

107TH CONGRESS
2D SESSION

S. 2794

To establish a Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2002

Mr. GRAMM (for himself, Mr. MILLER, and Mr. McCONNELL) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish a Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Homeland Security Act of 2002”.

6 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Construction; severability.

Sec. 4. Effective date.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Sec. 101. Executive department; mission.

Sec. 102. Secretary; functions.

Sec. 103. Other officers.

TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE
PROTECTION

- Sec. 201. Under Secretary for Information Analysis and Infrastructure Protection.
- Sec. 202. Functions transferred.
- Sec. 203. Access to information.
- Sec. 204. Information voluntarily provided.

TITLE III—CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND
NUCLEAR COUNTERMEASURES

- Sec. 301. Under Secretary for Chemical, Biological, Radiological, and Nuclear Countermeasures.
- Sec. 302. Functions transferred.
- Sec. 303. Conduct of certain public health-related activities.
- Sec. 304. Military activities.

TITLE IV—BORDER AND TRANSPORTATION SECURITY

- Sec. 401. Under Secretary for Border and Transportation Security.
- Sec. 402. Functions transferred.
- Sec. 403. Visa issuance.

TITLE V—EMERGENCY PREPAREDNESS AND RESPONSE

- Sec. 501. Under Secretary for Emergency Preparedness and Response.
- Sec. 502. Functions transferred.
- Sec. 503. Nuclear incident response.
- Sec. 504. Definition.
- Sec. 505. Conduct of certain public health-related activities.

TITLE VI—MANAGEMENT

- Sec. 601. Under Secretary for Management.
- Sec. 602. Chief Financial Officer.
- Sec. 603. Chief Information Officer.

TITLE VII—COORDINATION WITH NON-FEDERAL ENTITIES; IN-
SPECTOR GENERAL; UNITED STATES SECRET SERVICE; GEN-
ERAL PROVISIONS

Subtitle A—Coordination with Non-Federal Entities

- Sec. 701. Responsibilities.

Subtitle B—Inspector General

- Sec. 710. Authority of the Secretary.

Subtitle C—United States Secret Service

- Sec. 720. Functions transferred.

Subtitle D—General Provisions

- Sec. 730. Establishment of human resources management system.
- Sec. 731. Advisory committees.
- Sec. 732. Acquisitions; property.

Sec. 733. Reorganization; transfer.
 Sec. 734. Miscellaneous provisions.
 Sec. 735. Authorization of appropriations.

TITLE VIII—TRANSITION

Sec. 801. Definitions.
 Sec. 802. Transfer of agencies.
 Sec. 803. Transitional authorities.
 Sec. 804. Savings provisions.
 Sec. 805. Terminations.
 Sec. 806. Incidental transfers.

TITLE IX—CONFORMING AND TECHNICAL AMENDMENTS

Sec. 901. Inspector General Act.
 Sec. 902. Executive schedule.
 Sec. 903. United States Secret Service.
 Sec. 904. Coast Guard.
 Sec. 905. Strategic national stockpile and smallpox vaccine development.
 Sec. 906. Select agent registration.
 Sec. 907. National Bio-Weapons Defense Analysis Center.

1 **SEC. 2. DEFINITIONS.**

2 Unless the context clearly indicates otherwise, the fol-
 3 lowing shall apply for purposes of this Act:

4 (1) The term “American homeland” or “home-
 5 land” means the United States, in a geographic
 6 sense.

7 (2) The term “assets” includes contracts, facili-
 8 ties, property, records, unobligated or unexpended
 9 balances of appropriations, and other funds or re-
 10 sources (other than personnel).

11 (3) The term “Department” means the Depart-
 12 ment of Homeland Security.

13 (4) The term “emergency response providers”
 14 includes Federal, State, and local government emer-
 15 gency public safety, law enforcement, emergency re-

1 sponse, emergency medical, and related personnel,
2 agencies, and authorities.

3 (5) The term “executive agency” means an ex-
4 ecutive agency and a military department, as de-
5 fined, respectively, in sections 105 and 102 of title
6 5, United States Code.

7 (6) The term “functions” includes authorities,
8 powers, rights, privileges, immunities, programs,
9 projects, activities, duties, responsibilities, and obli-
10 gations.

11 (7) The term “local government” has the mean-
12 ing given in section 102(6) of the Robert T. Stafford
13 Disaster Relief and Emergency Assistance Act, Pub-
14 lic Law 93–288.

15 (8) The term “major disaster” has the meaning
16 given in section 102(2) of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act, Pub-
18 lic Law 93–288.

19 (9) The term “personnel” means officers and
20 employees.

21 (10) The term “Secretary” means the Secretary
22 of Homeland Security.

23 (11) The term “United States”, when used in
24 a geographic sense, means any State (within the
25 meaning of section 102(4) of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act, Pub-
2 lic Law 93–288), any possession of the United
3 States, and any waters within the jurisdiction of the
4 United States.

5 **SEC. 3. CONSTRUCTION; SEVERABILITY.**

6 Any provision of this Act held to be invalid or unen-
7 forceable by its terms, or as applied to any person or cir-
8 cumstance, shall be construed so as to give it the max-
9 imum effect permitted by law, unless such holding shall
10 be one of utter invalidity or unenforceability, in which
11 event such provision shall be deemed severable from this
12 Act and shall not affect the remainder thereof, or the ap-
13 plication of such provision to other persons not similarly
14 situated or to other, dissimilar circumstances.

15 **SEC. 4. EFFECTIVE DATE.**

16 This Act shall take effect thirty days after the date
17 of enactment or, if enacted within thirty days before Janu-
18 ary 1, 2003, on January 1, 2003.

19 **TITLE I—DEPARTMENT OF**
20 **HOMELAND SECURITY**

21 **SEC. 101. EXECUTIVE DEPARTMENT; MISSION.**

22 (a) There is established a Department of Homeland
23 Security, as an executive department of the United States
24 within the meaning of title 5, United States Code.

1 (b)(1) The primary mission of the Department is
2 to—

3 (A) prevent terrorist attacks within the United
4 States;

5 (B) reduce the vulnerability of the United
6 States to terrorism; and

7 (C) minimize the damage, and assist in the re-
8 covery, from terrorist attacks that do occur within
9 the United States.

