

EN BLOC AMENDMENTS TO H.R. 5005
OFFERED BY MR. STUMP

Section 2(2) is amended to read as follows:

1 (2) The term “assets” includes contracts,
2 leases, grants, cooperative and other agreements and
3 other transactions, facilities, property, records, unob-
4 ligated or unexpended balances of appropriations,
5 and other funds or resources (other than personnel).

Insert after section 2(10) the following new para-
graph (and redesignate the subsequent paragraph accord-
ingly):

6 (11) The term “State” has the meaning given
7 in section 102(4) of the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (Public Law
9 93–288; 42 U.S.C. 5122(4)).

10 Section 101(b)(2) is amended by inserting the fol-
11 lowing new subparagraph after subparagraph (D) (and re-
12 designating the subsequent subparagraph accordingly):

13 (E) research, development, test, and evaluation
14 in support of such mission;

Amend section 202(5) to read as follows:

15 (5) the Energy Security and Assurance Pro-
16 gram of the Department of Energy, including the
17 National Infrastructure Simulation and Analysis



1 Center and the functions of the Secretary of Energy
2 relating thereto; and

Section 203 is amended by inserting the following
new paragraph after paragraph (2) (and redesignating
the subsequent paragraph accordingly):

3 (3) the Secretary shall have full access and
4 input with respect to information from any national
5 collaborative information analysis capability (as re-
6 ferred to in section 924 of the National Defense Au-
7 thorization Act for Fiscal Year 2002 (Public Law
8 107-107; 115 Stat. 1199) established jointly by the
9 Secretary of Defense and the Director of Central In-
10 telligence; and

Amend section 301 to read as follows:

11 **SEC. 301. UNDER SECRETARY FOR CHEMICAL, BIOLOGICAL,**
12 **RADIOLOGICAL, AND NUCLEAR COUNTER-**
13 **MEASURES.**

14 In assisting the Secretary with the responsibilities
15 specified in section 101(b)(2)(B), the primary responsibil-
16 ities of the Under Secretary for Chemical, Biological, Ra-
17 diological, and Nuclear Countermeasures shall include—

18 (1) securing the people, infrastructures, prop-
19 erty, resources, and systems in the United States
20 from acts of terrorism involving chemical, biological,



1 radiological, or nuclear weapons or other emerging
2 threats;

3 (2) conducting a national scientific research,
4 development, test, and evaluation program to sup-
5 port the mission of the Department, including devel-
6 oping national policy for and coordinating the Fed-
7 eral Government's civilian efforts to identify, devise,
8 and implement scientific, technological, and other
9 countermeasures to chemical, biological, radiological,
10 nuclear, and other emerging terrorist threats, includ-
11 ing directing, funding, and conducting research, de-
12 velopment, test, and evaluation relating to the same;

13 (3) establishing priorities for, directing, fund-
14 ing, and conducting national research, development,
15 and procurement of technology and systems—

16 (A) for preventing the importation of—

17 (i) chemical, biological, radiological,
18 nuclear, and related weapons; and

19 (ii) materials, technology, and equip-
20 ment intended for the illicit research, de-
21 velopment, production, or use of chemical,
22 biological, radiological, nuclear, and related
23 weapons and related devices in the United
24 States; and



1 (B) for detecting, preventing, protecting
2 against, and responding to terrorist attacks in
3 the United States that involve such weapons or
4 material;

5 (4) establishing guidelines for State and local
6 government efforts to develop and implement coun-
7 termeasures to threats of chemical, biological, radio-
8 logical, and nuclear terrorism, and other emerging
9 terrorist threats; and

10 (5) establishing an intelligence analysis capa-
11 bility to support chemical, biological, radiological,
12 and nuclear counterterrorism in the United States.

Amend section 302 to read as follows:

13 **SEC. 302. FUNCTIONS TRANSFERRED.**

14 In accordance with title VIII, there shall be trans-
15 ferred to the Secretary the functions, personnel, assets,
16 and liabilities of the following entities—

17 (1) the select agent registration enforcement
18 programs and activities of the Department of Health
19 and Human Services, including the functions of the
20 Secretary of Health and Human Services relating
21 thereto;

22 (2) the following programs and activities of the
23 Department of Energy, including the functions of
24 the Secretary of Energy relating thereto (but not in-



1 including programs and activities directly relating to
2 the mission of the National Nuclear Security Admin-
3 istration, as specified in section 3211 of the Na-
4 tional Nuclear Security Administration Act (Pub.
5 Law 106-65; 113 Stat. 957; 50 U.S.C. 2401):

6 (A) the programs and activities relating to
7 chemical and biological national security, and
8 supporting programs and activities directly re-
9 lated to homeland security, of the non-prolifera-
10 tion and verification research and development
11 program;

