify risks to the food and agriculture sector from all hazards;

(ii) identify activities underway to mitigate those risks categorized as high-consequence and catastrophic;

(iii) identify and initiate steps for improved coordination and integration across the broader preparedness and response community to enhance the Nation's ability to prevent and respond to threats against the food and agriculture sector; and

(iv) inform the ongoing development of the Federal Risk Mitigation Strategy, as appropriate.

Sec. 5. Roles and Responsibilities. (a) The Secretary of Agriculture and the Secretary of Health and Human Services shall perform their responsibilities to protect and prepare the food and agriculture sector for threats that may result in high consequence and catastrophic incidents, collaborate with private industry partners, and coordinate with Federal and SLTT entities and academia. As delineated in PPD-21, the Department of Agriculture and the Department of Health and Human Services are the co-Sector Risk Management Agencies (SRMAs) for the food and agriculture sector.

(b) The Secretary of Homeland Security shall provide strategic guidance, promote a national unity of effort, and, in coordination with the Attorney General, the Secretary of Agriculture, the Secretary of Health and Human Services, and the heads of other relevant agencies, integrate food and agriculture sector efforts into the overall effort to promote the security and resilience of the Nation's critical infrastructure, consistent with the Secretary of Homeland Security's responsibilities under PPD-21.

(c) The Secretary of State, the Secretary of Defense, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Homeland Security, and the heads of other relevant agencies shall, consistent with statutory authority, provide support domestically and globally to strengthen the security and resilience of the food and agriculture sector and other critical infrastructure sectors, consistent with PPD-21.

(d) Within 180 days of the completion of the risk assessment required by subsection (c) of this section, the Secretary of Agriculture and the Secretary of Health and Human Services, in coordination with the heads of relevant agencies, shall submit to the President, through the APNSA or the APNSA's designee, a strategy and action plan that will:

(i) leverage results from the risk assessment, as well as information on security and resilience capabilities, costs, and benefits;

(ii) communication protocols, processes, and procedures for sharing information on credible threats with relevant or affected SRMAs, Federal and SLTT authorities, and private sector partners in a timely manner.

(e) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security, in coordination with the Secretary of State, the Secretary of Defense, the Attorney General, and the heads of other relevant agencies, shall, where appropriate, develop, maintain, assess, enhance, and encourage the adoption of:

(i) risk-informed and coordinated domestic and global surveillance and monitoring systems that provide early detection, awareness, and warning of CBRN, cyber, and other threats that may result in high-consequence and catastrophic incidents;

(ii) systems that track specific animals, plants, food, and other commodities to inform timely decision support; and

(iii) coordinated nationwide laboratory networks for food, animal, and plant health; environmental response that integrates existing Federal, SLTT, academic, and, as appropriate, private laboratory resources toward adequate surge capacity; standardized diagnostic and reporting protocols, procedures, and mechanisms; and timely information and analysis sharing.

(f) The Secretary of Agriculture, in coordination with the Secretary of Health and Human Services and the heads of other relevant agencies, shall collaborate with SLTT, academia, and private sector partners to maintain and enhance:

(i) a National Veterinary Stockpile (NVS) containing sufficient amounts of veterinary countermeasures, including vaccines, diagnostics, and therapeutics, many of which could be deployed within 24 hours to begin to respond to a high consequence or catastrophic animal disease outbreak affecting human health or the economy. The NVS shall:

(A) leverage, where appropriate, the mechanisms and infrastructure that have been developed for the management, storage, distribution, and use of the Strategic National Stockpile; and

(B) be leveraged in the development of vaccines, diagnostics, and therapeutics for the National Animal Vaccine and Veterinary Countermeasures Bank;

(ii) a National Plant Disease Recovery System (NPDRS) capable of responding to a catastrophic plant disease with disease control measures and the use of resistant or tolerant plant material to sustain a reasonable level of production for economically important crops. The NPDRS shall:

(A) utilize the genetic resources contained in the U.S. National Plant Germplasm System, as well as the scientific capabilities of Federal, SLTT, private industry, and academic agricultural research and extension systems; and

(B) include emergency planning for the use of disease control measures to prevent, slow, or stop the spread of a high consequence plant disease, including deployment of resistant or tolerant plant material and appropriate use of pesticides.