10 (2) In carrying out the mission described in para-
11 graph (1), and as further described in this Act, the De-
12 partment's primary responsibilities shall include—

13 (A) information analysis and infrastructure pro-
14 tection;

15 (B) chemical, biological, radiological, nuclear,
16 and related countermeasures;

17 (C) border and transportation security;

18 (D) emergency preparedness and response; and

19 (E) coordination (including the provision of
20 training and equipment) with other executive agen-
21 cies, with State and local government personnel,
22 agencies, and authorities, with the private sector,
23 and with other entities.

1 (3) The Department shall also be responsible for car-
2 rying out other functions of entities transferred to the De-
3 partment as provided by law.

4 **SEC. 102. SECRETARY; FUNCTIONS.**

5 (a)(1) There is a Secretary of Homeland Security,
6 appointed by the President, by and with the advice and
7 consent of the Senate.

8 (2) The Secretary is the head of the Department and
9 shall have direction, authority, and control over it.

10 (3) All functions of all officers, employees, and orga-
11 nizational units of the Department are vested in the Sec-
12 retary.

13 (b) The Secretary—

14 (1) may delegate any of his functions to any of-
15 ficer, employee, or organizational unit of the Depart-
16 ment;

17 (2) may promulgate regulations hereunder; and

18 (3) shall have such functions, including the au-
19 thority to make contracts, grants, and cooperative
20 agreements, and to enter into agreements with other
21 executive agencies, as may be necessary and proper
22 to carry out his responsibilities under this Act or
23 otherwise provided by law.

1 **SEC. 103. OTHER OFFICERS.**

2 (a) To assist the Secretary in the performance of his
3 functions, there are the following officers, appointed by
4 the President, by and with the advice and consent of the
5 Senate:

6 (1) A Deputy Secretary of Homeland Security,
7 who shall be the Secretary's first assistant for pur-
8 poses of chapter 33, subchapter 3, of title 5, United
9 States Code.

10 (2) An Under Secretary for Information Anal-
11 ysis and Infrastructure Protection.

12 (3) an Under Secretary for Chemical, Biologi-
13 cal, Radiological, and Nuclear Countermeasures.

14 (4) An Under Secretary for Border and Trans-
15 portation Security.

16 (5) an Under Secretary for Emergency Pre-
17 paredness and Response.

18 (6) An Under Secretary for Management.

19 (7) Not more than six Assistant Secretaries.

20 (b) To assist the Secretary in the performance of his
21 functions, there is an Inspector General, who shall be ap-
22 pointed as provided in section 3(a) of the Inspector Gen-
23 eral Act of 1978.

24 (c) To assist the Secretary in the performance of his
25 functions, there is a Commandant of the Coast Guard,

1 who shall be appointed as provided in section 44 of title
2 14, United States Code.

3 (d) To assist the Secretary in the performance of his
4 functions, there are the following officers, appointed by
5 the President:

6 (1) A General Counsel, who shall be the chief
7 legal officer of the Department.

8 (2) Not more than ten Assistant Secretaries.

9 (3) A Director of the Secret Service.

10 (4) A Chief Financial Officer.

11 (5) A Chief Information Officer.

12 (e) Subject to the provisions of this Act, every officer
13 of the department shall perform the functions specified by
14 law for his office or prescribed by the Secretary.

15 **TITLE II—INFORMATION ANAL-**
16 **YSIS AND INFRASTRUCTURE**
17 **PROTECTION**

18 **SEC. 201. UNDER SECRETARY FOR INFORMATION ANALYSIS**

19 **AND INFRASTRUCTURE PROTECTION.**

20 In assisting the Secretary with the responsibilities
21 specified in section 101(b)(2)(A), the primary responsibil-
22 ities of the Under Secretary for Information Analysis and
23 Infrastructure Protection shall include—

24 (1) receiving and analyzing law enforcement in-
25 formation, intelligence, and other information in

1 order to understand the nature and scope of the ter-
2 rorist threat to the American homeland and to de-
3 tect and identify potential threats of terrorism with-
4 in the United States;

5 (2) comprehensively assessing the vulnerabilities
6 of the key resources and critical infrastructures in
7 the United States;

8 (3) integrating relevant information, intelligence
9 analyses, and vulnerability assessments (whether
10 such information, analyses, or assessments are pro-
11 vided or produced by the Department or others) to
12 identify protective priorities and support protective
13 measures by the Department, by other executive
14 agencies, by State and local government personnel,
15 agencies, and authorities, by the private sector, and
16 by other entities;

17 (4) developing a comprehensive national plan
18 for securing the key resources and critical infra-
19 structures in the United States;

20 (5) taking or seeking to effect necessary meas-
21 ures to protect the key resources and critical infra-
22 structures in the United States, in coordination with
23 other executive agencies and in cooperation with
24 State and local government personnel, agencies, and
25 authorities, the private sector, and other entities;

1 (6) administering the Homeland Security Advi-
2 sory System, exercising primary responsibility for
3 public threat advisories, and (in coordination with
4 other executive agencies) providing specific warning
5 information to State and local government per-
6 sonnel, agencies, and authorities, the private sector,
7 other entities, and the public, as well as advice about
8 appropriate protective actions and countermeasures;
9 and

10 (7) reviewing, analyzing, and making rec-
11 ommendations for improvements in the policies and
12 procedures governing the sharing of law enforce-
13 ment, intelligence, and other information relating to
14 homeland security within the Federal Government
15 and between such government and State and local
16 government personnel, agencies, and authorities.

17 **SEC. 202. FUNCTIONS TRANSFERRED.**

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

21 (1) the National Infrastructure Protection Cen-
22 ter of the Federal Bureau of Investigation (other
23 than the Computer Investigations and Operations
24 Section), including the functions of the Attorney
25 General relating thereto;

1 (2) the National Communications System of the
2 Department of Defense, including the functions of
3 the Secretary of Defense relating thereto;

4 (3) the Critical Infrastructure Assurance Office
5 of the Department of Commerce, including the func-
6 tions of the Secretary of Commerce relating thereto;

7 (4) the Computer Security Division of the Na-
8 tional Institute of Standards and Technology, in-
9 cluding the functions of the Secretary of Commerce
10 relating thereto;

11 (5) the National Infrastructure Simulation and
12 Analysis Center of the Department of Energy, in-
13 cluding the functions of the Secretary of Energy re-
14 lating thereto; and

15 (6) the Federal Computer Incident Response
16 Center of the General Services Administration, in-
17 cluding the functions of the Administrator of Gen-
18 eral Services relating thereto.

