

TITLE XVII--CONFORMING AND TECHNICAL AMENDMENTS

SEC. 1701. INSPECTOR GENERAL ACT OF 1978.

Section 11 of the Inspector General Act of 1978 (Public Law 95-452) is amended--

(1) by inserting 'Homeland Security,' after 'Transportation,' each place it appears; and

(2) by striking '; and' each place it appears in paragraph (1) and inserting `;';

SEC. 1702. EXECUTIVE SCHEDULE.

(a) IN GENERAL- Title 5, United States Code, is amended--

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

(2) in section 5313, by inserting 'Deputy Secretary of Homeland Security.' as a new item after 'Affairs.';

(3) in section 5314, by inserting 'Under Secretaries, Department of Homeland Security.', 'Director of the Bureau of Citizenship and Immigration Services.' as new items after 'Affairs.' the third place it appears;

(4) in section 5315, by inserting 'Assistant Secretaries, Department of Homeland Security.', 'General Counsel, Department of Homeland Security.', 'Officer for Civil Rights and Civil Liberties, Department of Homeland Security.', 'Chief Financial Officer, Department of Homeland Security.', 'Chief Information Officer, Department of Homeland Security.', and 'Inspector General, Department of Homeland Security.' as new items after 'Affairs.' the first place it appears; and

(5) in section 5315, by striking 'Commissioner of Immigration and Naturalization, Department of Justice.'.

(b) SPECIAL EFFECTIVE DATE- Notwithstanding section 4, the amendment made by subsection (a)(5) shall take effect on the date on which the transfer of functions specified under section 441 takes effect.

SEC. 1703. UNITED STATES SECRET SERVICE.

(a) IN GENERAL- (1) The United States Code is amended in section 202 of title 3, and in section 3056 of title 18, by striking 'of the Treasury', each place it appears and inserting 'of Homeland Security'.

(2) Section 208 of title 3, United States Code, is amended by striking `of Treasury' each place it appears and inserting `of Homeland Security'.

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

SEC. 1704. COAST GUARD.

(a) TITLE 14, U.S.C- Title 14, United States Code, is amended in sections 1, 3, 53, 95, 145, 516, 666, 669, 673, 673a (as redesignated by subsection (e)(1)), 674, 687, and 688 by striking `of Transportation' each place it appears and inserting `of Homeland Security'.

(b) TITLE 10, U.S.C- (1) Title 10, United States Code, is amended in sections 101(9), 130b(a), 130b(c)(4), 130c(h)(1), 379, 513(d), 575(b)(2), 580(e)(6), 580a(e), 651(a), 671(c)(2), 708(a), 716(a), 717, 806(d)(2), 815(e), 888, 946(c)(1), 973(d), 978(d), 983(b)(1), 985(a), 1033(b)(1), 1033(d), 1034, 1037(c), 1044d(f), 1058(c), 1059(a), 1059(k)(1), 1073(a), 1074(c)(1), 1089(g)(2), 1090, 1091(a), 1124, 1143, 1143a(h), 1144, 1145(e), 1148, 1149, 1150(c), 1152(a), 1152(d)(1), 1153, 1175, 1212(a), 1408(h)(2), 1408(h)(8), 1463(a)(2), 1482a(b), 1510, 1552(a)(1), 1565(f), 1588(f)(4), 1589, 2002(a), 2302(1), 2306b(b), 2323(j)(2), 2376(2), 2396(b)(1), 2410a(a), 2572(a), 2575(a), 2578, 2601(b)(4), 2634(e), 2635(a), 2734(g), 2734a, 2775, 2830(b)(2), 2835, 2836, 4745(a), 5013a(a), 7361(b), 10143(b)(2), 10146(a), 10147(a), 10149(b), 10150, 10202(b), 10203(d), 10205(b), 10301(b), 12103(b), 12103(d), 12304, 12311(c), 12522(c), 12527(a)(2), 12731(b), 12731a(e), 16131(a), 16136(a), 16301(g), and 18501 by striking `of Transportation' each place it appears and inserting `of Homeland Security'.

