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<td>SEC. 301. UNDER SECRETARY FOR CHEMICAL, BIOLOGICAL, RADIOPHICAL, AND NUCLEAR COUNTERMEASURES.</td>
<td>SEC. 301. UNDER SECRETARY FOR RESEARCH, DEVELOPMENT AND TECHNOLOGY SYSTEMS.</td>
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<td>In assisting the Secretary with the responsibilities specified in section 101(b)(2)(B), the primary responsibilities of the Under Secretary for Chemical, Biological, Radiological, and Nuclear Countermeasures shall include--</td>
<td>The Secretary, acting through the Under Secretary for Research, Development, and Technology Systems, shall have responsibility for--</td>
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<td>(1) securing the people, infrastructures, property, resources, and systems in the United States from acts of terrorism involving chemical, biological, radiological, or nuclear weapons or other emerging threats;</td>
<td>(1) conducting and supporting a national scientific research and development program to support the mission of the Department, except that such responsibility does not extend to human health-related research and development activities;</td>
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<td>(2) conducting a national scientific research and development program to support the mission of the Department, including developing national policy for and coordinating the Federal Government’s civilian efforts to identify, devise, and implement scientific, technological, and other countermeasures to chemical, biological, radiological, nuclear, and other emerging terrorist threats, including directing, funding, and conducting research and development relating to the same;</td>
<td>(2) establishing long-term research and development needs and capabilities for all elements of the Department;</td>
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<td>(3) establishing priorities for, directing, funding, and conducting national research, development, and procurement of technology and systems--</td>
<td>(3) integrating similar research and development needs between the operating elements of the Department;</td>
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<td>(A) for preventing the importation of chemical, biological, radiological, nuclear, and related weapons and material; and</td>
<td>(4) aligning research and development programs with other executive agencies to reduce duplication and identify unmet needs;</td>
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<td>(6) establishing priorities for, conducting, and supporting national research, development, demonstration, and, as appropriate, transitional operation of technology and systems --</td>
<td>(5) in consultation with other appropriate executive agencies, developing a national policy and strategic plan for, identifying priorities for, and coordinating the Federal Government’s civilian efforts to identify and develop countermeasures to chemical, biological, radiological, nuclear, and other emerging terrorist threats;</td>
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(B) for detecting, preventing, protecting against, and responding to terrorist attacks that involve such weapons or material; and

(4) establishing guidelines for State and local government efforts to develop and implement countermeasures to threats of chemical, biological, radiological, and nuclear terrorism, and other emerging terrorist threats.

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

(B) for detecting, preventing, and protecting against terrorist attacks that involve such weapons or related material; and

(C) for interoperability of communications systems for emergency response providers;

(7) establishing a central Federal repository for information relating to technologies and systems described in paragraph (6) for dissemination to Federal, State and local government and private sector personnel, agencies and authorities; and

(8) developing nonmandatory and technology-neutral standards, and providing recommendations and technical assistance as appropriate, to assist Federal, State and local government and private sector efforts to evaluate and implement the use of technologies and systems described in subparagraphs (A) and (B) of paragraph (6).
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**SEC. 302. FUNCTIONS TRANSFERRED.**

In accordance with title VIII, there shall be transferred to the Secretary the functions, personnel, assets, and liabilities of the following entities:

1. The select agent registration enforcement programs and activities of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services relating thereto;

2. The following programs and activities of the Department of Energy, including the functions of the Secretary of Energy relating thereto (but not including programs and activities relating to the strategic nuclear defense posture of the United States):
   - the chemical and biological national security and supporting programs and activities of the non-proliferation and verification research and development program;
   - the nuclear smuggling programs and activities, and other programs and activities directly related to homeland security, within the proliferation detection program of the non-proliferation and verification research.

**SEC. 302. FUNCTIONS TRANSFERRED.**

In accordance with title VIII, there shall be transferred to the Secretary the functions, personnel, assets, and liabilities of the following:

1. The program under section 351A of the Public Health Service Act, amid functions thereof, including the functions of the Secretary of Health and Human Services relating thereto, subject to the amendments made by section 906(3), except that such transfer shall not occur unless the program under section 212 of the Agricultural Bioterrorism Protection Act of 2002 (subtitle B of title II of Public Law 107-188), and functions thereof, including the functions of the Secretary of Agriculture relating thereto, subject to the amendments made by section 907, is transferred to the Department.