19 **SEC. 203. ACCESS TO INFORMATION.**

20 The Secretary shall have access to all reports, assess-
21 ments, and analytical information relating to threats of
22 terrorism in the United States and to other areas of re-
23 sponsibility described in section 101(b), and to all infor-
24 mation concerning infrastructure or other vulnerabilities
25 of the United States to terrorism, whether or not such

1 information has been analyzed, that may be collected, pos-
2 sessed, or prepared by any executive agency, except as oth-
3 erwise directed by the President. The Secretary shall also
4 have access to other information relating to the foregoing
5 matters that may be collected, possessed, or prepared by
6 an executive agency, as the President may further provide.
7 With respect to the material to which the Secretary has
8 access under this section—

9 (1) the Secretary may obtain such material by
10 request, and may enter into cooperative arrange-
11 ments with other executive agencies to share such
12 material on a regular or routine basis, including re-
13 quests or arrangements involving broad categories of
14 material;

15 (2) regardless of whether the Secretary has
16 made any request or entered into any cooperative ar-
17 rangement pursuant to paragraph (1), all executive
18 agencies promptly shall provide to the Secretary—

19 (A) all reports, assessments, and analytical
20 information relating to threats of terrorism in
21 the United States and to other areas of respon-
22 sibility described in section 101(b);

23 (B) all information concerning infrastruc-
24 ture or other vulnerabilities of the United

1 States to terrorism, whether or not such infor-
2 mation has been analyzed;

3 (C) all information relating to significant
4 and credible threats of terrorism in the United
5 States, whether or not such information has
6 been analyzed, if the President has provided
7 that the Secretary shall have access to such in-
8 formation; and

9 (D) such other material as the President
10 may further provide; and

11 (3) the Secretary shall ensure that any material
12 received pursuant to this section is protected from
13 unauthorized disclosure and handled and used only
14 for the performance of official duties, and that any
15 intelligence information shared under this section
16 shall be transmitted, retained, and disseminated con-
17 sistent with the authority of the Director of Central
18 Intelligence to protect intelligence sources and meth-
19 ods under the National Security Act and related pro-
20 cedures or, as appropriate, similar authorities of the
21 Attorney General concerning sensitive law enforce-
22 ment information.

23 **SEC. 204. INFORMATION VOLUNTARILY PROVIDED.**

24 Information provided voluntarily by non-Federal enti-
25 ties or individuals that relates to infrastructure

1 vulnerabilities or other vulnerabilities to terrorism and is
2 or has been in the possession of the Department shall not
3 be subject to section 552 of title 5, United States Code.

4 **TITLE III—CHEMICAL, BIOLOGI-**
5 **CAL, RADIOLOGICAL, AND NU-**
6 **CLEAR COUNTERMEASURES**

7 **SEC. 301. UNDER SECRETARY FOR CHEMICAL, BIOLOGICAL,**
8 **RADIOLOGICAL, AND NUCLEAR COUNTER-**
9 **MEASURES.**

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

14 (1) securing the people, infrastructures, prop-
15 erty, resources, and systems in the United States
16 from acts of terrorism involving chemical, biological,
17 radiological, or nuclear weapons or other emerging
18 threats;

19 (2) conducting a national scientific research
20 and development program to support the mission of
21 the Department, including developing national policy
22 for and coordinating the Federal Government's civil-
23 ian efforts to identify, devise, and implement sci-
24 entific, technological, and other countermeasures to
25 chemical, biological, radiological, nuclear, and other

1 emerging terrorist threats, including directing, fund-
2 ing, and conducting research and development relat-
3 ing to the same;

4 (3) establishing priorities for, directing, fund-
5 ing, and conducting national research, development,
6 and procurement of technology and systems—

7 (A) for preventing the importation of
8 chemical, biological, radiological, nuclear, and
9 related weapons and material; and

10 (B) for detecting, preventing, protecting
11 against, and responding to terrorist attacks
12 that involve such weapons or material; and

13 (4) establishing guidelines for State and local
14 government efforts to develop and implement coun-
15 termeasures to threats of chemical, biological, radio-
16 logical, and nuclear terrorism, and other emerging
17 terrorist threats.

18 **SEC. 302. FUNCTIONS TRANSFERRED.**

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

22 (1) the select agent registration enforcement
23 programs and activities of the Department of Health
24 and Human Services, including the functions of the

1 Secretary of Health and Human Services relating
2 thereto;

3 (2) the following programs and activities of the
4 Department of Energy, including the functions of
5 the Secretary of Energy relating thereto (but not in-
6 cluding programs and activities relating to the stra-
7 tegic nuclear defense posture of the United States):

8 (A) the chemical and biological national se-
9 curity and supporting programs and activities
10 of the non-proliferation and verification re-
11 search and development program;

12 (B) the nuclear smuggling programs and
13 activities, and other programs and activities di-
14 rectly related to homeland security, within the
15 proliferation detection program of the non-pro-
16 liferation and verification research and develop-
17 ment program: provided, That the programs
18 and activities described in this subparagraph
19 may be designated by the President either for
20 transfer to the Department or for joint oper-
21 ation by the Secretary and the Secretary of En-
22 ergy;

23 (C) the nuclear assessment program and
24 activities of the assessment, detection, and co-

1 operation program of the international mate-
2 rials protection and cooperation program;

3 (D) the energy security and assurance pro-
4 gram and activities;

5 (E) such life sciences activities of the bio-
6 logical and environmental research program re-
7 lated to microbial pathogens as may be des-
8 ignated by the President for transfer to the De-
9 partment;

10 (F) the Environmental Measurements Lab-
11 oratory; and

12 (G) the advanced scientific computing re-
13 search program and activities, and the intel-
14 ligence program and activities, at Lawrence
15 Livermore National Laboratory;

16 (3) the National Bio-Weapons Defense Analysis
17 Center of the Department of Defense, including the
18 functions of the Secretary of Defense related there-
19 to; and

20 (4) the Plum Island Animal Disease Center of
21 the Department of Agriculture, including the func-
22 tions of the Secretary of Agriculture relating there-
23 to.

