

SECURING THE CITIES ACT OF 2015

OCTOBER 20, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 3493]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3493) to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	3
Hearings	3
Committee Consideration	4
Committee Votes	4
Committee Oversight Findings	4
New Budget Authority, Entitlement Authority, and Tax Expenditures	4
Congressional Budget Office Estimate	4
Statement of General Performance Goals and Objectives	5
Duplicative Federal Programs	5
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	6
Federal Mandates Statement	6
Preemption Clarification	6
Disclosure of Directed Rule Makings	6
Advisory Committee Statement	6
Applicability to Legislative Branch	6
Section-by-Section Analysis of the Legislation	6
Changes in Existing Law Made by the Bill, as Reported	7

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing the Cities Act of 2015”.

SEC. 2. SECURING THE CITIES PROGRAM.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following new section:

“SEC. 1908. SECURING THE CITIES PROGRAM.

“(a) ESTABLISHMENT.—The Director for Domestic Nuclear Detection shall establish the ‘Securing the Cities’ (‘STC’) program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas. Through such program the Director shall—

“(1) assist State, local, tribal, and territorial governments in designing and implementing, or enhancing existing, architectures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

“(2) support the development of a region-wide operating capability to detect and report on nuclear and other radioactive materials out of operational control;

“(3) provide resources to enhance detection, analysis, communication, and coordination to better integrate State, local, tribal, and territorial assets into Federal operations;

“(4) facilitate alarm adjudication and provide subject matter expertise and technical assistance on concepts of operations, training, exercises, and alarm response protocols;

“(5) communicate with, and promote sharing of information about the presence or detection of nuclear or other radiological materials among appropriate Federal, State, local, tribal, and territorial governments, in a manner that ensures transparency with the jurisdictions served by such program; and

“(6) provide any other assistance the Director determines appropriate.

“(b) DESIGNATION OF JURISDICTIONS.—In carrying out the program under subsection (a), the Director shall designate jurisdictions from among high-risk urban areas under section 2003, and other cities and regions, as appropriate.

“(c) CONGRESSIONAL NOTIFICATION.—The Director shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than three days before the designation of new jurisdictions under subsection (b) or other changes to participating jurisdictions.

“(d) GAO REPORT.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the congressional committees specified in subsection (c) an assessment, including an evaluation of the effectiveness, of the STC program under this section.

“(e) PROHIBITION ON ADDITIONAL FUNDING.—No funds are authorized to be appropriated to carry out this section. This section shall be carried out using amounts otherwise appropriated or made available for such purpose.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1907 the following new item:

“Sec. 1908. Securing the Cities program.”.

SEC. 3. MODEL EXERCISES.

Not later than 120 days after the date of the enactment of this Act, the Director for Domestic Nuclear Detection of the Department of Homeland Security shall report to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate on the feasibility of the Director developing model exercises to test the preparedness of jurisdictions participating in the Securing the Cities program under section 1908 of the Homeland Security Act of 2002 (as added by section 2 of this Act) in meeting the challenges that may be posed by a range of nuclear and radiological threats.

PURPOSE AND SUMMARY

H.R. 3493, the Securing the Cities Act of 2015, would establish the Securing the Cities Program (STC) within the Domestic Nuclear Detection Office (DNDO). It would require the Director of DNDO to assist state and local governments by designing, imple-

menting, and enhancing capabilities for coordinating detection and interdiction of nuclear or other radiological materials. The legislation would provide resources to enhance detection, analysis, communication and coordination and increased oversight and accountability by requiring the Government Accountability Office (GAO) to conduct a review on the effectiveness of the program.

BACKGROUND AND NEED FOR LEGISLATION

Terrorists and rogue nation states continue to show keen interest in developing ‘crude’ nuclear weapons. Given the increasing threat of terrorist safe havens in Iraq and Syria, and the sophistication of these groups, it is imperative that the U.S. remains vigilant in preventing and deterring nuclear smuggling and terrorism.