(g) The Secretary of Agriculture and the Secretary of Health and Human Services, in coordination with the Attorney General, the Secretary of Commerce, and the Secretary of Homeland Security, shall share information on available funding opportunities and tools to help SLTT and private sector partners prepare for, mitigate against, respond to, and recover from CBRN, cyber, or other threats that may result in high-consequence and catastrophic incidents within the food and agriculture sector.

(h) The Secretary of Agriculture and the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security and the heads of other relevant agencies, shall, as appropriate, support the development, provision, and promotion of:

(i) higher education degrees, certifications, and vocational and other training for the protection of food and agriculture. Subject to availability of funds, these programs shall provide capacity building grants that:

(A) advance interdisciplinary degree, certification, vocational, and other training programs for food sciences, agriculture sciences, medicine, veterinary medicine, epidemiology, microbiology, chemistry, engineering, mathematics (e.g., statistical modeling), biorisk management, cybersecurity, climatology, bioinformatics, and other disciplines as appropriate; and

(B) provide, improve, and update training programs in foreign animal diseases, epidemiology, and public health, as well as develop new programs in plant disease diagnosis and treatment, biosurveillance, laboratory biocontainment, consequence and emergency management, and defense against terrorist threats to the food and agriculture sector;

(ii) professional development and specialized training in food, agriculture, biorisk management, and environmental protection, such as internships, fellowships, and other post-graduate opportunities that provide for professional workforce needs;

(iii) training for food and agriculture sector professionals through webinars, workshops, exercises, and other activities on topics relevant to CBRN, cyber, and other threats that may result in high-consequence and catastrophic incidents and their mitigation strategies; and

(iv) symposia, conferences, meetings, and other engagements to enhance preparedness and resilience of the food and agriculture sector.

(i) The Attorney General, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Homeland Security, in coordination with the Secretary of Defense, the Secretary of the Interior, and the heads of other relevant agencies, shall strengthen existing efforts regarding information sharing procedures to:

(i) inform interdiction, inspection, and identification of suspect items related to food and agriculture both entering and within the United States, and expand development of appropriate screening criteria and laboratory analysis of interdicted items; and

(ii) enhance threat assessments and the dissemination of actionable information by working with relevant Federal, SLTT, and private sector partners to develop and enhance mechanisms that facilitate sharing of information related to the security and resilience of the food and agriculture sector, including but not limited to suspicious activities and behavior that may threaten the physical security or cybersecurity of the sector; nationally significant or reportable pests and diseases in livestock, poultry, fish, shellfish, wildlife, plants, and companion animals within their respective statutory and regulatory purview; and epidemiological-relevant information.

(j) The Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, and the heads of other relevant agencies, in coordination with the Director of the Office of Science and Technology Policy, shall accelerate and expand R&D of current and new capabilities to enhance the security and resilience of the food and agriculture sector. These R&D efforts may result in, but are not limited to, cybersecurity enhancements; countermeasures, including vaccines and diagnostic capabilities; new methods and technologies for the prevention and detection of threats that may result in high consequence and catastrophic incidents for the food and agriculture sector; agent characterization; dose response relationships; evidence-based biorisk

management practices; validated decontamination technologies and strategies; waste management approaches for high-consequence agents; climate adaptation measures; food production methods resilient to disasters; and real-time R&D capabilities to inform response measures and understand phenomena that only occur during high consequence or catastrophic incidents.