1 **SEC. 303. CONDUCT OF CERTAIN PUBLIC HEALTH-RELATED**
2 **ACTIVITIES.**

3 (a)(1) Except as the President may otherwise direct,
4 the Secretary shall carry out his civilian human health-
5 related biological, biomedical, and infectious disease de-
6 fense research and development (including vaccine re-
7 search and development) responsibilities through the De-
8 partment of Health and Human Services (including the
9 Public Health Service), under agreements with the Sec-
10 retary of Health and Human Services, and may transfer
11 funds to him in connection with such agreements.

12 (2) With respect to any responsibilities carried out
13 through the Department of Health and Human Services
14 under this subsection, the Secretary, in consultation with
15 the Secretary of Health and Human Services, shall have
16 the authority to establish the research and development
17 program, including the setting of priorities.

18 (b) With respect to such other research and develop-
19 ment responsibilities under this title, including health-re-
20 lated chemical, radiological, and nuclear defense research
21 and development responsibilities, as he may elect to carry
22 out through the Department of Health and Human Serv-
23 ices (including the Public Health Service) (under agree-
24 ments with the Secretary of Health and Human Services)
25 or through other Federal agencies (under agreements with
26 their respective heads), the Secretary may transfer funds

1 to the Secretary of Health and Human Services, or to such
2 heads, as the case may be.

3 **SEC. 304. MILITARY ACTIVITIES.**

4 Except as specifically provided in this Act, nothing
5 in this Act shall confer upon the Secretary any authority
6 to engage in warfighting, the military defense of the
7 United States, or other traditional military activities.

8 **TITLE IV—BORDER AND**
9 **TRANSPORTATION SECURITY**

10 **SEC. 401. UNDER SECRETARY FOR BORDER AND TRANS-**
11 **PORTATION SECURITY.**

12 In assisting the Secretary with the responsibilities
13 specified in section 101(b)(2)(C), the primary responsibil-
14 ities of the Under Secretary for Border and Transpor-
15 tation Security shall include—

16 (1) preventing the entry of terrorists and the
17 instruments of terrorism into the United States;

18 (2) securing the borders, territorial waters,
19 ports, terminals, waterways, and air, land, and sea
20 transportation systems of the United States, includ-
21 ing managing and coordinating governmental activi-
22 ties at ports of entry;

23 (3) administering the immigration and natu-
24 ralization laws of the United States, including the
25 establishment of rules, in accordance with section

1 403, governing the granting of visas or other forms
2 of permission, including parole, to enter the United
3 States to individuals who are not citizens or lawful
4 permanent residents thereof;

5 (4) administering the customs laws of the
6 United States; and

7 (5) in carrying out the foregoing responsibil-
8 ities, ensuring the speedy, orderly, and efficient flow
9 of lawful traffic and commerce.

10 **SEC. 402. FUNCTIONS TRANSFERRED.**

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

14 (1) the United States Customs Service of the
15 Department of the Treasury, including the functions
16 of the Secretary of the Treasury relating thereto;

17 (2) the Immigration and Naturalization Service
18 of the Department of Justice, including the func-
19 tions of the Attorney General relating thereto;

20 (3) the Animal and Plant Health Inspection
21 Service of the Department of Agriculture, including
22 the functions of the Secretary of Agriculture relating
23 thereto;

24 (4) the Coast Guard of the Department of
25 Transportation, which shall be maintained as a dis-

1 tinct entity within the Department, including the
2 functions of the Secretary of Transportation relating
3 thereto;

4 (5) the Transportation Security Administration
5 of the Department of Transportation, including the
6 functions of the Secretary of Transportation, and of
7 the Under Secretary of Transportation for Security,
8 relating thereto; and

9 (6) the Federal Protective Service of the Gen-
10 eral Services Administration, including the functions
11 of the Administrator of General Services relating
12 thereto.

13 **SEC. 403. VISA ISSUANCE.**

14 (a) Notwithstanding the provisions of section 104 of
15 the Immigration and Nationality Act (8 U.S.C. 1104) or
16 any other law, and except as provided in subsection (b)
17 of this section, the Secretary shall have—

18 (1) exclusive authority, through the Secretary
19 of State, to issue regulations with respect to, admin-
20 ister, and enforce the provisions of that Act and all
21 other immigration and nationality laws relating to
22 the functions of diplomatic and consular officers of
23 the United States in connection with the granting or
24 refusal of visas; and

1 (2) authority to confer or impose upon any offi-
2 cer or employee of the United States, with the con-
3 sent of the executive agency under whose jurisdiction
4 such officer or employee is serving, any of the func-
5 tions specified in paragraph (1).

6 (b) The Secretary of State may refuse a visa to an
7 alien if the Secretary of State deems such refusal nec-
8 essary or advisable in the interests of the United States.

9 **TITLE V—EMERGENCY**
10 **PREPAREDNESS AND RESPONSE**

11 **SEC. 501. UNDER SECRETARY FOR EMERGENCY PREPARED-**
12 **NESS AND RESPONSE.**

13 In assisting the Secretary with the responsibilities
14 specified in section 101(b)(2)(D), the primary responsibil-
15 ities of the Under Secretary for Emergency Preparedness
16 and Response shall include—

17 (1) helping to ensure the preparedness of emer-
18 gency response providers for terrorist attacks, major
19 disasters, and other emergencies;

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)—

24 (A) establishing standards and certifying
25 when those standards have been met;

1 (B) conducting joint and other exercises
2 and training and evaluating performance; and

3 (C) providing funds to the Department of
4 Energy and the Environmental Protection
5 Agency, as appropriate, for homeland security
6 planning, exercises and training, and equip-
7 ment;

8 (3) providing the Federal Government's re-
9 sponse to terrorist attacks and major disasters,
10 including—

11 (A) managing such response;

12 (B) directing the Domestic Emergency
13 Support Team, the Strategic National Stock-
14 pile, the National Disaster Medical System,
15 and (when operating as an organizational unit of
16 the Department pursuant to this title) the Nu-
17 clear Incident Response Team;

18 (C) overseeing the Metropolitan Medical
19 Response System; and

20 (D) coordinating other Federal response
21 resources in the event of a terrorist attack or
22 major disaster;

23 (4) aiding the recovery from terrorist attacks
24 and major disasters;

1 (5) building a comprehensive national incident
2 management system with Federal, State, and local
3 government personnel, agencies, and authorities, to
4 respond to such attacks and disasters;

5 (6) consolidating existing Federal Government
6 emergency response plans into a single, coordinated
7 national response plan; and

8 (7) developing comprehensive programs for de-
9 veloping interoperative communications technology,
10 and helping to ensure that emergency response pro-
11 viders acquire such technology.