(2) Section 801(1) of such title is amended by striking `the General Counsel of the Department of Transportation' and inserting `an official designated to serve as Judge Advocate General of the Coast Guard by the Secretary of Homeland Security'.

(3) Section 983(d)(2)(B) of such title is amended by striking `Department of Transportation' and inserting `Department of Homeland Security'.

(4) Section 2665(b) of such title is amended by striking `Department of Transportation' and inserting `Department in which the Coast Guard is operating'.

(5) Section 7045 of such title is amended--

(A) in subsections (a)(1) and (b), by striking `Secretaries of

the Army, Air Force, and Transportation' both places it appears and inserting 'Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security'; and

(B) in subsection (b), by striking 'Department of Transportation' and inserting 'Department of Homeland Security'.

(6) Section 7361(b) of such title is amended in the subsection heading by striking 'TRANSPORTATION' and inserting 'HOMELAND SECURITY'.

(7) Section 12522(c) of such title is amended in the subsection heading by striking 'TRANSPORTATION' and inserting 'HOMELAND SECURITY'.

(c) TITLE 37, U.S.C- Title 37, United States Code, is amended in sections 101(5), 204(i)(4), 301a(a)(3), 306(d), 307(c), 308(a)(1), 308(d)(2), 308(f), 308b(e), 308c(c), 308d(a), 308e(f), 308g(g), 308h(f), 308i(e), 309(d), 316(d), 323(b), 323(g)(1), 325(i), 402(d), 402a(g)(1), 403(f)(3), 403(l)(1), 403b(i)(5), 406(b)(1), 417(a), 417(b), 418(a), 703, 1001(c), 1006(f), 1007(a), and 1011(d) by striking 'of Transportation' each place it appears and inserting 'of Homeland Security'.

(d) TITLE 38, U.S.C- Title 38, United States Code, is amended in sections 101(25)(d), 1560(a), 3002(5), 3011(a)(1)(A)(ii)(I), 3011(a)(1)(A)(ii)(II), 3011(a)(1)(B)(ii)(III), 3011(a)(1)(C)(iii)(II)(cc), 3012(b)(1)(A)(v), 3012(b)(1)(B)(ii)(V), 3018(b)(3)(B)(iv), 3018A(a)(3), 3018B(a)(1)(C), 3018B(a)(2)(C), 3018C(a)(5), 3020(m), 3035(b)(2), 3035(c), 3035(d), 3035(e), 3680A(g), and 6105(c) by striking 'of Transportation' each place it appears and inserting 'of Homeland Security'.

(e) OTHER DEFENSE-RELATED LAWS- (1) Section 363 of Public Law 104-193 (110 Stat. 2247) is amended--

(A) in subsection (a)(1) (10 U.S.C. 113 note), by striking 'of Transportation' and inserting 'of Homeland Security'; and

(B) in subsection (b)(1) (10 U.S.C. 704 note), by striking 'of Transportation' and inserting 'of Homeland Security'.

(2) Section 721(1) of Public Law 104-201 (10 U.S.C. 1073 note) is amended by striking 'of Transportation' and inserting 'of Homeland Security'.

(3) Section 4463(a) of Public Law 102-484 (10 U.S.C. 1143a note) is amended by striking 'after consultation with the Secretary of Transportation'.

(4) Section 4466(h) of Public Law 102-484 (10 U.S.C. 1143 note) is amended by striking 'of Transportation' and inserting 'of Homeland

Security'.

(5) Section 542(d) of Public Law 103-337 (10 U.S.C. 1293 note) is amended by striking `of Transportation' and inserting `of Homeland Security'.

(6) Section 740 of Public Law 106-181 (10 U.S.C. 2576 note) is amended in subsections (b)(2), (c), and (d)(1) by striking `of Transportation' each place it appears and inserting `of Homeland Security'.

(7) Section 1407(b)(2) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)) is amended by striking `of Transportation' both places it appears and inserting `of Homeland Security'.

(8) Section 2301(5)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(5)(D)) is amended by striking `of Transportation' and inserting `of Homeland Security'.

(9) Section 2307(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6677(a)) is amended by striking `of Transportation' and inserting `of Homeland Security'.

