

108TH CONGRESS  
1ST SESSION

# H. R. 484

To make certain amendments to the Homeland Security Act of 2002.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2003

Mr. OSE (for himself, Mr. HOUGHTON, Mr. CASTLE, and Mr. LEACH) introduced the following bill; which was referred to the Select Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Science, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To make certain amendments to the Homeland Security Act  
of 2002.

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. SCIENCE AND TECHNOLOGY.**

4       The Homeland Security Act of 2002 (Public Law  
5       107-296) is amended—

6               (1) in section 308, by striking subsections (a)  
7               through (c)(1) and inserting in lieu thereof the fol-  
8               lowing:

1       “(a) IN GENERAL.—The Secretary, acting through  
2 the Under Secretary for Science and Technology, shall  
3 carry out the responsibilities under section 302(4) through  
4 both extramural and intramural programs.

5       “(b) EXTRAMURAL PROGRAMS.—

6           “(1) IN GENERAL.—The Secretary, acting  
7 through the Under Secretary for Science and Tech-  
8 nology, shall operate extramural research, develop-  
9 ment, demonstration, testing, and evaluation pro-  
10 grams so as to—

11           “(A) ensure that colleges, universities, pri-  
12 vate research institutes, and companies (and  
13 consortia thereof) from as many areas of the  
14 United States as practicable participate;

15           “(B) ensure that the research funded is of  
16 high quality, as determined through merit re-  
17 view processes developed under section 302(14);  
18 and

19           “(C) distribute funds through grants, co-  
20 operative agreements, and contracts.

21           “(2) UNIVERSITY-BASED CENTERS FOR HOME-  
22 LAND SECURITY.—

23           “(A) DESIGNATION.—The Secretary, act-  
24 ing through the Under Secretary for Science  
25 and Technology, shall designate a university-

1 based center or several university-based centers  
2 for homeland security. The purpose of the cen-  
3 ter or these centers shall be to establish a co-  
4 ordinated, university-based system to enhance  
5 the Nation's homeland security.

6                             “(B) CRITERIA FOR DESIGNATION.—Cri-  
7                             teria for the designation of colleges or univer-  
8                             sities as a center for homeland security, shall  
9                             include, but are not limited to, demonstrated  
10                            expertise in the following:

21 “(vi) Food safety.

## 24 “(viii) Port and waterway security.

25 “(ix) Multi-modal transportation.

1                     “(x) Information security and infor-  
2                     mation engineering.

3                     “(xi) Engineering.  
4                     “(xii) Educational outreach and tech-  
5                     nical assistance.

6                     “(xiii) Border transportation and se-  
7                     curity.

8                     “(xiv) The public policy implications  
9                     and public dissemination of homeland secu-  
10                    rity related research and development.

11                    “(C) DISCRETION OF SECRETARY.—With  
12                    respect to the designation of any given univer-  
13                    sity-based center for homeland security, the  
14                    Secretary may except certain criteria as speci-  
15                    fied in section 308(b)(2)(B) to the extent they  
16                    are unnecessary to further homeland security  
17                    interests for the purpose of that designation,  
18                    and consider additional criteria beyond those  
19                    specified in section 308(b)(2)(B) if necessary to  
20                    meet the needs of homeland security. Upon des-  
21                    ignation of a university-based center for home-  
22                    land security, the Secretary shall that day pub-  
23                    lish in the Federal Register the criteria that  
24                    were excepted or added in the selection process

1 and the justification for the set of criteria that  
2 were used for that designation.

3 “(D) REPORT TO CONGRESS.—The Sec-  
4 retary shall report annually, from the date of  
5 enactment, to Congress concerning the imple-  
6 mentation of this section. That report shall in-  
7 dicate which center or centers have been des-  
8 ignated and how the designation or designations  
9 enhance homeland security, as well as report  
10 any decisions to revoke or modify such designa-  
11 tions.

12 “(E) AUTHORIZATION OF APPROPRIA-  
13 TIONS.—There are authorized to be appro-  
14 priated such sums as may be necessary to carry  
15 out this paragraph.

16 “(c) INTRAMURAL PROGRAMS.—

17 “(1) CONSULTATION.—In carrying out the du-  
18 ties under section 302, the Secretary, acting through  
19 the Under Secretary for Science and Technology,  
20 may draw upon the expertise of any laboratory of  
21 the Federal Government, whether operated by a con-  
22 tractor or the Government.”; and

23 (2) in subsection 835(d) by striking all after  
24 the word “security” and inserting in lieu thereof a  
25 period.

1 **SEC. 2. NON-PREJUDICIAL REPEAL OF SECTIONS 1714**2 **THROUGH 1717 OF THE HOMELAND SECURITY**3 **ACT OF 2002.**

4 (a) REPEAL.—In accordance with subsection (c), sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296) are repealed.

7 (b) APPLICATION OF THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) shall be applied and administered as if the sections 10 repealed by subsection (a) had never been enacted.

11 (c) RULE OF CONSTRUCTION.—No inference shall be drawn from the enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296), or from this repeal, regarding the law prior to enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296). Further, no inference shall be drawn that subsection (a) or (b) effects any change in that prior law, or that *Leroy v. Secretary of Health and Human Services, Office of Special Master*, No. 02–392V (October 11, 2002), was incorrectly decided.

21 (d) SENSE OF THE HOUSE OF REPRESENTATIVES.—  
22 It is the sense of the House of Representatives that—  
23 (1) the Nation’s ability to produce and develop  
24 new and effective vaccines faces significant challenges, and important steps are needed to revitalize  
25 our immunization efforts in order to ensure an ade-

quate supply of vaccines and to encourage the development of new vaccines;

10 (3) prompt action is particularly critical given  
11 that vaccines are a front line of defense against com-  
12 mon childhood and adult diseases, as well as against  
13 current and future biological threats; and

14 (4) not later than 6 months after the date of  
15 the enactment of this Act, the Committee on Energy  
16 and Commerce should report a bill addressing the  
17 issues described in paragraphs (1) through (3).

18 SEC. 3. WAIVERS RELATING TO CONTRACTS WITH COR-  
19 PORATE EXPATRIATES.

20 Section 835 of the Homeland Security Act of 2002  
21 (Public Law 107-296) is amended by striking subsection  
22 (d) and inserting the following:

23        "(d) WAIVERS.—The Secretary shall waive sub-  
24 section (a) with respect to any specific contract if the Sec-

1 retary determines that the waiver is required in the inter-  
2 est of homeland security.”.

3 **SEC. 4. EFFECTIVE DATE.**

4 The amendments made by this Act shall take effect  
5 as though enacted as part of the Homeland Security Act  
6 of 2002 (Public Law 107–296).

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