12 (B) the programs and activities relating to
13 nuclear smuggling, and other programs and ac-
14 tivities directly related to homeland security,
15 within the proliferation detection program of
16 the non-proliferation and verification research
17 and development program;

18 (C) those aspects of the nuclear assess-
19 ment program and activities of the assessment,
20 detection, and cooperation program of the inter-
21 national materials protection and cooperation
22 program that are directly related to homeland
23 security;

24 (D) such life sciences activities of the bio-
25 logical and environmental research program re-



1 lated to microbial pathogens as may be des-
2 ignated by the President for transfer to the De-
3 partment;

4 (E) the Environmental Measurements Lab-
5 oratory; and

6 (F) the advanced scientific computing re-
7 search program and activities at Lawrence
8 Livermore National Laboratory;

9 (3) the homeland security projects within the
10 Chemical Biological Defense Program of the Depart-
11 ment of Defense known as the Biological Defense
12 Homeland Security Support Program and the Bio-
13 logical Counter-Terrorism Research Program; and

14 (4) the Plum Island Animal Disease Center of
15 the Department of Agriculture, including the func-
16 tions of the Secretary of Agriculture relating there-
17 to.

Strike section 304.

Title III of the bill is amended by adding at the end
the following new section:

18 **SEC. 305. ADMINISTRATION OF PROGRAMS AND ACTIVITIES**
19 **TRANSFERRED FROM THE DEPARTMENT OF**
20 **ENERGY.**

21 (a) HOMELAND SECURITY CENTER AT NATIONAL
22 LABORATORY.—(1) The Secretary shall establish at a na-



1 tional security laboratory of the National Nuclear Security
2 Administration selected by the Secretary, a center to serve
3 as the primary location for carrying out research, develop-
4 ment, test, and evaluation activities of the Department in
5 support of the mission described in section 101. The Sec-
6 retary shall establish, in concurrence with the Secretary
7 of Energy, such additional centers at one or more national
8 laboratories of the Department of Energy as the Secretary
9 considers appropriate to serve as secondary locations for
10 carrying out such activities.

11 (2) Each center established under paragraph (1) shall
12 be composed of such facilities and assets as are required
13 for the performance of such activities. The particular fa-
14 cilities and assets shall be designated by the Secretary of
15 Energy with the concurrence of the Secretary.

16 (3) Facilities and assets designated under paragraph
17 (2) shall be transferred to the Department and, with the
18 concurrence of the Secretary and the Secretary of Energy,
19 may be so transferred in place of facilities and assets oth-
20 erwise required to be transferred from the Department of
21 Energy under this Act.

22 (4) For each center established at a laboratory under
23 this subsection, every effort shall be made to consolidate
24 Department facilities and assets within existing infra-
25 structure of that laboratory.



1 (b) SEPARATE CONTRACTING.—To the extent pro-
2 grams and activities transferred from the Department of
3 Energy or carried out through authorities provided under
4 this Act are carried out through contracts, the Secretary,
5 and the Secretary of Energy, shall ensure that such con-
6 tracts are separate from contracts of the Department of
7 Energy.

8 (c) INDIRECT COSTS.—In the case of an activity car-
9 ried out by a national laboratory of the Department of
10 Energy but paid for by the Department on a reimbursable
11 basis, funds for such activity shall be provided through
12 a method under which the Secretary of Energy waives any
13 requirement for the Department to pay administrative
14 charges or personnel costs of the Department of Energy
15 or its contractors in excess of the amount that the Sec-
16 retary of Energy pays for an activity carried out by such
17 laboratory and paid for by the Department of Energy.

18 (d) LABORATORY DIRECTED RESEARCH AND DEVEL-
19 OPMENT BY THE DEPARTMENT OF ENERGY.—No funds
20 authorized to be appropriated or otherwise made available
21 to the Department in any fiscal year may be obligated or
22 expended for laboratory directed research and develop-
23 ment activities carried out by the Department of Energy
24 unless such activities support the mission of the Depart-
25 ment described in section 101.



1 (e) DEPARTMENT OF ENERGY COORDINATION ON
2 HOMELAND SECURITY RELATED RESEARCH.—The Sec-
3 retary of Energy shall ensure that any research, develop-
4 ment, test, and evaluation activities conducted within the
5 Department of Energy that are directly or indirectly re-
6 lated to homeland security are fully coordinated with the
7 Secretary to minimize duplication of effort and maximize
8 the effective application of Federal budget resources.

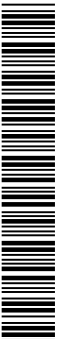
9 (f) TRANSITION.—(1) Subject to paragraph (2), the
10 transfer of functions, personnel, assets, and liabilities re-
11 quired to be transferred from the Department of Energy
12 to the Department under this Act shall be carried out pur-
13 suant to a schedule to be prescribed by the Secretary of
14 Energy with the concurrence of the Secretary.

