

SUPPORTING RESEARCH AND DEVELOPMENT FOR FIRST  
RESPONDERS ACT

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MAY 28, 2019.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. THOMPSON of Mississippi, from the Committee on Homeland  
Security, submitted the following

R E P O R T

[To accompany H.R. 542]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 542) to amend the Homeland Security Act of 2002 to establish the National Urban Security Technology Laboratory, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 542, the “Supporting Research and Development for First Responders Act,” amends the Homeland Security Act of 2002 to authorize the National Urban Security Technology Laboratory (NUSTL) within the Department of Homeland Security’s Science

and Technology Directorate (S&T). Located in Manhattan, New York, NUSTL is the only national laboratory focused on supporting the needs of state and local first responders and is tasked with testing, evaluation, and research and development (R&D) activities. Additionally, NUSTL conducts nuclear and radiological R&D in support of response and recovery as well as provides technical advisory services to emergency response professionals. In the Fiscal Year 2018, 2019, and 2020 budget requests, the Trump Administration proposed closing NUSTL along with other Homeland Security laboratories and centers of excellence. Last Congress, a nearly identical version to H.R. 542 passed the full House by a voice vote.

#### BACKGROUND AND NEED FOR LEGISLATION

Since 1947, the National Urban Security Technology Laboratory (NUSTL) has worked to support national security efforts. Initially established as the Health & Safety Laboratory of the medical division of the Atomic Energy Commission, NUSTL was formed to research environmental monitoring of radioactive fallout from nuclear weapons tests along with other nuclear and radiological research questions. In 1977, the laboratory's name changed to the Environmental Measurements Laboratory (EML) and was incorporated into the newly created Department of Energy. During this time, the laboratory's research focus centered on environmental radiation monitoring, decontamination, and remediation efforts. In 2003, EML was transferred to the Department of Homeland Security (DHS) from the Department of Energy<sup>1</sup> and in 2009 DHS changed the name of the laboratory to the National Urban Security Technology Laboratory.<sup>2</sup>

NUSTL is one of five laboratories overseen by DHS Science & Technology (S&T) Directorate. Located within S&T's First Responders Group, NUSTL is a unique resource for the emergency preparedness community by serving as test and evaluation laboratory for first responder technology. NUSTL carries out the System Assessment and Validation for Emergency Responders (SAVER) program that assesses commercially-available first responder equipment. The results of SAVER assessments are shared with the first responder community to enable them to better select, acquire, and use the latest emergency response technology and equipment.<sup>3</sup> NUSTL also conducts research into response and recovery from nuclear and radiological events. Such research helps improve radiological response capabilities at all levels of government to minimize impact to communities in the aftermath of a nuclear or radiological incident.<sup>4</sup> Additionally, NUSTL serves as platform for the first responder community to collaborate, exchange information on the latest relevant technology, applications, and training.<sup>5</sup>

<sup>1</sup>6 USC 183

<sup>2</sup>National Urban Security Technology Laboratory Annual Report Fiscal Year 2016. Page 5. Available at: [https://www.dhs.gov/sites/default/files/publications/NUSTL\\_Annual-Report-FY2016\\_web\\_171012-508\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/NUSTL_Annual-Report-FY2016_web_171012-508_0.pdf).

<sup>3</sup>National Urban Security Technology Laboratory Annual Report Fiscal Year 2017. Page 5. Available at: <https://www.dhs.gov/publication/st-nustl-annual-report-2017>

<sup>4</sup>Radiological/Nuclear Response and Recovery Research & Development Fact Sheet. Available at: <https://www.dhs.gov/publication/rnrr-nustl-fact-sheet>

<sup>5</sup>National Urban Security Technology Laboratory Annual Report Fiscal Year 2017. Page 20.

The Trump Administration proposed closing NUSTL in the Fiscal Year 2018, 2019, and 2020 budget requests.<sup>6,7</sup> However, Congress rejected the proposal and funded NUSTL.<sup>8</sup>

Last Congress, an earlier version of the bill, H.R. 4991, passed the House by voice vote. Representative Kathleen Rice (D–NY) re-introduced the measure in the 116th Congress with Representative Peter King (R–NY) to authorize NUSTL to ensure that it continues to contribute to bolstering first responder preparedness and response capabilities.

#### HEARINGS

The Committee did not hold a legislative hearing on H.R. 542 in the 116th Congress. However, on November 7, 2017 in the 115th Congress, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled “How Effective is the Science and Technology Directorate?: Stakeholder Perspectives” at which witnesses discussed NUSTL and the benefits of its work. At the hearing, the Subcommittee heard from S&T stakeholders about the importance of keeping NUSTL operational.<sup>9</sup> During the hearing, Chief Timothy Rice from the New York City Fire Department (FDNY) highlighted that:

[t]hrough our frequent and valuable interactions with NUSTL, the FDNY has greatly benefited from our partnership with S&T. The advantages of this relationship, both tangible and intangible, strengthen the department’s ability to save life and property, and ultimately, make the people of New York and millions of visitors to the region safer each day.<sup>10</sup>

#### COMMITTEE CONSIDERATION

The Committee met on May 15, 2019, with a quorum being present, to consider H.R. 542 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

#### 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. 542.

<sup>6</sup>In the Fiscal Year 2018 budget request, the additional laboratories were the Chemical Security Analysis Center (CSAC) and the National Biodefense Analysis and Countermeasures Center (NBACC). However, in the Fiscal Year 2019 budget request, funding for NBACC was restored whereas the Administration proposed closing NUSTL and CSAC.