2. Such aspects of programs amid activities of the Department of Energy as relate to homeland security, including the functions of the Secretary of Energy relating thereto (but not including programs and activities relating to the strategic nuclear defense posture of the United States), as follows:
   - The chemical and biological national security and supporting programs and activities of the non-proliferation and verification research and development program.
   - The nuclear smuggling programs and activities, and other programs and activities, within the proliferation detection program of the non-proliferation and verification research and development program,
and development program, except that the programs and activities described in this subparagraph may be designated by the President either for transfer to the Department or for joint operation by the Secretary and the Secretary of Energy;

(C) the nuclear assessment program and activities of the assessment, detection, and cooperation program of the international materials protection and cooperation program;

(D) the energy security and assurance program and activities;

(E) such life sciences activities of the biological and environmental research program related to microbial pathogens as may be designated by the President for transfer to the Department;

(F) the Environmental Measurements Laboratory; and

(G) the advanced scientific computing research program and activities, and the intelligence program and activities, at Lawrence Livermore National Laboratory;

(3) the National Bio-Weapons Defense Analysis Center of the Department of Defense, including the functions of the Secretary of Defense related thereto; and

(4) the Plum Island Animal Disease Center of the Department of Agriculture, including the functions of the Secretary of Agriculture relating thereto.

except that the programs and activities described in this subparagraph may be designated by the President either for transfer to the Department or for joint operation by the Secretary and the Secretary of Energy.

(C) The nuclear assessment program and activities of the assessment, detection, and cooperation program of the international materials protection and cooperation program.

(D) Such life sciences activities of the biological and environmental research program related to microbial pathogens as may be designated for transfer to the Department by the President.

(E) The Environmental Measurements Laboratory.

(F) The advanced scientific computing research program and activities, and the intelligence program and activities, at Lawrence Livermore National Laboratory.

(3) The National Bio-Weapons Defense Analysis Center of the Department of Defense, including the functions of the Secretary of Defense related thereto.

(4) The Plum Island Animal Disease Center of the Department of Agriculture, including the functions of the Secretary of Agriculture relating thereto.
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| SEC. 303. CONDUCT OF CERTAIN PUBLIC HEALTH-RELATED ACTIVITIES.  
(a) CERTAIN ACTIVITIES CARRIED OUT THROUGH HHS-  
(1) Except as the President may otherwise direct, the Secretary shall carry out his civilian human health-related biological, biomedical, and infectious disease defense research and development (including vaccine research and development) responsibilities through the Department of Health and Human Services (including the Public Health Service), under agreements with the Secretary of Health and Human Services, and may transfer funds to him in connection with such agreements.  
(2) With respect to any responsibilities carried out through the Department of Health and Human Services under this subsection, the Secretary, in consultation with the Secretary of Health and Human Services, shall have the authority to establish the research and development program, including the setting of priorities.  
(b) TRANSFER OF FUNDS- With respect to such other research and development responsibilities under this title, including health-related chemical, radiological, and nuclear defense research and development |
| SEC. 303. CONDUCT OF CERTAIN PUBLIC HEALTH-RELATED ACTIVITIES.  
With respect to civilian human health-related research and development activities relating to countermeasures for chemical, biological, radiological, and nuclear and other emerging terrorist threats carried out by the Department of Health and Human Services (including the Public Health Service), the Secretary of Health and Human Services shall set priorities for such activities in collaboration with the Secretary of the Department of Homeland Security. |
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Responsibilities, as he may elect to carry out through the Department of Health and Human Services (including the Public Health Service) (under agreements with the Secretary of Health and Human Services) or through other Federal agencies (under agreements with their respective heads), the Secretary may transfer funds to the Secretary of Health and Human Services, or to such heads, as the case may be.