15 (2) Transfers referred to in paragraph (1)—

16 (A) shall commence not later than January 1,
17 2003; and

18 (B) shall be completed not later than Sep-
19 tember 30, 2003.

Amend section 501(2) to read as follows:



20 (2) with respect to the Nuclear Incident Re-
21 sponse Team (regardless of whether it is operating
22 as an organizational unit of the Department pursu-
23 ant to this title)—

1 (A) establishing standards, evaluating per-
2 formance, and certifying when standards have
3 been met; and

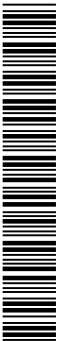
4 (B) providing funds to the Department of
5 Energy and the Environmental Protection
6 Agency, as appropriate, for homeland security
7 planning and conducting joint and other exer-
8 cises and training;

Amend section 503 to read as follows:

9 **SEC. 503. NUCLEAR INCIDENT RESPONSE.**

10 (a) NUCLEAR INCIDENT RESPONSE TEAM.—At the
11 direction of the Secretary (in connection with an actual
12 or threatened terrorist attack, major disaster, or other
13 emergency within the United States), the Nuclear Incident
14 Response Team shall operate as an organizational unit of
15 the Department. While so operating, the Nuclear Incident
16 Response Team shall be subject to the direction, authority,
17 and control of the Secretary.

18 (b) CONSTRUCTION.—Nothing in this Act shall be
19 construed to affect the responsibility of the Secretary of
20 Energy and the Administrator of the Environmental Pro-
21 tection Agency for organizing, training, equipping, and
22 utilizing their respective entities in the Nuclear Incident
23 Response Team, or (subject to the provisions of this title)



1 from exercising direction, authority, and control over them
2 when they are not operating as a unit of the Department.

Amend section 735 to read as follows:

3 **SEC. 735. MILITARY ACTIVITIES.**

4 Nothing in this Act shall confer upon the Secretary
5 any authority to engage in warfighting, the military de-
6 fense of the United States, or other military activities.

In section 802, insert “pursuant to this Act” after
“The transfer of an agency”.

In section 803, strike “shall provide” (page 42, line
6) and insert “may provide”.

Strike section 904(b) and insert the following new
subsections (and redesignate the subsequent subsection
accordingly):

7 (b) TITLE 10, U.S.C.—(1) Title 10, United States
8 Code, is amended in sections 101(9), 130b(a), 130b(b)(4),
9 130c(h)(1), 379, 513(d), 575(b)(2), 580(e)(6), 580a(e),
10 651(a), 671(c)(2), 708(a), 716(a), 717, 806(d)(2), 815(e),
11 888,946(c)(1), 973(d), 978(d), 983(b)(1), 985(a),
12 1033(b)(1), 1033(d), 1034, 1037(c), 1044d(f), 1058(c),
13 1059(a), 1059(k)(1), 1073(a), 1074(c)(1), 1089(g)(2),
14 1090, 1091(a), 1124, 1143, 1143a(h), 1144, 1145(e),
15 1148, 1149, 1150(c), 1152(a), 1152(d)(1), 1153, 1175,
16 1212(a), 1408(h)(2), 1408(h)(8), 1463(a)(2), 1482a(b),



1 1510, 1552(a)(1), 1565(f), 1588(f)(4), 1589, 2002(a),
2 2302(1), 2306b(b), 2323(j)(2), 2376(2), 2396(b)(1),
3 2410a(a), 2572(a), 2575(a), 2578, 2601(b)(4), 2634(e),
4 2635(a), 2734(g), 2734a, 2775, 2830(b)(2), 2835, 2836,
5 4745(a), 5013a(a), 7361(b), 10143(b)(2), 10146(a),
6 10147(a), 10149(b), 10150, 10202(b), 10203(d),
7 10205(b), 10301(b), 12103(b), 12103(d), 12304,
8 12311(c), 12522(c), 12527(a)(2), 12731(b), 12731(a)(e),
9 16131(a), 16136(a), 16301(g), and 18501 by striking “of
10 Transportation” each place it appears and inserting “of
11 Homeland Security”.

12 (2) Section 801(1) of such title is amended by strik-
13 ing “the General Counsel of the Department of Transpor-
14 tation” and inserting “an official designated to serve as
15 Judge Advocate General of the Coast Guard by the Sec-
16 retary of Homeland Security”.

17 (3) Section 983(d)(2)(B) of such title is amended by
18 striking “Department of Transportation” and inserting
19 “Coast Guard”.

20 (4) Section 2665(b) of such title is amended by strik-
21 ing “Department of Transportation” and inserting “De-
22 partment in which the Coast Guard is operating”.