(10) Section 1034(a) of Public Law 105-85 (21 U.S.C. 1505a(a)) is amended by striking `of Transportation' and inserting `of Homeland Security'.

(11) The Military Selective Service Act is amended--

(A) in section 4(a) (50 U.S.C. App. 454(a)), by striking `of Transportation' in the fourth paragraph and inserting `of Homeland Security';

(B) in section 4(b) (50 U.S.C. App. 454(b)), by striking `of Transportation' both places it appears and inserting `of Homeland Security';

(C) in section 6(d)(1) (50 U.S.C. App. 456(d)(1)), by striking `of Transportation' both places it appears and inserting `of Homeland Security';

(D) in section 9(c) (50 U.S.C. App. 459(c)), by striking `Secretaries of Army, Navy, Air Force, or Transportation' and inserting `Secretary of a military department, and the Secretary of Homeland Security with respect to the Coast Guard,'; and

(E) in section 15(e) (50 U.S.C. App. 465(e)), by striking `of Transportation' both places it appears and inserting `of Homeland Security'.

(f) TECHNICAL CORRECTION- (1) Title 14, United States Code, is amended by redesignating section 673 (as added by section 309 of Public Law

104-324) as section 673a.

(2) The table of sections at the beginning of chapter 17 of such title is amended by redesignating the item relating to such section as section 673a.

(g) EFFECTIVE DATE- The amendments made by this section (other than subsection (f)) shall take effect on the date of transfer of the Coast Guard to the Department.

SEC. 1705. STRATEGIC NATIONAL STOCKPILE AND SMALLPOX VACCINE DEVELOPMENT.

(a) IN GENERAL- Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188; 42 U.S.C. 300hh-12) is amended--

(1) in subsection (a)(1)--

(A) by striking 'Secretary of Health and Human Services' and inserting 'Secretary of Homeland Security';

(B) by inserting 'the Secretary of Health and Human Services and' between 'in coordination with' and 'the Secretary of Veterans Affairs'; and

(C) by inserting 'of Health and Human Services' after 'as are determined by the Secretary'; and

(2) in subsections (a)(2) and (b), by inserting 'of Health and Human Services' after 'Secretary' each place it appears.

(b) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of transfer of the Strategic National Stockpile of the Department of Health and Human Services to the Department.

SEC. 1706. TRANSFER OF CERTAIN SECURITY AND LAW ENFORCEMENT FUNCTIONS AND AUTHORITIES.

(a) AMENDMENT TO TITLE 40- Section 581 of title 40, United States Code, is amended--

(1) by striking subsection (a); and

(2) in subsection (b)--

(A) by inserting 'and' after the semicolon at the end of paragraph (1);

(B) by striking '; and' at the end of paragraph (2) and

inserting a period; and

(C) by striking paragraph (3).

(b) LAW ENFORCEMENT AUTHORITY-

(1) IN GENERAL- Section 1315 of title 40, United States Code, is amended to read as follows:

Sec. 1315. Law enforcement authority of Secretary of Homeland Security for protection of public property

(a) IN GENERAL- To the extent provided for by transfers made pursuant to the Homeland Security Act of 2002, the Secretary of Homeland Security (in this section referred to as the 'Secretary') shall protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property.

(b) OFFICERS AND AGENTS-

(1) DESIGNATION- The Secretary may designate employees of the Department of Homeland Security, including employees transferred to the Department from the Office of the Federal Protective Service of the General Services Administration pursuant to the Homeland Security Act of 2002, as officers and agents for duty in connection with the protection of property owned or occupied by the Federal Government and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

(2) POWERS- While engaged in the performance of official duties, an officer or agent designated under this subsection may--

(A) enforce Federal laws and regulations for the protection of persons and property;

(B) carry firearms;

(C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

(D) serve warrants and subpoenas issued under the authority of the United States; and

(E) conduct investigations, on and off the property in

question, of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property.

`(F) carry out such other activities for the promotion of homeland security as the Secretary may prescribe.

