

(7) entering into work agreements, joint sponsorships, contracts, or any other agreements with the Department of Energy regarding the use of the national laboratories or sites and support of the science and technology base at those facilities;

(8) collaborating with the Secretary of Agriculture and the Attorney General as provided in section 8401 of title 7;

(9) collaborating with the Secretary of Health and Human Services and the Attorney General in determining any new biological agents and toxins that shall be listed as “select agents” in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 262a of title 42;

(10) supporting United States leadership in science and technology;

(11) establishing and administering the primary research and development activities of the Department, including the long-term research and development needs and capabilities for all elements of the Department;

(12) coordinating and integrating all research, development, demonstration, testing, and evaluation activities of the Department;

(13) coordinating with other appropriate executive agencies in developing and carrying out the science and technology agenda of the Department to reduce duplication and identify unmet needs;

(14) developing and overseeing the administration of guidelines for merit review of research and development projects throughout the Department, and for the dissemination of research conducted or sponsored by the Department; and

(15) carrying out, in coordination with the Drug Enforcement Administration, research, development, testing, evaluation, and cost-benefit analyses to improve the safety, effectiveness, and efficiency of equipment and the effectiveness and efficiency of reference libraries for use by Federal, State, local, Tribal, and territorial law enforcement agencies for the accurate detection of drugs, such as fentanyl and xylazine, including—

(A) portable equipment that can detect and identify drugs with minimal or no handling of the sample;

(B) equipment that can separate complex mixtures containing low concentrations of drugs and high concentrations of cutting agents into their component parts to enable signature extraction for field identification and detection; and

(C) technologies that use machine learning or artificial intelligence (as defined in section 9401 of title 15) and other techniques to predict whether the substances in a sample are controlled substance analogues or other new psychoactive substances not yet included in available reference libraries.

(Pub. L. 107–296, title III, §302, Nov. 25, 2002, 116 Stat. 2163; Pub. L. 109–347, title V, §501(b)(2), Oct. 13, 2006, 120 Stat. 1935; Pub. L. 110–53, title V, §531(b)(1)(C), Aug. 3, 2007, 121 Stat. 334; Pub. L. 115–278, §2(g)(3)(A), Nov. 16, 2018, 132 Stat. 4178; Pub. L. 118–186, §2, Dec. 23, 2024, 138 Stat. 2636.)

Editorial Notes

AMENDMENTS

2024—Par. (15). Pub. L. 118–186 added par. (15).

2018—Par. (2). Pub. L. 115–278, §2(g)(3)(A)(i), substituted “biological,” for “biological,”.

Par. (3). Pub. L. 115–278, §2(g)(3)(A)(ii), substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Assistant Secretary for Infrastructure Protection”.

Par. (5)(A). Pub. L. 115–278, §2(g)(3)(A)(i), substituted “biological,” for “biological,”.

2007—Par. (3). Pub. L. 110–53 substituted “Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection” for “Under Secretary for Information Analysis and Infrastructure Protection”.

2006—Pars. (2), (5)(A). Pub. L. 109–347 struck out “radiological, nuclear” after “biological,”.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Pub. L. 118–186, §4, Dec. 23, 2024, 138 Stat. 2637, provided that: “Nothing in this Act [amending this section and enacting provisions set out as a note below] may be construed to limit the authority of agencies currently managing, overseeing, or otherwise involved in drug equipment and reference libraries.”

REQUIREMENTS

Pub. L. 118–186, §3, Dec. 23, 2024, 138 Stat. 2637, provided that: “In carrying out section 302(15) of the Homeland Security Act of 2002 [6 U.S.C. 182(15)], as added by section 2, the Under Secretary for Science and Technology shall—

“(1) follow the recommendations, guidelines, and best practices described in the Artificial Intelligence Risk Management Framework (NIST AI 100–1) or any successor document published by the National Institute of Standards and Technology; and

“(2) establish the Directorate of Science and Technology’s research, development, testing, evaluation, and cost-benefit analysis priorities under such section 302(15) based on the latest available information, including specific drugs identified as threats in—

“(A) the latest Homeland Threat Assessment published by the Department of Homeland Security;

“(B) the latest State and Territory Report on Enduring and Emerging Threats published by the Drug Enforcement Administration; or

“(C) any successor documents.”

§ 183. Functions transferred

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

(1) 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):

(A) The chemical and biological national security and supporting programs and activities of the nonproliferation and verification research and development program.

(B) The nuclear smuggling programs and activities within the proliferation detection program of the nonproliferation and verification research and development program. The programs and activities described in this subparagraph may be designated by the President either for transfer to the De-

partment 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 by the President for transfer to the Department.

(E) The Environmental Measurements Laboratory.

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

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

(Pub. L. 107–296, title III, §303, Nov. 25, 2002, 116 Stat. 2164.)

§ 184. Conduct of certain public health-related activities

(a) In general

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, goals, objectives, and policies and develop a coordinated strategy for such activities in collaboration with the Secretary of Homeland Security to ensure consistency with the national policy and strategic plan developed pursuant to section 182(2) of this title.

(b) Evaluation of progress

In carrying out subsection (a), the Secretary of Health and Human Services shall collaborate with the Secretary in developing specific benchmarks and outcome measurements for evaluating progress toward achieving the priorities and goals described in such subsection.

(Pub. L. 107–296, title III, §304, Nov. 25, 2002, 116 Stat. 2165.)

Editorial Notes

CODIFICATION

Section is comprised of section 304 of Pub. L. 107–296. Subsec. (c) of section 304 of Pub. L. 107–296 amended section 233 of Title 42, The Public Health and Welfare.

§ 185. Federally funded research and development centers

The Secretary, acting through the Under Secretary for Science and Technology, shall have the authority to establish or contract with 1 or more federally funded research and development centers to provide independent analysis of homeland security issues, or to carry out other responsibilities under this chapter, including coordinating and integrating both the extramural

and intramural programs described in section 188 of this title.

(Pub. L. 107–296, title III, §305, Nov. 25, 2002, 116 Stat. 2168.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

§ 186. Miscellaneous provisions

(a) Classification

To the greatest extent practicable, research conducted or supported by the Department shall be unclassified.

(b) Construction

Nothing in this subchapter shall be construed to preclude any Under Secretary of the Department from carrying out research, development, demonstration, or deployment activities, as long as such activities are coordinated through the Under Secretary for Science and Technology.

(c) Regulations

The Secretary, acting through the Under Secretary for Science and Technology, may issue necessary regulations with respect to research, development, demonstration, testing, and evaluation activities of the Department, including the conducting, funding, and reviewing of such activities.

(d) Notification of Presidential life sciences designations

Not later than 60 days before effecting any transfer of Department of Energy life sciences activities pursuant to section 183(1)(D) of this title, the President shall notify the appropriate congressional committees of the proposed transfer and shall include the reasons for the transfer and a description of the effect of the transfer on the activities of the Department of Energy.

(Pub. L. 107–296, title III, §306, Nov. 25, 2002, 116 Stat. 2168.)

§ 187. Homeland Security Advanced Research Projects Agency

(a) Definitions

In this section:

(1) Fund

The term “Fund” means the Acceleration Fund for Research and Development of Homeland Security Technologies established in subsection (c).

(2) Homeland security research

The term “homeland security research” means research relevant to the detection of, prevention of, protection against, response to, attribution of, and recovery from homeland security threats, particularly acts of terrorism.

(3) HSARPA

The term “HSARPA” means the Homeland Security Advanced Research Projects Agency established in subsection (b).