12 **SEC. 502. FUNCTIONS TRANSFERRED.**

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

16 (1) the Federal Emergency Management Agen-
17 cy, including the functions of the Director of the
18 Federal Emergency Management Agency relating
19 thereto;

20 (2) the Office for Domestic Preparedness of the
21 Office of Justice Programs, including the functions
22 of the Attorney General relating thereto;

23 (3) the National Domestic Preparedness Office
24 of the Federal Bureau of Investigation, including the
25 functions of the Attorney General relating thereto;

1 (4) the Domestic Emergency Support Teams of
2 the Department of Justice, including the functions
3 of the Attorney General relating thereto;

4 (5) the Office of the Assistant Secretary for
5 Public Health Emergency Preparedness (including
6 the Office of Emergency Preparedness, the National
7 Disaster Medical System, and the Metropolitan Med-
8 ical Response System) of the Department of Health
9 and Human Services, including the functions of the
10 Secretary of Health and Human Services relating
11 thereto; and

12 (6) the Strategic National Stockpile of the De-
13 partment of Health and Human Services, including
14 the functions of the Secretary of Health and Human
15 Services relating thereto.

16 **SEC. 503. NUCLEAR INCIDENT RESPONSE.**

17 (a) At the direction of the Secretary (in connection
18 with an actual or threatened terrorist attack, major dis-
19 aster, or other emergency), the Nuclear Incident Response
20 Team shall operate as an organizational unit of the De-
21 partment. While so operating, the Nuclear Incident Re-
22 sponse Team shall be subject to the direction, authority,
23 and control of the Secretary.

24 (b) Nothing in this title shall be understood to limit
25 the ordinary responsibility of the Secretary of Energy and

1 the Administrator of the Environmental Protection Agen-
2 cy for organizing, training, equipping, and utilizing their
3 respective entities in the Nuclear Incident Response Team,
4 or (subject to the provisions of this title) from exercising
5 direction, authority, and control over them when they are
6 not operating as a unit of the Department.

7 **SEC. 504. DEFINITION.**

8 For purposes of this title, “nuclear incident response
9 team” means a resource that includes—

10 (1) those entities of the Department of Energy
11 that perform nuclear and/or radiological emergency
12 support functions (including accident response,
13 search response, advisory, and technical operations
14 functions), radiation exposure functions at the med-
15 ical assistance facility known as Oak Ridge National
16 Laboratory, radiological assistance functions, and re-
17 lated functions; and

18 (2) those entities of the Environmental Protec-
19 tion Agency that perform such support functions (in-
20 cluding radiological emergency response functions)
21 and related functions.

22 **SEC. 505. CONDUCT OF CERTAIN PUBLIC HEALTH-RELATED**
23 **ACTIVITIES.**

24 (a) Except as the President may otherwise direct, the
25 Secretary shall carry out the following responsibilities

1 through the Department of Health and Human Services
2 (including the Public Health Service), under agreements
3 with the Secretary of Health and Human Services, and
4 may transfer funds to him in connection with such
5 agreements—

6 (1) all biological, chemical, radiological, and nu-
7 clear preparedness-related construction, renovation,
8 and enhancement of security for research and devel-
9 opment or other facilities owned or occupied by the
10 Department of Health and Human Services; and

11 (2) all public health-related activities being car-
12 ried out by the Department of Health and Human
13 Services on the effective date of this Act (other than
14 activities under functions transferred by this Act to
15 the Department) to assist State and local govern-
16 ment personnel, agencies, or authorities, non-Federal
17 public and private health care facilities and pro-
18 viders, and public and non-profit health and edu-
19 cational facilities, to plan, prepare for, prevent, iden-
20 tify, and respond to biological, chemical, radiological,
21 and nuclear events and public health emergencies, by
22 means including direct services, technical assistance,
23 communications and surveillance, education and
24 training activities, and grants.

1 (b) With respect to any responsibilities carried out
2 through the Department of Health and Human Services
3 under this section, the Secretary, in consultation with the
4 Secretary of Health and Human Services, shall have the
5 authority to establish the preparedness and response pro-
6 gram, including the setting of priorities.

7 **TITLE VI—MANAGEMENT**

8 **SEC. 601. UNDER SECRETARY FOR MANAGEMENT.**

9 In assisting the Secretary with the management and
10 administration of the Department, the primary respon-
11 sibilities of the Under Secretary for Management shall in-
12 clude, for the Department—

13 (1) the budget, appropriations, expenditures of
14 funds, accounting, and finance;

15 (2) procurement;

16 (3) human resources and personnel;

17 (4) information technology and communications
18 systems;

19 (5) facilities, property, equipment, and other
20 material resources;

21 (6) security for personnel, information tech-
22 nology and communications systems, facilities, prop-
23 erty, equipment, and other material resources; and

1 (7) identification and tracking of performance
2 measures relating to the responsibilities of the De-
3 partment.

4 **SEC. 602. CHIEF FINANCIAL OFFICER.**

5 The Chief Financial Officer shall report to the Sec-
6 retary, or to another official of the Department, as the
7 Secretary may direct.

8 **SEC. 603. CHIEF INFORMATION OFFICER.**

9 The Chief Information Officer shall report to the Sec-
10 retary, or to another official of the Department, as the
11 Secretary may direct.

12 **TITLE VII—COORDINATION WITH**
13 **NON-FEDERAL ENTITIES; IN-**
14 **SPECTOR GENERAL; UNITED**
15 **STATES SECRET SERVICE;**
16 **GENERAL PROVISIONS**
17 **Subtitle A—Coordination with**
18 **Non-Federal Entities**

19 **SEC. 701. RESPONSIBILITIES.**

20 In discharging his responsibilities relating to coordi-
21 nation (including the provision of training and equipment)
22 with State and local government personnel, agencies, and
23 authorities, with the private sector, and with other enti-
24 ties, the responsibilities of the Secretary shall include—

1 (1) coordinating with State and local govern-
2 ment personnel, agencies, and authorities, and with
3 the private sector, to ensure adequate planning,
4 equipment, training, and exercise activities;

5 (2) coordinating and, as appropriate, consoli-
6 dating, the Federal Government's communications
7 and systems of communications relating to homeland
8 security with State and local government personnel,
9 agencies, and authorities, the private sector, other
10 entities, and the public;

11 (3) directing and supervising grant programs of
12 the Federal Government for State and local govern-
13 ment emergency response providers; and

14 (4) distributing or, as appropriate, coordinating
15 the distribution of, warnings and information to
16 State and local government personnel, agencies, and
17 authorities and to the public.