`(c) REGULATIONS-

`(1) IN GENERAL- The Secretary, in consultation with the Administrator of General Services, may prescribe regulations necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

`(2) PENALTIES- A person violating a regulation prescribed under this subsection shall be fined under title 18, United States Code, imprisoned for not more than 30 days, or both.

`(d) DETAILS-

`(1) REQUESTS OF AGENCIES- On the request of the head of a Federal agency having charge or control of property owned or occupied by the Federal Government, the Secretary may detail officers and agents designated under this section for the protection of the property and persons on the property.

`(2) APPLICABILITY OF REGULATIONS- The Secretary may--

`(A) extend to property referred to in paragraph (1) the applicability of regulations prescribed under this section and enforce the regulations as provided in this section; or

`(B) utilize the authority and regulations of the requesting agency if agreed to in writing by the agencies.

`(3) FACILITIES AND SERVICES OF OTHER AGENCIES- When the Secretary determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, and local law enforcement agencies, with the consent of the agencies.

`(e) AUTHORITY OUTSIDE FEDERAL PROPERTY- For the protection of property owned or occupied by the Federal Government and persons on the property, the Secretary may enter into agreements with Federal agencies and with State and local governments to obtain authority for officers and agents designated under this section to enforce Federal laws and State and local laws concurrently with other Federal law

enforcement officers and with State and local law enforcement officers.

`(f) SECRETARY AND ATTORNEY GENERAL APPROVAL- The powers granted to officers and agents designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.

`(g) LIMITATION ON STATUTORY CONSTRUCTION- Nothing in this section shall be construed to--

`(1) preclude or limit the authority of any Federal law enforcement agency; or

`(2) restrict the authority of the Administrator of General Services to promulgate regulations affecting property under the Administrator's custody and control.'

(2) DELEGATION OF AUTHORITY- The Secretary may delegate authority for the protection of specific buildings to another Federal agency where, in the Secretary's discretion, the Secretary determines it necessary for the protection of that building.

(3) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 13 of title 40, United States Code, is amended by striking the item relating to section 1315 and inserting the following:

`1315. Law enforcement authority of Secretary of Homeland Security for protection of public property.'

SEC. 1707. TRANSPORTATION SECURITY REGULATIONS.

Title 49, United States Code, is amended--

(1) in section 114(l)(2)(B), by inserting `for a period not to exceed 90 days' after `effective'; and

(2) in section 114(l)(2)(B), by inserting `ratified or' after `unless'.

SEC. 1708. NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER.

There is established in the Department of Defense a National Bio-Weapons Defense Analysis Center, whose mission is to develop countermeasures to potential attacks by terrorists using weapons of mass destruction.

SEC. 1709. COLLABORATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) DEPARTMENT OF HEALTH AND HUMAN SERVICES- The second sentence of

section 351A(e)(1) of the Public Health Service Act (42 U.S.C. 262A(e)(1)) is amended by striking `consultation with' and inserting `collaboration with the Secretary of Homeland Security and'.

(b) DEPARTMENT OF AGRICULTURE- The second sentence of section 212(e)(1) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401) is amended by striking `consultation with' and inserting `collaboration with the Secretary of Homeland Security and'.

SEC. 1710. RAILROAD SAFETY TO INCLUDE RAILROAD SECURITY.

(a) INVESTIGATION AND SURVEILLANCE ACTIVITIES- Section 20105 of title 49, United States Code, is amended--

(1) by striking `Secretary of Transportation' in the first sentence of subsection (a) and inserting `Secretary concerned';

(2) by striking `Secretary' each place it appears (except the first sentence of subsection (a)) and inserting `Secretary concerned';

(3) by striking `Secretary's duties under chapters 203-213 of this title' in subsection (d) and inserting `duties under chapters 203-213 of this title (in the case of the Secretary of Transportation) and duties under section 114 of this title (in the case of the Secretary of Homeland Security)';

(4) by striking `chapter.' in subsection (f) and inserting `chapter (in the case of the Secretary of Transportation) and duties under section 114 of this title (in the case of the Secretary of Homeland Security).'; and

(5) by adding at the end the following new subsection:

(g) DEFINITIONS- In this section--

(1) the term `safety' includes security; and

(2) the term `Secretary concerned' means--

(A) the Secretary of Transportation, with respect to railroad safety matters concerning such Secretary under laws administered by that Secretary; and

(B) the Secretary of Homeland Security, with respect to railroad safety matters concerning such Secretary under laws administered by that Secretary.'