DNDO was established within the Department of Homeland Security (DHS) to be the lead agency within the U.S. Government for implementing domestic nuclear detection efforts, managing a coordinated response to radiological and nuclear threats, and integrating federal nuclear forensic programs. Additionally, DNDO coordinates the development of global nuclear detection with partners from Federal, State, local, and international governments, and the private sector.

HEARINGS

On February 12, 2015, the Subcommittee held a hearing entitled “Emerging Threats and Technologies to Protect the Homeland.” The Subcommittee received testimony from Mr. Andy Ozment, Assistant Secretary, Office of Cybersecurity and Communications, National Protection and Programs Directorate, U.S. Department of Homeland Security; Dr. Huban Gowadia, Director, Domestic Nuclear Detection Office, U.S. Department of Homeland Security; Mr. Joseph Martin, Acting Director, Homeland Security Enterprise and First Responders Group, Science and Technology Directorate, U.S. Department of Homeland Security; Mr. William Noonan, Deputy Special Agent in Charge, Criminal Investigative Division, Cyber Operations Branch, United States Secret Service, U.S. Department of Homeland Security; and Mr. William Painter, Analyst, Government and Finance Division, Congressional Research Service, Library of Congress.

On July 14, 2015, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications held a joint hearing entitled “Weapons of Mass Destruction: Bolstering DHS to Combat Persistent Threats to America.” The Subcommittees received testimony from Dr. Reginald Brothers, Under Secretary for Science and Technology, U.S. Department of Homeland Security; Dr. Kathryn Brinsfield, Assistant Secretary, Office of Health Affairs, U.S. Department of Homeland Security; Dr. Huban Gowadia, Director, Domestic Nuclear Detection Office, U.S. Department of Homeland Security; Mr. Alan D. Cohn, Counsel, Steptoe & Johnson LLP; Mr. Rick “Ozzie” Nelson, Senior Associate, Homeland Security and Counterterrorism Program, Center for Strategic and International Studies; and Mr. Warren Stern, Former Director, Domestic Nuclear Detection Office, U.S. Department of Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on September 30, 2015, to consider H.R. 3493, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 1417 offered by MS. JACKSON LEE (#1); was AGREED TO by voice vote.

Add at the end of the bill a new section entitled "Sec. 3. Model Exercises."

The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies met on September 17, 2015, to consider H.R. 3493 and reported the measure to the Full Committee with a favorable recommendation, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 3493.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3493, the Securing the Cities Act of 2015, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 7, 2015.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3493, the Securing the Cities Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 3493—Securing the Cities Act of 2015

H.R. 3493 would establish in the Department of Homeland Security (DHS) the Securing the Cities initiative, a program to detect illicit nuclear and radiological material in urban areas. The bill also would require the Government Accountability Office (GAO) to report to the Congress on the effectiveness of this program.

DHS is currently carrying out activities similar to those required by the bill, and CBO estimates that implementing H.R. 3493 would not significantly affect spending by DHS. Based on the cost of similar reports, we estimate that it would cost GAO less than \$500,000 to prepare the report required by the bill; any costs would be subject to the availability of appropriated funds. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 3493 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3493 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The STC program trains and equips law enforcement personnel to be proficient in the use of radiological and nuclear detection equipment and guides them through detection and response protocols. The New York City (NYC) region includes two major metropolitan areas (NYC and Jersey City/Newark) and was the first to participate in this initiative. It has now expanded to include the National Capital Region, Los Angeles and Long Beach, Houston, and Chicago.

The legislation requires GAO to review and report to Congress on the effectiveness of the Securing the Cities Program.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 3493 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

This legislation does not establish a new program. However the Committee notes that the Securing the Cities Program is operated by the Domestic Nuclear Detection Office and is codified through this legislation.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 3493 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 3493 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that bill may be cited as the ‘Securing the Cities Act of 2015’.

Sec. 2. Securing the Cities Program

Section 2 establishes within Title XIX of the Homeland Security Act of 2002, (6 U.S.C. 591) the Securing the Cities Program.