18 **Subtitle B—Inspector General**

19 **SEC. 710. AUTHORITY OF THE SECRETARY.**

20 (a) Notwithstanding the last two sentences of section
21 3(a) of the Inspector General Act of 1978, the Inspector
22 General shall be under the authority, direction, and con-
23 trol of the Secretary with respect to audits or investiga-
24 tions, or the issuance of subpoenas, that require access
25 to information concerning—

1 (1) intelligence, counterintelligence, or
2 counterterrorism matters;

3 (2) ongoing criminal investigations or pro-
4 ceedings;

5 (3) undercover operations;

6 (4) the identity of confidential sources, includ-
7 ing protected witnesses;

8 (5) other matters the disclosure of which would,
9 in the Secretary's judgment, constitute a serious
10 threat to the protection of any person or property
11 authorized protection by section 3056 of title 18,
12 United States Code, section 202 of title 3 of such
13 Code, or any provision of the Presidential Protection
14 Assistance Act of 1976; or

15 (6) other matters the disclosure of which would,
16 in the Secretary's judgment, constitute a serious
17 threat to national security.

18 (b) With respect to the information described in sub-
19 section (a), the Secretary may prohibit the Inspector Gen-
20 eral from carrying out or completing any audit or inves-
21 tigation, or from issuing any subpoena, after such Inspec-
22 tor General has decided to initiate, carry out, or complete
23 such audit or investigation or to issue such subpoena, if
24 the Secretary determines that such prohibition is nec-
25 essary to prevent the disclosure of any information de-

1 scribed in subsection (a), to preserve the national security,
2 or to prevent a significant impairment to the interests of
3 the United States.

4 (c) The Secretary shall notify the President of the
5 Senate and the Speaker of the House of Representatives
6 within thirty days of any exercise of his authority under
7 this section.

8 **Subtitle C—United States Secret** 9 **Service**

10 **SEC. 720. FUNCTIONS TRANSFERRED.**

11 In accordance with title VIII, there shall be trans-
12 ferred to the Secretary the functions, personnel, assets,
13 and liabilities of the United States Secret Service, which
14 shall be maintained as a distinct entity within the Depart-
15 ment, including the functions of the Secretary of the
16 Treasury relating thereto.

17 **Subtitle D—General Provisions**

18 **SEC. 730. ESTABLISHMENT OF HUMAN RESOURCES MAN-**

19 **AGEMENT SYSTEM.**

20 Title 5, United States Code, is amended by
21 inserting—

22 (1) after part III a new part as follows:

1 United States Code, unless his act, which by any such sec-
2 tion is made unlawful when performed by an individual
3 referred to therein, is with respect to any particular mat-
4 ter that directly involves the Department or in which the
5 Department is directly interested. An advisory committee
6 established under this section shall not be subject to Pub-
7 lic Law 92-463, but the Secretary shall publish notice in
8 the Federal Register announcing the establishment of
9 such a committee and identifying its purpose and member-
10 ship.

11 **SEC. 732. ACQUISITIONS; PROPERTY.**

12 (a)(1) When the Secretary carries out basic, applied,
13 and advanced research and development projects, he may
14 exercise the same authority (subject to the same limita-
15 tions and conditions) with respect to such research and
16 projects as the Secretary of Defense may exercise under
17 section 2371 of title 10, United States Code (except for
18 subsections (b) and (f)), after making a determination
19 that the use of a contract, grant, or cooperative agreement
20 for such project is not feasible or appropriate. The annual
21 report required under subsection (h) of such section, as
22 applied to the Secretary by this paragraph, shall be sub-
23 mitted to the President of the Senate and the Speaker
24 of the House of Representatives.

1 (2) The Secretary may, under the authority of para-
2 graph (1), carry out prototype projects in accordance with
3 the requirements and conditions provided for carrying out
4 prototype projects under section 845 of the National De-
5 fense Authorization Act for Fiscal Year 1994 (Public Law
6 103–160). In applying the authorities of such section 845,
7 subsection (c) thereof shall apply with respect to prototype
8 projects under this paragraph, and the Secretary shall
9 perform the functions of the Secretary of Defense under
10 subsection (d) thereof.

11 (b) Notwithstanding the time and pay limitations of
12 section 3109 of title 5, United States Code, the Secretary
13 may procure personal services, including the services of
14 experts and consultants (or organizations thereof).

15 (c) Section 602 of the Act of June 30, 1949 (40
16 U.S.C. 474) is amended by replacing “; or (21)” with “;
17 (21) the Department of Homeland Security; or (22)”.

18 (d) Notwithstanding any other provision of law, the
19 Secretary, in accordance with regulations prescribed joint-
20 ly with the Administrator of General Services and the Di-
21 rector of the Office of Management and Budget—

22 (1) may acquire replacement real property (in-
23 cluding interests therein)—

1 (A) by transfer or exchange of the Depart-
2 ment's property with other executive agencies;

3 or

4 (B) by sale to or exchange of the Depart-
5 ment's property with non-Federal parties;

6 (2) by lease, permit, license, or other similar in-
7 strument, may make available to other executive
8 agencies and to non-Federal parties, on a fair mar-
9 ket rental value basis, the unexpired portion of any
10 government lease for real property occupied or pos-
11 sessed by the Department;

12 (3) may make available by outlease agreements
13 with other executive agencies or with non-Federal
14 parties, any unused or underused portion of or inter-
15 est in any real or related personal property occupied
16 or possessed by the Department; and

17 (4) may deposit the proceeds of any exercise of
18 the authority granted by this subsection into any ac-
19 count in the Treasury available to him, without re-
20 gard to fiscal year limitations.

