

110TH CONGRESS  
1ST SESSION

# H. R. 4290

To amend the Homeland Security Act of 2002 to provide for additional availability of testing facilities and equipment and to extend the authority of the Secretary of Homeland Security to carry out certain research and development projects.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2007

Mr. McCAUL of Texas introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the Homeland Security Act of 2002 to provide for additional availability of testing facilities and equipment and to extend the authority of the Secretary of Homeland Security to carry out certain research and development projects.

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. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security  
5 Technology Advancement Act”.

1 **SEC. 2. EXTENSION OF AUTHORITY OF SECRETARY OF**  
2 **HOMELAND SECURITY TO CARRY OUT CER-**  
3 **TAIN RESEARCH AND DEVELOPMENT**  
4 **PROJECTS.**

5 Section 831(a) of the Homeland Security Act of 2002  
6 (6 U.S.C. 391(a)) is amended—

7 (1) by striking “5-year” and inserting “10-  
8 year”; and

9 (2) by striking “the Secretary may carry out a  
10 pilot program under which”.

11 **SEC. 3. AVAILABILITY OF TESTING FACILITIES AND EQUIP-**  
12 **MENT.**

13 (a) AMENDMENT.—Title III of the Homeland Secu-  
14 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
15 adding at the end the following new section:

16 **“SEC. 316. AVAILABILITY OF TESTING FACILITIES AND**  
17 **EQUIPMENT.**

18 “(a) AUTHORITY.—The Under Secretary for Science  
19 and Technology or his designee may make available to any  
20 person or entity, for an appropriate fee, the services of  
21 any Department of Homeland Security owned and oper-  
22 ated center, or other testing facility for the testing of ma-  
23 terials, equipment, models, computer software, and other  
24 items designed to advance the homeland security mission.

25 “(b) INTERFERENCE WITH FEDERAL PROGRAMS.—  
26 The Under Secretary for Science and Technology shall en-

1 sure that the testing of materiel and other items not  
2 owned by the Government shall not cause government per-  
3 sonnel or other government resources to be diverted from  
4 scheduled tests of Government materiel or otherwise inter-  
5 fere with Government mission requirements.

6       “(c) CONFIDENTIALITY OF TEST RESULTS.—The re-  
7 sults of tests performed with services made available under  
8 subsection (a) and any associated data provided by the  
9 person or entity for the conduct of such tests are trade  
10 secrets or commercial or financial information that is priv-  
11 ileged or confidential within the meaning of section  
12 552b(4) of title 5, United States Code, and may not be  
13 disclosed outside the Federal Government without the con-  
14 sent of the person or entity for whom the tests are per-  
15 formed.

16       “(d) FEES.—The fees for exercising the authorities  
17 under subsection (a) may not exceed the amount necessary  
18 to recoup the direct and indirect costs involved, such as  
19 direct costs of utilities, contractor support, and salaries  
20 of personnel that are incurred by the United States to pro-  
21 vide for the testing.

22       “(e) USE OF FEES.—The fees for exercising the au-  
23 thorities under subsection (a) shall be credited to the ap-  
24 propriations or other funds of the Directorate of Science  
25 and Technology.

1       “(f) OPERATIONAL PLAN.—Not later than 3 months  
2 after the date of enactment of this section, the Under Sec-  
3 retary for Science and Technology shall submit to Con-  
4 gress a report detailing a plan for operating a program  
5 under the authority provided to the Under Secretary in  
6 subsection (a). The plan shall contain—

7               “(1) a list of the facilities and equipment that  
8 could be made available to outside users;

9               “(2) a five-year budget plan, including costs for  
10 facility construction, staff training, contract and  
11 legal fees, equipment maintenance and operation,  
12 and any incidental costs associated with the pro-  
13 gram;

14               “(3) a five-year estimate of the number of users  
15 and fees to be collected;

16               “(4) a list of criteria for selecting the private  
17 sector users from the pool of applicants, including  
18 any special requirements for foreign applicants; and

19               “(5) an assessment of the impact this program  
20 will have on the ability of a center or testing facility  
21 to meet its obligations under previously existing  
22 Federal programs.

23       “(g) REPORT TO CONGRESS.—The Under Secretary  
24 for Science and Technology shall submit to Congress an-  
25 nually a report containing a list of the centers and testing

1 facilities that have collected fees under this section, the  
2 amount of fees collected, a brief description of each part-  
3 nership formed under this section, and the purpose for  
4 which the testing was conducted.

5       “(h) GAO REPORT.—Not later than 2 years after the  
6 date of enactment of this section, the Comptroller General  
7 shall provide to Congress an assessment of the implemen-  
8 tation of the program under this section.”.

9       (b) TABLE OF CONTENTS.—The table of contents for  
10 the Homeland Security Act of 2002 is amended by insert-  
11 ing after the item relating to section 315 the following  
12 new item:

“Sec. 316. Availability of testing facilities and equipment.”.

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