<sup>7</sup>In the Fiscal Year 2020 budget request, the DHS Science & Technology directorate’s budget was cut by \$219 million. If enacted, the directorate would need to close its laboratories to accommodate the budget decrease.

<sup>8</sup>P.L. 115–141.

<sup>9</sup>Chief Timothy Rice, Battalion Chief, Weapons of Mass Destruction Branch Coordinator, City of New York Fire Department, Testimony before the Committee on Homeland Security’s Subcommittee on Emergency Preparedness, Response, and Communications, November 7, 2017.

<sup>10</sup>*Id.*

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET  
AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

<b>Department of Homeland Security Legislation</b>			
As ordered reported by the House Committee on Homeland Security on May 15, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

n.e. = not estimated; \* = between zero and \$500,000; the table above applies to each bill described below.

On May 15, the House Committee on Homeland Security ordered reported the following bills:

- H.R. 542, the Supporting Research and Development for First Responders Act, which would codify laboratory programs that currently exist at the Department of Homeland Security (DHS);
- H.R. 2589, the Unifying DHS Intelligence Enterprise Act, which would direct DHS to manage and provide guidance for the use of intelligence throughout the department;
- H.R. 2590, the DHS Overseas Personnel Enhancement Act of 2019, which would require DHS to devise a plan to improve the effectiveness of department personnel who are stationed at foreign locations;
- H.R. 2609, the DHS Acquisition Review Board Act of 2019, which would direct the department to establish a board to review major acquisition programs and enhance accountability and uniformity in the review process for DHS acquisitions; and

- H.R. 2621, the Homeland Security Assessment of Terrorists Use of Ghost Guns Act, which would require DHS to evaluate the threat posed by firearms without unique serial numbers.

DHS is currently carrying out activities similar to those required by the bills listed above, and any new activities required under the legislation would not require substantial action by the department. Thus, CBO estimates that implementing each bill would not significantly affect spending by DHS.

The CBO staff contact for these estimates is Mark Grabowicz. The estimates were reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### 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.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 542 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 542 would require the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goals and objectives of H.R. 542 are to authorize the activities of the National Urban Security Technology Laboratory to support first responders and emergency preparedness officials through NUSTL's projects and programs.

#### ADVISORY ON EARMARKS

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(d), 9(e), or 9(f) of the rule XXI.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section provides that this bill may be cited as the "Supporting Research and Development for First Responders Act".

##### *Sec. 2. National Urban Security Technology Laboratory*

Amends title III of the Homeland Security Act of 2002 by adding a new section directing the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology, to designate the National Urban Security Technology Laboratory as an S&T laboratory responsible for testing and evaluating emerging technologies and conducting research and development to assist

emergency response providers in preparing for, and protecting against, threats of terrorism.

The legislation directs the laboratory to conduct tests, evaluations, and assessments of current and emerging technologies for emergency responders; conduct research and development on radiological and nuclear response and recovery; act as a technical advisor to emergency response providers; and carry out other such activities as appropriate.

#### 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:

Sec. 1. Short title; table of contents.

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#### TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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Sec. 321. *National Urban Security Technology Laboratory.*

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### TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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#### SEC. 321. NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY.

(a) *IN GENERAL.*—*The Secretary, acting through the Under Secretary for Science and Technology, shall designate the laboratory described in subsection (b) as an additional laboratory pursuant to the authority under section 308(c)(2). Such laboratory shall be used to test and evaluate emerging technologies and conduct research and development to assist emergency response providers in preparing for, and protecting against, threats of terrorism.*

(b) *LABORATORY DESCRIBED.*—*The laboratory described in this subsection is the laboratory—*

(1) *known, as of the date of the enactment of this section, as the National Urban Security Technology Laboratory;*

(2) *previously known as the Environmental Measurements Laboratory; and*

(3) *transferred to the Department pursuant to section 303(1)(E).*

(c) *LABORATORY ACTIVITIES.*—*The laboratory designated pursuant to subsection (a), shall—*

*(1) conduct tests, evaluations, and assessments of current and emerging technologies, including, as appropriate, cybersecurity of such technologies that can connect to the internet, for emergency response providers;*

*(2) conduct research and development on radiological and nuclear response and recovery;*

*(3) act as a technical advisor to emergency response providers; and*

*(4) carry out other such activities as the Secretary determines appropriate.*

\* \* \* \* \*