23 (5) Section 7045 of such title is amended—

24 (A) in subsections (a)(1) and (b), by striking
25 “Secretaries of the Army, Air Force, and Transpor-



1 tation” both places it appears and inserting “Sec-
2 retary of the Army, the Secretary of the Air Force,
3 and the Secretary of Homeland Security”; and

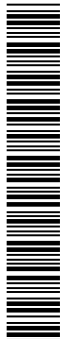
4 (B) in subsection (b), by striking “Department
5 of Transportation” and inserting “Department of
6 Homeland Security”.

7 (6) Section 7361(b) of such title is amended in the
8 subsection heading by striking “TRANSPORTATION” and
9 inserting “HOMELAND SECURITY”.

10 (7) Section 12522(b) of such title is amended in the
11 subsection heading by striking “TRANSPORTATION” and
12 inserting “HOMELAND SECURITY”.

13 (c) TITLE 37, U.S.C.—Title 37, United States Code,
14 is amended in sections 101(5), 204(i)(4), 301a(a)(3),
15 306(d), 307(c), 308(a)(1), 308(d)(2), 308(f), 308b(e),
16 308c(e), 308d(a), 308e(f), 308g(g), 308h(f), 308i(e),
17 309(d), 316(d), 323(b), 323(g)(1), 325(i), 402(d),
18 402a(g)(1), 403(f)(3), 403(l)(1), 403b(i)(5), 406(b)(1),
19 417(a), 417(b), 418(a), 703, 1001(e), 1006(f), 1007(a),
20 and 1011(d) by striking “of Transportation” each place
21 it appears and inserting “of Homeland Security”.

22 (d) OTHER DEFENSE-RELATED LAWS.—(1) Section
23 363 of Public Law 104–193 (110 Stat. 2247) is
24 amended—



1 (A) in subsection (a)(1) (10 U.S.C. 113 note),
2 by striking “of Transportation” and inserting “of
3 Homeland Security”; and

4 (B) in subsection (b)(1) (10 U.S.C. 704 note),
5 by striking “of Transportation” and inserting “of
6 Homeland Security”.

7 (2) Section 721(1) of Public Law 104–201 (10
8 U.S.C. 1073 note) is amended by striking “of Transpor-
9 tation” and inserting “of Homeland Security”.

10 (3) Section 4463(a) of Public Law 102–484 (10
11 U.S.C. 1143a note) is amended by striking “after con-
12 sultation with the Secretary of Transportation”.

13 (4) Section 4466(h) of Public Law 102–484 (10
14 U.S.C. 1143 note) is amended by striking “of Transpor-
15 tation” and inserting “of Homeland Security”.

16 (5) Section 542(d) of Public Law 103–337 (10
17 U.S.C. 1293 note) is amended by striking “of Transpor-
18 tation” and inserting “of Homeland Security”.

19 (6) Section 740 of Public Law 106–181 (10 U.S.C.
20 2576 note) is amended in subsections (b)(2), (c), and
21 (d)(1) by striking “of Transportation” each place it ap-
22 pears and inserting “of Homeland Security”.

23 (7) Section 1407(b)(2) of the Defense Dependents’
24 Education Act of 1978 (20 U.S.C. 926(b)) is amended by



1 striking “of Transportation” both places it appears and
2 inserting “of Homeland Security”.

3 (8) Section 2301(5)(D) of Public Law 107–110 (20
4 U.S.C. 6671(5)(D)) is amended by striking “of Transpor-
5 tation” and inserting “of Homeland Security”.

6 (9) Section 2307(a) of Public Law 107–110 (20
7 U.S.C. 6677(a)) is amended by striking “of Transpor-
8 tation” and inserting “of Homeland Security”.

9 (10) Section 1034(a) of Public Law 105–85 (21
10 U.S.C. 1505a(a)) is amended by striking “of Transpor-
11 tation” and inserting “of Homeland Security”.

12 (11) The Military Selective Service Act is amended—

13 (A) in section 4(a) (50 U.S.C. App. 454(a)), by
14 striking “of Transportation” in the fourth para-
15 graph and inserting “of Homeland Security”;

16 (B) in section 4(b) (50 U.S.C. App. 454(b)), by
17 striking “of Transportation” both places it appears
18 and inserting “of Homeland Security”;

19 (C) in section 6(d)(1) (50 U.S.C. App.
20 456(d)(1)), by striking “of Transportation” both
21 places it appears and inserting “of Homeland Secu-
22 rity”;

23 (D) in section 9(c) (50 U.S.C. App. 459(c)), by
24 striking “Secretaries of Army, Navy, Air Force, or
25 Transportation” and inserting “Secretary of a mili-



1 tary department, and the Secretary of Homeland Se-
2 curity with respect to the Coast Guard,”; and
3 (E) in section 15(e) (50 U.S.C. App. 465(e)),
4 by striking “of Transportation” both places it ap-
5 pears and inserting “of Homeland Security”.

Strike section 907.

