

*Summary of En Bloc Manager's Amendment to H.R. 5005, The Homeland Security Act of 2002*

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| <b>Amendment</b>  | <b>Title</b>  | <b>Summary</b>   |
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| Sec. 2(2)         | Definitions   | Expands the definition of "assets" to include grants, leases, cooperative agreements and other transactions. Adds a definition of the term "state".  |
| Sec. 101(b)(2)(E) | Homeland Security RDT&E program                           | Adds to the responsibilities of the Secretary of Homeland Security the "conduct of research, development, testing and evaluation in support of DHS' mission."  |
| Sec. 202(5)       | Transfer of DOE Energy Security and Assurance Program     | Transfers the entire Energy Security and Assurance program to the Under Secretary for Information Analysis and Infrastructure Protection, rather than separating the program between the above office and the Under Secretary for Chemical, Biological, Radiological, and Nuclear (CBRN) Countermeasures.  |
| Sec. 203(3)       | Access to information                                     | Provides that the DHS Secretary shall have full access and input with respect to information from any national collaborative information analysis capability.  |
| Sec. 301(3)(A)    | Under Secretary of CBRN Responsibilities                  | Clarifies responsibilities of Under Secretary (CBRN) to include responsibility for preventing the importation of CBRN weapons, and the materials, technologies, and equipment intended for the illicit research, development, production, and employment of CBRN weapons.  |
| Sec. 301(5)       | Homeland Security intelligence                            | Grants authority to the DHS Under Secretary (CBRN) to establish an intelligence and analysis capability within DHS.  |
| Sec. 302(2)       | Exclusion of critical select NNSA functions from transfer | Excludes from transfer to DHS those functions of the DOE, and more specifically the National Nuclear Security Administration, that are related to maintaining and enhancing the safety, reliability, and performance of the nuclear weapons stockpile; naval nuclear propulsion; and international nonproliferation as specified in Section 3211 of the National Nuclear Security Administration Act (Pub. Law 106-65; 113 Stat. 957; 50 U.S.C. 2401). |
| Sec. 302(2)(A)    | Nonproliferation and Verification R&D program             | Specifies that only those supporting activities of the Nonproliferation and Verification Research and Development program that are directly related to homeland security may be transferred to DHS.  |

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| Sec. 302(2)(B) | Nuclear smuggling   | Specifies that only those anti-nuclear smuggling programs that are directly related to homeland security may be transferred to DHS.  |
| Sec. 302(2)(C) | Nuclear Assessment Program                                  | Specifies that only those nuclear assessment programs that are directly related to homeland security may be transferred to DHS.  |
| Sec. 302(3)    | Transfer of DOD chemical-biological defense programs to DHS | Clarifies which components of the Biological Counter-terrorism Research Program and the Biological Defense Homeland Security Support Program are to be transferred to DHS.   |
| Sec. 304       | Military activities   | Clarifies limitations on the DHS Secretary's authority to engage in warfighting, defense, and other military-related activities.<br><br>Moves this provision to become the new Sec. 735 of the Act.  |
| Sec. 305       | Homeland Security R&D                                       | Specifies how homeland security-related research and development would be executed.  |
| Sec. 305(a)    | R&D center  | Establishes a primary location for carrying out the research and development activities of DHS at a national laboratory of the National Nuclear Security Administration.   |
| Sec. 305(b)    | Separate contracts for R&D                                  | Requires separate contracts between the laboratories and DHS for execution of research and development activities in support of homeland security.   |
| Sec. 305(c)    | "Added Factor" waiver                                       | This section would prohibit the DOE from adding on additional fees and administrative costs when services are provided to DHS under a "work for others" type of program.   |
| Sec. 305(d)    | Lab-directed research limitations                           | Requires that any laboratory directed research and development projects undertaken at a national laboratory of the DOE with funds derived from the DHS shall support the mission of DHS. The subsection would prevent the use of DHS funds for self-directed research that is not relevant to homeland security. |
| Sec. 305(e)    | Elimination of duplicative research efforts                 | Requires the Secretary of Energy to coordinate with the Secretary of DHS to ensure that homeland security related research, development, and demonstration activities undertaken by the DOE are not duplicative of DHS efforts.  |
| Sec. 305(f)    | DOE-DHS transfer schedule                                   | Requires the DOE Secretary, with the concurrence of the DHS Secretary, to develop a schedule for transfer of assets to DHS.  |

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| Sec. 501(2) | Under Secretary for Emergency Preparedness and Response | Clarifies the responsibilities of the Under Secretary for establishing standards, evaluating and certifying performance, and providing funds to conduct planning and training for the Nuclear Incident Response Team. |
| Sec. 503(a) | Control of Nuclear Incident Response Team               | Limits the circumstances under which the DHS Secretary may assume operational control of nuclear incident response teams to incidents occurring within the United States.   |
| Sec. 503(b) | Construction of Nuclear Incident Response Team          | Clarifies that the Secretary of Energy shall retain primary responsibility for organizing, training, and equipping Nuclear Incident Response Teams.   |
| Sec. 735    | Authorization of appropriations                         | Strikes this section of H.R. 5005 to restore the requirement for annual authorization of the DHS budget by the Congress.  |
| Sec. 802    | Transfer of agencies                                    | Clarifies that agencies may only be transferred pursuant to the provisions of this Act.   |
| Sec. 803    | Transitional authorities                                | Clarifies the responsibilities of affected agencies during the transitional period.   |
| Sec. 904    | Coast Guard   | Makes conforming changes to statutes within the Armed Services Committee's jurisdiction relating to the Coast Guard, but does not transfer the Coast Guard to DHS.  |
| Sec. 907    | National Bio-Weapons Defense Analysis Center            | Strikes the requirement to establish a National Bio-Weapons Defense Analysis Center within DOD prior to its transfer to DHS.  |