

To the office of U.S. Representative Dale W. Strong

Re: HR 9394 (119th Congress), Civil Preparedness for Agroterrorism Exercise Act of 2026 • Latest action (2026-09-16): Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

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Voluntary Agroterrorism Preparedness Exercise with Cost Cap and Sunset

The measure, as described from the official record: Strengthen national readiness to prevent, respond to, and recover from terrorism aimed at agriculture and food systems that are vital to public health and safety.

THE PROPOSAL

Congress has the power to authorize this exercise, and the Constitution sets its limits. Article I, Section 8, Clause 3 permits federal action to protect interstate food transport, processing, and distribution from terrorist attack, and Clause 18 permits a single planning exercise as a necessary and proper means to that end. The Tenth Amendment reserves control of purely local farming to the states, and Fifth Amendment due process protects private firms from compelled participation or misuse of their property and data. This proposal therefore ties the exercise to interstate systems and national security, keeps private participation voluntary, and ends the authority by sunset.

The proposal would direct the Department of Homeland Security to hold one national exercise within four years to test prevention, response, and recovery from terrorism aimed at agriculture and food systems. The exercise would use a scenario involving movement of a harmful biological agent in the United States. Its purpose would be to find gaps in coordination before a real attack occurs.

The strongest objection is that a federal farm exercise could reach into local farms and force private firms to take part. This proposal answers that objection directly: no farm, plant, or firm would face penalties for declining, and no new inspection or reporting mandate would be created. DHS would invite state emergency agencies, public health officials, farm groups, and food firms on a voluntary basis, and would consult governors and state agriculture officials on design.

State leadership would be central. DHS would protect confidential business and farm data shared during planning. Any information shared would be used only for the exercise and follow-up planning, with safeguards consistent with due process and existing privacy protections.

Within 180 days after the exercise, DHS would send Congress a public after-action report with findings, plans to apply lessons learned, and suggested legislative changes. The Inspector

General would review costs and compliance with the voluntary and privacy limits. Authority under this proposal would end after five years unless Congress renews it.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Enactment, with the exercise to occur within four years and the after-action report due within 180 days after the exercise
Enforcement Mechanism	No civil or criminal penalties; participation by nonfederal entities is voluntary, and DHS reports results and legislative recommendations to Congress for further action
Funding Amount	Cap of \$8 million total from existing DHS preparedness funds, no new appropriation
Funding Source	Existing Department of Homeland Security preparedness and exercise funds, with no new taxes or fees
Oversight Body	Department of Homeland Security, with review by the DHS Inspector General and reporting to Congress
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3
- Article I, Section 8, Clause 18
- Tenth Amendment
- Fifth Amendment Due Process

Concerns with the measure as written:

- A broad federal exercise requirement could reach purely intrastate farm and food activity beyond interstate commerce unless tied to national security and interstate food systems.
 - Private food and agriculture firms have liberty and property interests; coordination must remain voluntary with due process safeguards for any information sharing.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses this draft honors Democratic priorities for public health protection, food system resilience, and support for farm communities facing disruption. It honors Republican priorities for national security, limited federal spending with a clear cap and sunset, state leadership, and protection of private farm and food firms from new federal mandates.

Strongest objection, and the answer: The strongest objection is that a federal farm exercise could reach into local farms and force private firms to take part. This proposal answers that objection directly: no farm, plant, or firm would face penalties for declining, and no new inspection or reporting mandate would be created.

CHECK BEFORE RELYING ON THIS

Basis: The Congress.gov summary of H.R. 9394 states the bill would require DHS within four years to conduct an agroterrorism exercise involving transport and deployment of a biological agent, address public-private coordination, and submit an after-action report to Congress within 180 days with findings, lessons learned, and legislative recommendations.

The full bill text and current law were not reviewed, so existing DHS exercise authority, current eligibility rules, cost effects, privacy and information-sharing rules, appeal rights, and any statutory conflicts remain unverified and should be checked at the official Congress.gov bill page before action.

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