“SEC. 1908. SECURING THE CITIES PROGRAM.

SEC. 1908(a). ESTABLISHMENT.

Subsection (a) requires the Director for the Domestic Nuclear Detection Office to establish the Securing the Cities Program.

The Director of the Securing the Cities program is required to: (1) Assist State, local, tribal, and territorial governments in designing and implementing, or enhancing existing architectures for a coordinated and integrated detection and interdiction of nuclear or

radiological material; (2) Support the development of a region-wide operating capability to detect and report on nuclear or radiological material and provide resources to enhance detection, analysis, communication, and coordination to better integrate State, local, Tribal and territorial assets into Federal operations; (3) Facilitate alarm adjudication and provide subject matter expertise and technical assistance on concepts of operations, training and exercises; and (4) Communicate with and promote the sharing of information about the presence or detection of nuclear or radiological materials among appropriate Federal, State, local, Tribal and territorial governments.

SEC. 1908(b). DESIGNATION OF JURISDICTIONS.

This subsection requires the Director to designate jurisdictions, other cities and regions from among high-risk urban areas under section 2003 of the Homeland Security Act of 2002.

SEC. 1908(c). CONGRESSIONAL NOTIFICATION.

This subsection requires the Director to notify Congress not later than three days before the designation of new jurisdictions under subsection (b) or other changes to participating jurisdictions.

SEC. 1908(d). GAO REPORT.

This subsection requires the GAO to submit to Congress not later than one year after the date of enactment an assessment, including an evaluation of the effectiveness, of the STC program under this section.

SEC. 1908(e). PROHIBITION ON ADDITIONAL FUNDING.

This subsection prohibits the authorization of additional appropriations for this program, the Director shall use existing, appropriated, funds.

SEC. 1908(f). CLERICAL AMENDMENT.

This subsection makes clerical amendments to the Homeland Security Act by inserting a new table of contents section.

Sec. 3. Model exercises

This section requires the Director to report to Congress on the feasibility of developing model exercises to test the preparedness of cities participating in the Securing the Cities Program and to combat radiological or nuclear threats.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

*	*	*	*	*	*	*
TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE						
*	*	*	*	*	*	*
Sec. 1908. <i>Securing the Cities program.</i>						
*	*	*	*	*	*	*

TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

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SEC. 1908. SECURING THE CITIES PROGRAM.

(a) *ESTABLISHMENT.*—The Director for Domestic Nuclear Detection shall establish the “Securing the Cities” (“STC”) program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas. Through such program the Director shall—

(1) assist State, local, tribal, and territorial governments in designing and implementing, or enhancing existing, architectures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

(2) support the development of a region-wide operating capability to detect and report on nuclear and other radioactive materials out of operational control;

(3) provide resources to enhance detection, analysis, communication, and coordination to better integrate State, local, tribal, and territorial assets into Federal operations;

(4) facilitate alarm adjudication and provide subject matter expertise and technical assistance on concepts of operations, training, exercises, and alarm response protocols;

(5) communicate with, and promote sharing of information about the presence or detection of nuclear or other radiological materials among appropriate Federal, State, local, tribal, and territorial governments, in a manner that ensures transparency with the jurisdictions served by such program; and

(6) provide any other assistance the Director determines appropriate.

(b) *DESIGNATION OF JURISDICTIONS.*—In carrying out the program under subsection (a), the Director shall designate jurisdictions from among high-risk urban areas under section 2003, and other cities and regions, as appropriate.

(c) *CONGRESSIONAL NOTIFICATION.*—The Director shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Home-

land Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than three days before the designation of new jurisdictions under subsection (b) or other changes to participating jurisdictions.

(d) GAO REPORT.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the congressional committees specified in subsection (c) an assessment, including an evaluation of the effectiveness, of the STC program under this section.

(e) PROHIBITION ON ADDITIONAL FUNDING.—No funds are authorized to be appropriated to carry out this section. This section shall be carried out using amounts otherwise appropriated or made available for such purpose.

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