(b) REGULATIONS AND ORDERS- Section 20103(a) of such title is amended by inserting after `1970.' the following: `When prescribing a security regulation or issuing a security order that affects the safety of

railroad operations, the Secretary of Homeland Security shall consult with the Secretary.'

(c) NATIONAL UNIFORMITY OF REGULATION- Section 20106 of such title is amended--

(1) by inserting `and laws, regulations, and orders related to railroad security' after `safety' in the first sentence;

(2) by inserting `or security' after `safety' each place it appears after the first sentence; and

(3) by striking `Transportation' in the second sentence and inserting `Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters),'

SEC. 1711. HAZMAT SAFETY TO INCLUDE HAZMAT SECURITY.

(a) GENERAL REGULATORY AUTHORITY- Section 5103 of title 49, United States Code, is amended--

(1) by striking `transportation' the first place it appears in subsection (b)(1) and inserting `transportation, including security,';

(2) by striking `aspects' in subsection (b)(1)(B) and inserting `aspects, including security,'; and

(3) by adding at the end the following:

`(C) CONSULTATION- When prescribing a security regulation or issuing a security order that affects the safety of the transportation of hazardous material, the Secretary of Homeland Security shall consult with the Secretary.'

(b) PREEMPTION- Section 5125 of that title is amended--

(1) by striking `chapter or a regulation prescribed under this chapter' in subsection (a)(1) and inserting `chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security';

(2) by striking `chapter or a regulation prescribed under this chapter.' in subsection (a)(2) and inserting `chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security.'; and

(3) by striking `chapter or a regulation prescribed under this

chapter,' in subsection (b)(1) and inserting `chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security,'.

SEC. 1712. OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 is amended--

(1) in section 204(b)(1) (42 U.S.C. 6613(b)(1)), by inserting `homeland security,' after `national security,'; and

(2) in section 208(a)(1) (42 U.S.C. 6617(a)(1)), by inserting `the Office of Homeland Security,' after `National Security Council,'.

SEC. 1713. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

Section 7902(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

(13) The Under Secretary for Science and Technology of the Department of Homeland Security.

(14) Other Federal officials the Council considers appropriate.'.

SEC. 1714. CLARIFICATION OF DEFINITION OF MANUFACTURER.

Section 2133(3) of the Public Health Service Act (42 U.S.C. 300aa-33(3)) is amended--

(1) in the first sentence, by striking `under its label any vaccine set forth in the Vaccine Injury Table' and inserting `any vaccine set forth in the Vaccine Injury table, including any component or ingredient of any such vaccine'; and

(2) in the second sentence, by inserting `including any component or ingredient of any such vaccine' before the period.

SEC. 1715. CLARIFICATION OF DEFINITION OF VACCINE-RELATED INJURY OR DEATH.

Section 2133(5) of the Public Health Service Act (42 U.S.C. 300aa-33(5)) is amended by adding at the end the following: `For purposes of the preceding sentence, an adulterant or contaminant shall not include any component or ingredient listed in a vaccine's product license application or product label.'.

SEC. 1716. CLARIFICATION OF DEFINITION OF VACCINE.

Section 2133 of the Public Health Service Act (42 U.S.C. 300aa-33) is amended by adding at the end the following:

`(7) The term `vaccine' means any preparation or suspension, including but not limited to a preparation or suspension containing an attenuated or inactive microorganism or subunit thereof or toxin, developed or administered to produce or enhance the body's immune response to a disease or diseases and includes all components and ingredients listed in the vaccines's product license application and product label.'

SEC. 1717. EFFECTIVE DATE.

The amendments made by sections 1714, 1715, and 1716 shall apply to all actions or proceedings pending on or after the date of enactment of this Act, unless a court of competent jurisdiction has entered judgment (regardless of whether the time for appeal has expired) in such action or proceeding disposing of the entire action or proceeding.