21 (e) Upon the written request of the Secretary, the
22 Administrator of General Services shall delegate to him
23 all responsibilities and authorities provided by law to the
24 Administrator for the care and handling of the Depart-

1 ment's surplus real and related personal property, pending
2 its disposition, and for the disposal of such property.

3 (f) Notwithstanding any other provision of law, the
4 Secretary may retain, from the proceeds of the sale of per-
5 sonal property, amounts necessary to recover, to the ex-
6 tent practicable, the full costs (direct and indirect) in-
7 curred by the Secretary in disposing of such property, in-
8 cluding but not limited to the costs of warehousing, stor-
9 age, environmental services, advertising, appraisal, and
10 transportation. Such amounts shall be deposited into an
11 account available for such expenses without regard to fis-
12 cal year limitations.

13 **SEC. 733. REORGANIZATION; TRANSFER.**

14 (a) The Secretary is authorized to allocate or reallo-
15 cate functions among the officers of the Department, and
16 to establish, consolidate, alter, or discontinue such organi-
17 zational units within the Department, as he may deem
18 necessary or appropriate, but such authority does not ex-
19 tend to—

20 (1) any entity transferred to the Department
21 and established by statute, or any function vested by
22 statute in such an entity or officer of such an entity,
23 unless not less than ninety days' notice has been
24 given to the President of the Senate and Speaker of
25 the House of Representatives; or

1 (2) the abolition of any entity established or re-
2 quired to be maintained as a distinct entity by this
3 Act.

4 (b) Except as otherwise specifically provided by law,
5 not to exceed five percent of any appropriation available
6 to the Secretary in any fiscal year may be transferred be-
7 tween such appropriations: provided, That not less than
8 fifteen days' notice shall be given to the Committees on
9 Appropriations of the Senate and House of Representa-
10 tives before any such transfer is made.

11 **SEC. 734. MISCELLANEOUS PROVISIONS.**

12 (a) The Department shall have a seal, whose design
13 is subject to the approval of the President.

14 (b) With respect to the Department, the Secretary
15 shall have the same authorities that the Attorney General
16 has with respect to the Department of Justice under sec-
17 tion 524(d) of title 28, United States Code.

18 (c) With respect to the Department, the Secretary
19 shall have the same authorities that the Secretary of
20 Transportation has with respect to the Department of
21 Transportation under section 324 of title 49, United
22 States Code.

23 (d) Unless otherwise provided in the delegation or by
24 law, any function delegated under this Act may be redele-
25 gated to any subordinate.

1 **SEC. 735. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the provisions of this
4 Act.

5 **TITLE VIII—TRANSITION**

6 **SEC. 801. DEFINITIONS.**

7 For purposes of this title—

8 (1) the term “agency” includes any entity, or-
9 ganizational unit, or function; and

10 (2) the term “transition period” means the 12-
11 month period beginning on the effective date of this
12 Act.

13 **SEC. 802. TRANSFER OF AGENCIES.**

14 The transfer of an agency to the Department shall
15 occur when the President so directs, but in no event later
16 than the end of the transition period. When an agency
17 is transferred, the President may also transfer to the De-
18 partment any agency established to carry out or support
19 adjudicatory or review functions in relation to the agency.

20 **SEC. 803. TRANSITIONAL AUTHORITIES.**

21 (a) Until the transfer of an agency to the Depart-
22 ment, any official having authority over or functions relat-
23 ing to the agency immediately before the effective date of
24 this Act shall provide to the Secretary such assistance, in-
25 cluding the use of personnel and assets, as he may request

1 in preparing for the transfer and integration of the agency
2 into the Department.

3 (b) During the transition period, upon the request of
4 the Secretary, the head of any executive agency may, on
5 a reimbursable or nonreimbursable basis, provide services
6 and/or detail personnel to assist with the transition.

7 (c) Until the transfer of an agency to the Depart-
8 ment, the President is authorized to transfer to the Sec-
9 retary not to exceed five percent of the unobligated bal-
10 ance of any appropriation available to such agency, to
11 fund the purposes authorized in this Act: *Provided*, That
12 not less than 15 days' notice shall be given to the Commit-
13 tees on Appropriations of the Senate and House of Rep-
14 resentatives before any such funds transfer is made.

15 (d)(1) During the transition period, pending the ad-
16 vice and consent of the Senate to the appointment of an
17 officer required by this Act to be appointed by and with
18 such advice and consent, the President may designate any
19 officer whose appointment was required to be made by and
20 with such advice and consent and who was such an officer
21 immediately before the effective date of this Act (and who
22 continues in office) or immediately before such designa-
23 tion, to act in such office until the same is filled as pro-
24 vided in this Act; while so acting, such officers shall re-
25 ceive compensation at the higher of—

1 (A) the rates provided by this Act for the re-
2 spective offices in which they act; or

3 (B) the rates provided for the offices held at
4 the time of designation.

5 (2) Nothing in this Act shall be understood to require
6 the advice and consent of the Senate to the appointment
7 by the President to a position in the Department of any
8 officer whose agency is transferred to the Department
9 pursuant to this Act and whose duties following such
10 transfer are germane to those performed before such
11 transfer.

12 (e) Upon the transfer of an agency to the
13 Department—

14 (1) the personnel, assets, and liabilities held by
15 or available in connection with the agency shall be
16 transferred to the Secretary for appropriate alloca-
17 tion, subject to the approval of the Director of the
18 Office of Management and Budget and notwith-
19 standing the provisions of section 1531(a)(2) of title
20 31, United States Code; and

21 (2) the Secretary shall have all functions relat-
22 ing to the agency that any other official could by law
23 exercise in relation to the agency immediately before
24 such transfer, and shall have in addition all func-

1 tions vested in the Secretary by this Act or other
2 law.

3 **SEC. 804. SAVINGS PROVISIONS.**

4 (a)(1) Completed administrative actions of an agency
5 shall not be affected by the enactment of this Act or the
6 transfer of such agency to the Department, but shall con-
7 tinue in effect according to their terms until amended,
8 modified, superseded, terminated, set aside, or revoked in
9 accordance with law by an officer of the United States
10 or a court of competent jurisdiction, or by operation of
11 law.

12 (2) For purposes of paragraph (1), the term “com-
13 pleted administrative action” includes orders, determina-
14 tions, rules, regulations, personnel actions, permits, agree-
15 ments, grants, contracts, certificates, licenses, registra-
16 tions, and privileges.

