

**§ 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 Home-

land 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).

**(4) Under Secretary**

The term “Under Secretary” means the Under Secretary for Science and Technology.

**(b) Homeland Security Advanced Research Projects Agency**

**(1) Establishment**

There is established the Homeland Security Advanced Research Projects Agency.

**(2) Director**

HSARPA shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

**(3) Responsibilities**

The Director shall administer the Fund to award competitive, merit-reviewed grants, cooperative agreements or contracts to public or private entities, including businesses, federally funded research and development centers, and universities. The Director shall administer the Fund to—

(A) support basic and applied homeland security research to promote revolutionary changes in technologies that would promote homeland security;

(B) advance the development, testing and evaluation, and deployment of critical homeland security technologies;

(C) accelerate the prototyping and deployment of technologies that would address homeland security vulnerabilities; and

(D) conduct research and development for the purpose of advancing technology for the investigation of child exploitation crimes, including child victim identification, trafficking in persons, and child pornography, and for advanced forensics.

**(4) Targeted competitions**

The Director may solicit proposals to address specific vulnerabilities identified by the Director.

**(5) Coordination**

The Director shall ensure that the activities of HSARPA are coordinated with those of other relevant research agencies, and may run projects jointly with other agencies.

**(6) Personnel**

In hiring personnel for HSARPA, the Secretary shall have the hiring and management authorities described in section 1101<sup>1</sup> of the Strom Thurmond National Defense Authoriza-

<sup>1</sup> See References in Text note below.

tion Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105-261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.

**(7) Demonstrations**

The Director, periodically, shall hold homeland security technology demonstrations to improve contact among technology developers, vendors and acquisition personnel.

**(c) Fund**

**(1) Establishment**

There is established the Acceleration Fund for Research and Development of Homeland Security Technologies, which shall be administered by the Director of HSARPA.

**(2) Authorization of appropriations**

There are authorized to be appropriated \$500,000,000 to the Fund for fiscal year 2003 and such sums as may be necessary thereafter.

**(3) Coast Guard**

Of the funds authorized to be appropriated under paragraph (2), not less than 10 percent of such funds for each fiscal year through fiscal year 2005 shall be authorized only for the Under Secretary, through joint agreement with the Commandant of the Coast Guard, to carry out research and development of improved ports, waterways and coastal security surveillance and perimeter protection capabilities for the purpose of minimizing the possibility that Coast Guard cutters, aircraft, helicopters, and personnel will be diverted from non-homeland security missions to the ports, waterways and coastal security mission.

(Pub. L. 107-296, title III, §307, Nov. 25, 2002, 116 Stat. 2168; Pub. L. 114-22, title III, §302(c), formerly §302(d), May 29, 2015, 129 Stat. 255; renumbered §302(d), Pub. L. 115-392, §23(c)(2), Dec. 21, 2018, 132 Stat. 5264.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, referred to in subsec. (b)(6), is section 1101 of Pub. L. 105-261, which was formerly set out as a note under section 3104 of Title 5, Government Organization and Employees, prior to repeal by Pub. L. 114-328, div. A, title XI, §1121(b), Dec. 23, 2016, 130 Stat. 2452. See section 1599h of Title 10, Armed Forces.

AMENDMENTS

2015—Subsec. (b)(3)(D). Pub. L. 114-22 added subpar. (D).

**§ 188. Conduct of research, development, demonstration, testing and evaluation**

**(a) In general**

The Secretary, acting through the Under Secretary for Science and Technology, shall carry out the responsibilities under section 182(4) of this title through both extramural and intramural programs.

**(b) Extramural programs**

**(1) In general**

The Secretary, acting through the Under Secretary for Science and Technology, shall

operate extramural research, development, demonstration, testing, and evaluation programs so as to—

(A) ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate;

(B) ensure that the research funded is of high quality, as determined through merit review processes developed under section 182(14) of this title; and

(C) distribute funds through grants, cooperative agreements, and contracts.

**(2) University-based centers for homeland security**

**(A) Designation**

The Secretary, acting through the Under Secretary for Science and Technology, shall designate a university-based center or several university-based centers for homeland security. The purpose of the center or these centers shall be to establish a coordinated, university-based system to enhance the Nation's homeland security.

**(B) Criteria for designation**

Criteria for the designation of colleges or universities as a center for homeland security, shall include, but are not limited to, demonstrated expertise in—

(i) The training of first responders.

(ii) Responding to incidents involving weapons of mass destruction and biological warfare.

(iii) Emergency and diagnostic medical services.

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

(v) Animal and plant health and diagnostics.

(vi) Food safety.

(vii) Water and wastewater operations.

(viii) Port and waterway security.

(ix) Multi-modal transportation.

(x) Information security and information engineering.

(xi) Engineering.

(xii) Educational outreach and technical assistance.

(xiii) Border transportation and security.

(xiv) The public policy implications and public dissemination of homeland security related research and development.

**(C) Discretion of Secretary**

To the extent that exercising such discretion is in the interest of homeland security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in subparagraph (B) and consider additional criteria beyond those specified in subparagraph (B). Upon designation of a university-based center for homeland security, the Secretary shall that day publish in the Federal Register the criteria that were excepted or added in the selection process and the justification for the set of criteria that were used for that designation.

**(D) Report to Congress**

The Secretary shall report annually, from the date of enactment, to Congress concern-