(k) The Secretary of Homeland Security shall:

(i) lead cybersecurity technical assistance efforts and support other interagency cyber activities, as appropriate, with food and agriculture critical infrastructure entities;

(ii) in collaboration with the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, and the heads of other relevant agencies, refine and promote the identification of and guidance for essential critical infrastructure workers in the food and agriculture sector to support jurisdictions' and critical infrastructure owners' prioritization for essential workers to continue to work safely while supporting ongoing operations during high-consequence or catastrophic incidents;

(iii) develop and facilitate a program to exercise and train Federal, SLTT, and private sector partners and nongovernmental organizations on their roles and responsibilities to prepare for and respond to threats to the food and agriculture sector, in coordination with and support from the heads of other relevant agencies as part of the National Exercise Program and other capacity building opportunities;

(iv) in coordination with the Secretary of State, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, the Director of National Intelligence, and the heads of other relevant agencies:

(A) enhance combined Federal and SLTT capabilities in order to quickly and effectively detect, characterize, mitigate against, respond to, and recover from CBRN, cyber, and other high-consequence incidents affecting the food and agriculture sector;

(B) conduct response actions in accordance with the National Response Framework and relevant annexes, including threat agent characterization, decontamination, clearance, and waste management;

(C) conduct recovery actions in accordance with the National Disaster Recovery

Framework; and

(D) enhance international engagement with foreign governments and international organizations to strengthen the security and resilience of the food and agriculture sector critical infrastructure, as it pertains to protecting national security, health, and economic security interests, consistent with PPD-21;

(v) in coordination with the Secretary of Agriculture and the Secretary of Health and Human Services, oversee university-based, Department of Homeland Security-funded centers of excellence in agriculture and food defense; and

(vi) in coordination with the Attorney General, the Secretary of Agriculture, the Secretary of Health and Human Services, and the heads of other relevant agencies:

(A) develop, maintain, and update, as appropriate, a risk assessment of the food and agriculture sector to inform the prioritization of subsequent activities and investments related to the activities required by subsections 3(c) and (d) of this memorandum; and

(B) conduct annual outreach with SLTT and private sector partners to discuss provisions within the implementation of this memorandum.

(l) The Attorney General and the Secretary of Homeland Security, in coordination with the heads of other relevant agencies, shall:

(i) respectively lead threat response (Attorney General) and national asset response (Secretary of Homeland Security) activities for Federal cyber incident response for the food and agriculture sector; and

(ii) increase the volume, timeliness, and quality of cyber threat information sharing with the food and agriculture sector, consistent with Executive Order 13636 of February 12, 2013 (Improving Critical Infrastructure Cybersecurity).

(m) The Secretary of Defense shall, consistent with statutory authority and national security priorities:

(i) support the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of other relevant agencies in the preparedness, protection, defense, and resilience of the food and agriculture sector when high consequence

or catastrophic incidents occur that affect the security and resilience thereof; and

(ii) provide support to civil authorities, at the request of other relevant agencies and when necessary, with respect to the security and resilience of the food and agriculture sector, to include:

(A) routine and emergency response situations, including intentional events involving animal diseases, the food supply, and other threats that could result in harm to humans, animals, plants, the environment, resources, property, institutions, or the Nation's economy;

(B) technical assistance and training, epidemiology, surveillance and contact tracing, modeling, laboratory diagnostics, transportation and logistics, information sharing, public affairs and communications support, information technology and cybersecurity support, debris removal and disposal, cleaning, disinfection, sanitation, and field operations; and

(C) coordination, planning and exercise activities, risk assessments including emergency infrastructure assessments, sampling, provision of equipment and supplies, critical infrastructure and public facility restoration, and demolition and structural stabilization.

(n) The Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall develop, maintain, and enhance capabilities to provide safe, secure, and state-of-the-art biocontainment laboratories that research and develop veterinary countermeasures for transboundary, emerging, and zoonotic diseases, pests, and pathogens.

Sec. 6. Budget. The Attorney General, the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of other relevant agencies shall request budget requirements for the continued implementation of this memorandum in their respective annual budget submissions to the Director of the Office of Management and Budget.

Sec. 7. Definitions. As used in this memorandum:

(a) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5). "Agency" also means any component of the Executive Office of the President.

(b) "Agriculture" means farming, including cultivation and tillage of soil; dairying; the

production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended (12 U.S.C. 1141j(f)); the raising of livestock, bees, fur-bearing animals, or poultry; and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm incident to or in conjunction with such farming operations, including preparation for market and delivery to storage, to market, or to carriers for transportation to market. “Agriculture” includes aquaculture (defined as breeding, rearing, and harvesting of fish, shellfish, algae, and other organisms in all types of water environments) and the practice and products of aquaponics, which is the combination of fish and plant production using aquaculture and hydroponics systems.

(c) “Asset response activities” include furnishing technical assistance to affected entities to protect their assets, mitigate vulnerabilities, and reduce impacts of cyber incidents; identifying other entities that may be at risk and assessing their risk to the same or similar vulnerabilities; assessing potential risks to the sector or region, including potential cascading effects, and developing courses of action to mitigate these risks; facilitating information sharing and operational coordination with threat response; and providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery.

(d) “Biocontainment” means the combination of physical design parameters and operational practices that protect personnel, the immediate work environment, and the community from exposure to biological agents. “Biocontainment” includes the combination of physical design parameters and operational practices that protect plants, animals, and the environment from exposure to biological agents.

(e) “Biorisk” means the effect of uncertainty expressed by the combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence, whereas biological material is the source of harm. The harm can be the consequence of an unintentional exposure, accidental release, loss, theft, misuse, diversion, unauthorized access, or intentional unauthorized release.

(f) “Biosurveillance” is the process of gathering, monitoring, integrating, interpreting, and communicating essential information and indications related to all-hazard threats or disease activity affecting human, animal, plant, and environmental health to achieve early detection and provide early warning, to contribute to overall situational awareness of the health aspects of the incident, and to enable better decision-making at all levels.

(g) “Catastrophic incident” means any natural or man-made disaster that results in

extraordinary levels of casualties or damage, mass evacuations, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions in an area. A “catastrophic incident” may include an incident with a sustained national impact over a prolonged period of time, an incident that may rapidly exceed resources available to SLTT and private sector authorities in the impacted area, or an incident that may significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

(h) “Climate change” means a change in the state of the climate that can be identified (for example, using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. “Climate change” refers to any change in climate over time, whether due to natural variability or as a result of human activity.

(i) “Critical infrastructure” means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(j) “Food” means articles used for food or drink for man or other animals, chewing gum, and articles used for components of any such article.

(k) “Foreign animal disease” means a terrestrial or aquatic animal disease or pest not known to exist in the United States or its territories.

(l) “Health” refers to the health of people, animals, plants, and the environment.

(m) “Risk assessment” is a product or process (where risk = threat x vulnerability x consequence) that collects information and assigns values to risks for the purpose of informing priorities, developing or comparing courses of action, and informing decision-making. “Risk assessment” includes evaluating information based on a set of criteria and should appraise the risks facing an entity, asset, system, network, geographic area, or other grouping.

(n) “Risk mitigation analysis” is an analysis that leverages information from risk assessments, along with information on programmatic capabilities, costs, and benefits, to provide an evaluation of potential activities for reducing risks from climate change, CBRN, cyber, and other threats that may result in high-consequence and catastrophic incidents.

(o) “Sector Risk Management Agency” means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all-hazards environment in coordination with the Department of Homeland Security.

(p) “Threat assessment” is a product or process of identifying or evaluating entities, actions, or occurrences, whether natural or man-made, that have or indicate the potential to harm life, information, operations, and/or property.

(q) “Threat response activities” include conducting appropriate law enforcement and national security investigative activity at the affected entity’s site, collecting evidence and gathering intelligence, providing attribution, linking related incidents, identifying additional affected entities, identifying threat pursuit and disruption opportunities; developing and executing courses of action to mitigate the immediate threat, and facilitating information sharing and operational coordination with asset response.

(r) “Veterinary countermeasure” means any biological product (including an animal vaccine or diagnostic), pharmaceutical product (including a therapeutic), non-pharmaceutical product (including a disinfectant), or other product or equipment to prevent, detect, respond to, or mitigate harm to public or animal health resulting from animal pests or diseases.

(s) “Vulnerability assessment” is a product or process of identifying physical features or operational attributes that render an entity, asset, system, network, or geographic area susceptible or exposed to hazards.

Sec. 8. Rescission. This memorandum supersedes and rescinds Homeland Security Presidential Directive 9 of January 30, 2004 (Defense of United States Agriculture and Food).

Sec. 9. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.