17 (b) Subject to the authority of the Secretary under
18 this Act—

19 (1) pending proceedings in an agency, including
20 notices of proposed rulemaking, and applications for
21 licenses, permits, certificates, grants, and financial
22 assistance, shall continue notwithstanding the enact-
23 ment of this Act or the transfer of the agency to the
24 Department, unless discontinued or modified under
25 the same terms and conditions and to the same ex-

1 tent that such discontinuance could have occurred if
2 such enactment or transfer had not occurred; and

3 (2) orders issued in such proceedings, and ap-
4 peals therefrom, and payments made pursuant to
5 such orders, shall issue in the same manner and on
6 the same terms as if this Act had not been enacted
7 or the agency had not been transferred, and any
8 such orders shall continue in effect until amended,
9 modified, superseded, terminated, set aside, or re-
10 voked by an officer of the United States or a court
11 of competent jurisdiction, or by operation of law.

12 (c) Subject to the authority of the Secretary under
13 this Act, pending civil actions shall continue notwith-
14 standing the enactment of this Act or the transfer of an
15 agency to the Department, and in such civil actions, pro-
16 ceedings shall be had, appeals taken, and judgments ren-
17 dered and enforced in the same manner and with the same
18 effect as if such enactment or transfer had not occurred.

19 (d) References relating to an agency that is trans-
20 ferred to the Department in statutes, Executive orders,
21 rules, regulations, directives, or delegations of authority
22 that precede such transfer or the effective date of this Act
23 shall be deemed to refer, as appropriate, to the Depart-
24 ment, to its officers, employees, or agents, or to its cor-
25 responding organizational units or functions. Statutory re-

1 porting requirements that applied in relation to such an
2 agency immediately before the effective date of this Act
3 shall continue to apply following such transfer if they refer
4 to the agency by name.

5 (e)(1) Notwithstanding the generality of the fore-
6 going (including subsections (a) and (d)), in and for the
7 Department the Secretary may, in regulations prescribed
8 jointly with the Director of the Office of Personnel Man-
9 agement, adopt the rules, procedures, terms, and condi-
10 tions, established by statute, rule, or regulation before the
11 effective date of this Act, relating to employment in any
12 agency transferred to the Department pursuant to this
13 Act; and

14 (2) except as otherwise provided in this Act, or
15 under authority granted by this Act, the transfer
16 pursuant to this Act of personnel shall not alter the
17 terms and conditions of employment, including com-
18 pensation, of any employee so transferred.

19 **SEC. 805. TERMINATIONS.**

20 Except as otherwise provided in this Act, whenever
21 all the functions vested by law in any agency have been
22 transferred pursuant to this Act, each position and office
23 the incumbent of which was authorized to receive com-
24 pensation at the rates prescribed for an office or position

1 at level II, III, IV, or V, of the Executive Schedule, shall
2 terminate.

3 **SEC. 806. INCIDENTAL TRANSFERS.**

4 The Director of the Office of Management and Budg-
5 et, in consultation with the Secretary, is authorized and
6 directed to make such additional incidental dispositions of
7 personnel, assets, and liabilities held, used, arising from,
8 available, or to be made available, in connection with the
9 functions transferred by this Act, as he may deem nec-
10 essary to accomplish the purposes of this Act.

11 **TITLE IX—CONFORMING AND**
12 **TECHNICAL AMENDMENTS**

13 **SEC. 901. INSPECTOR GENERAL ACT.**

14 Section 11 of the Inspector General Act of 1978
15 (Public Law 95–452) is amended by—

16 (1) inserting “Homeland Security,” after
17 “Transportation,” each place it appears;

18 (2) replacing “; and” each place it appears with
19 “;”;

20 (3) replacing “,” with “;”;

21 (4) replacing “;” with “;”.

22 **SEC. 902. EXECUTIVE SCHEDULE.**

23 Title 5, United States Code, is amended—

24 (1) in section 5312, by inserting “Secretary of
25 Homeland Security.” as a new item after “Affairs.”;

1 (2) in section 5313, by inserting “Deputy Sec-
2 retary of Homeland Security.” as a new item after
3 “Affairs.”;

4 (3) in section 5314, by inserting “Under Secre-
5 taries, Department of Homeland Security.” as a new
6 item after “Affairs.” the third place it appears;

7 (4) in section 5315, by inserting “Assistant
8 Secretaries, Department of Homeland Security.”,
9 “General Counsel, Department of Homeland Secu-
10 rity.”, “Chief Financial Officer, Department of
11 Homeland Security.”, “Chief Information Officer,
12 Department of Homeland Security.”, and “Inspector
13 General, Department of Homeland Security.” as new
14 items after “Affairs.” the first place it appears.

15 **SEC. 903. UNITED STATES SECRET SERVICE.**

16 (a) The United States Code is amended in sections
17 202 and 208 of title 3, and in section 3056 of title 18,
18 by replacing “of the Treasury”, each place it appears, with
19 “of Homeland Security”.

20 (b) The amendments made by this section shall take
21 effect on the date of transfer of the United States Secret
22 Service to the Department.

23 **SEC. 904. COAST GUARD.**

24 (a) Title 14 of the United States Code is amended—

1 (B) by inserting “the Secretary of Health
2 and Human Services and” between “in coordi-
3 nation with” and “the Secretary of Veterans
4 Affairs”; and

5 (C) by inserting “of Health and Human
6 Services” after “as are determined by the Sec-
7 retary”; and

8 (2) in subsections 121(a)(2) and (b), by insert-
9 ing “of Health and Human Services” after “Sec-
10 retary” each place it appears.

11 (b) The amendments made by this section shall take
12 effect on the date of transfer of the Strategic National
13 Stockpile of the Department of Health and Human Serv-
14 ices to the Department.

15 **SEC. 906. SELECT AGENT REGISTRATION.**

16 (a) The Public Health Service Act is amended—

17 (1) in section 351A(a)(1)(A), by inserting “(as
18 defined in subsection (l)(9))” after “Secretary”;

19 (2) in section 351A(h)(2)(A), by inserting “De-
20 partment of Homeland Security, the” before “De-
21 partment of Health and Human Services”;

22 (3) in section 351A(l), by inserting after para-
23 graph (8) a new paragraph as follows:

