

108TH CONGRESS
1ST SESSION

H. R. 484

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

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

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:

11 “(i) The training of first responders.

12 “(ii) Responding to incidents involving
13 weapons of mass destruction and biological
14 warfare.

15 “(iii) Emergency and diagnostic med-
16 ical services.

17 “(iv) Chemical, biological, radiological,
18 and nuclear countermeasures or detection.

19 “(v) Animal and plant health and
20 diagnostics.

21 “(vi) Food safety.

22 “(vii) Water and wastewater oper-
23 ations.

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), sec-
5 tions 1714 through 1717 of the Homeland Security Act
6 of 2002 (Public Law 107–296) are repealed.

7 (b) APPLICATION OF THE PUBLIC HEALTH SERVICE
8 ACT.—The Public Health Service Act (42 U.S.C. 201 et
9 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
12 drawn from the enactment of sections 1714 through 1717
13 of the Homeland Security Act of 2002 (Public Law 107–
14 296), or from this repeal, regarding the law prior to enact-
15 ment of sections 1714 through 1717 of the Homeland Se-
16 curity Act of 2002 (Public Law 107–296). Further, no
17 inference shall be drawn that subsection (a) or (b) effects
18 any change in that prior law, or that *Leroy v. Secretary*
19 *of Health and Human Services, Office of Special Master,*
20 *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 chal-
25 lenges, and important steps are needed to revitalize
26 our immunization efforts in order to ensure an ade-

1 quate supply of vaccines and to encourage the devel-
2 opment of new vaccines;

3 (2) these steps include ensuring that patients
4 who have suffered vaccine-related injuries have the
5 opportunity to seek fair and timely redress, and that
6 vaccine manufacturers, manufacturers of compo-
7 nents or ingredients of vaccines, and physicians and
8 other administrators of vaccines have adequate pro-
9 tections;

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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