### SEC. 304. MILITARY ACTIVITIES.

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

### SEC. 501. UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.

In assisting the Secretary with the responsibilities specified in section 101(b)(2)(D), the primary responsibilities of the Under Secretary for Emergency Preparedness and Response shall include--

1. Helping to ensure the preparedness of emergency response providers for terrorist attacks, major disasters, and other emergencies;
2. With respect to the Nuclear Incident

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### SEC. 304. SECURITY AT FEDERAL RESEARCH LABORATORIES.

[Former section 304 transferred to title VII]

The Secretary, in consultation with the Attorney General, shall have authority to establish standards for security at Federal civilian facilities, other than facilities of the Department of Energy, that conduct research and development to identify and develop countermeasures to chemical, biological, radiological, nuclear, and other emerging terrorist threats.

### SEC. 501. UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.

The Secretary, acting through the Under Secretary for Emergency Preparedness and Response, shall have responsibility for--

1. Assisting in the preparedness of emergency response providers for terrorist attacks, major disasters, and other emergencies;
2. With respect to Federal emergency response providers, conducting joint and other exercises and training and evaluating performance in consultation with the heads of
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- Response Team (regardless of whether it is operating as an organizational unit of the Department pursuant to this title) --
  - (A) establishing standards and certifying when those standards have been met;
  - (B) conducting joint and other exercises and training and evaluating performance; and
  - (C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

- (3) providing the Federal Government's response to terrorist attacks and major disasters, including --
  - (A) managing such response;
  - (B) directing the Domestic Emergency Support Team, the Strategic National Stockpile, the National Disaster Medical System, and (when operating as an organizational unit of the Department pursuant to this title) the Nuclear Incident Response Team;
  - (C) overseeing the Metropolitan Medical Response System; and
  - (D) coordinating other Federal response resources in the event of a terrorist attack or major disaster;

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

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

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- the relevant executive agencies;

- (3) with respect to emergency response functions transferred to the Secretary by this Act, providing the Federal Government’s response to terrorist attacks and major disasters;

- (4) coordinating other Federal response resources in the event of a terrorist attack or major disaster;

- (5) assisting in the recovery from terrorist attacks and major disasters;

- (6) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;

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

- (8) with respect to Federal programs that provide assistance to emergency response providers to enhance preparedness and response for terrorist attacks or major disasters --
  - (A) identifying preparedness priorities;
  - (B) evaluating the effectiveness of, and coordination among, such programs; and
  - (C) making recommendations to enhance the effectiveness of such programs, and to minimize inconsistencies and duplication among such programs.
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| State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters; |

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

<p>| (7) developing comprehensive programs for developing interoperative communications technology, and helping to ensure that emergency response providers acquire such technology. |</p>
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<td><strong>SEC. 505. CONDUCT OF CERTAIN PUBLIC HEALTH-RELATED ACTIVITIES.</strong></td>
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<td>(a) IN GENERAL- Except as the President may otherwise direct, the Secretary shall carry out the following responsibilities through the Department of Health and Human Services (including the Public Health Service), under agreements with the Secretary of Health and Human Services, and may transfer funds to him in connection with such agreements:</td>
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<td>(1) All biological, chemical, radiological, and nuclear preparedness-related construction, renovation, and enhancement of security for research and development or other facilities owned or occupied by the Department of Health and Human Services.</td>
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<td>(2) All public health-related activities being carried out by the Department of Health and Human Services on the effective date of this Act (other than activities under functions transferred by this Act to the Department) to assist State and local government personnel, agencies, or authorities, non-Federal public and private health care facilities and providers, and public and non-profit health and educational facilities, to plan, prepare for, prevent, identify, and respond to biological, chemical, radiological, and nuclear events and public health emergencies, by means including direct services, technical assistance, communications and surveillance, education and training activities, and grants.</td>
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<td>(b) PREPAREDNESS AND RESPONSE PROGRAM- With respect to any responsibilities carried out through the Department of Health and Human Services under this section, the Secretary, in consultation with the Secretary of Health and</td>
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<td>Human Services, shall have the authority to establish the preparedness and response program, including the setting of priorities.</td>
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