

HOMELAND SECURITY UNIVERSITY-BASED CENTERS
REVIEW ACT

JUNE 18, 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. 2390]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the
bill (H.R. 2390) to require a review of university-based centers for
homeland security, and for other purposes, having considered the
same, report favorably thereon without amendment and rec-
ommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 2390 is to require a review of university-based centers for homeland security, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Department of Homeland Security Centers of Excellence (COE) are charged with performing basic and applied research in areas of emerging threats. These research projects are typically long-term and support a technology development program some years later. These COEs are typically tasked with addressing the “over the horizon” threats.

This bill will require the Government Accountability Office (GAO) to initiate a study to assess the university-based centers for homeland security program and provide recommendations to Congress for appropriate improvements. This study includes a review of the Department of Homeland Security’s efforts to identify areas of study needed to support its missions, a review of selection criteria for designating university-based centers, an examination of best practices to organize and use university-based research, a review of criteria and metrics DHS uses to measure progress of university based centers, an examination of the means by which other academic institutions can contribute to the research mission of the S&T, an assessment of the interrelationship between the different COEs, and a review of any other essential elements of the programs.

The Committee believes this review will identify key areas of study needed to support homeland security missions and provide insight into the method by which university based centers, which are federally funded research and develop centers, receive tasking from DHS.

The bill refines requirements in an existing Departmental reporting requirement to Congress to include more information on the designation of the COEs, the various research projects tasked to each COE, and the funding provided for each center.

HEARINGS

The Committee held no hearings on H.R. 2390, however the Committee held the following oversight hearing.

The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a hearing on May 19, 2015, entitled “Examining the DHS Science and Technology Directorate’s Engagement with Academia and Industry.” The Subcommittee received testimony from Mr. Jake Parker, Director of Government Relations, Security Industry Association; Mr. Marc Pearl, President and CEO, Homeland Security and Defense Business Council; and Dr. Samuel H. Aronson, President of the American Physical Society and former Director of Brookhaven National Laboratory. This hearing examined perspectives on how DHS’ Science and Technology (S&T) Directorate collaborates with academia on relevant research topics and partners with industry on the development and acquisition of products for the Department of Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on May 20, 2015, to consider H.R. 2390, and ordered the measure to be reported to the House 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 voted were requested during consideration of H.R. 2390.

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. 2390, the Homeland Security University-based Centers Review Act, 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, May 28, 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. 2390, the Homeland Security University-based Centers Review Act.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2390—Homeland Security University-based Centers Review Act

H.R. 2390 would require the Department of Homeland Security (DHS) to prepare annual reports that describe the work of DHS's program for university-based centers for homeland security. Under the bill the Government Accountability Office also would assess those centers, which research multidisciplinary approaches to

homeland security problems. Based on the cost of similar activities, CBO estimates that preparing the reports required by H.R. 2390 would cost less than \$500,000 in 2016 and over the 2016–2020 period, assuming availability of appropriated funds.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2390 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, 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. 2390 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goals of this bill are to allow the GAO to study the university based centers for homeland security and provide recommendations to Congress for appropriate improvements. This allows the Committee to review the results GAO produces and determine further legislative and oversight activities to ensure the university-based centers are serving the mission needs of DHS S&T and its components.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2390 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

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. 2390 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2390 would require no directed rule makings.

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 “Homeland Security University-based Centers Review Act.”

Section 2. Review of university-based centers

This section requires the Government Accountability Office (GAO) to initiate a study to assess the university-based centers for homeland security program and provide recommendations to Congress for appropriate improvements.

This section sets forth that the study should:

- Review the Department’s efforts to identify key areas of study needed to support homeland security missions, the method the Department uses to task university-based centers, Federally Funded Research and Development Centers (FFRDC), and Department of Energy laboratories, how the Department identifies, prioritizes, and funds these taskings, the Department’s selection criteria for designating university-based centers, and the criteria and metrics used by DHS to measure progress by centers on taskings;
- Examine best practices of other Federal agencies to organize and use university-based research and the means by which academic institutions that are not designated university-based centers can contribute to the research mission of the S&T; and
- Assess the interrelationship between different university-based centers as well as the degree to which the Department encourages outreach and collaboration among a diverse array of academic institutions.

Finally, this section amends the Annual Report to Congress established in the Homeland Security Act of 2002 in section 308(b)(2). This change requires reporting by the Secretary of Homeland Security on the implementation of this section. This updated report provides information on which centers have been designated pursuant to this section, how the designations enhance homeland security, any decision to revoke or modify designations, any research that has been tasked and completed by each center during the previous year, funding that has been provided to each center, and plans for utilization of the centers in the next year.

The Committee believes that these changes to the annual report, together with the Comptroller General review, will enhance the Committee’s ability to conduct oversight into the management of the Department’s University-Based Centers program and its contributions to the Department’s efforts at achieving Departmental and component research and development goals.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

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

* * * * *

**SEC. 308. 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 302(4) 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 302(14); 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 section 308(b)(2)(B) and consider additional criteria beyond those specified in section 308(b)(2)(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 concerning the implementation of this section. That report shall indicate which center or centers have been designated and how the designation or designations enhance homeland security, as well as report any decisions to revoke or modify such designations.]

(D) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this subparagraph and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this section. Each such report shall—

- (i) indicate which center or centers have been designated pursuant to this section;*
- (ii) describe how such designation or designations enhance homeland security;*
- (iii) provide information on any decisions to revoke or modify such designation or designations;*
- (iv) describe research that has been tasked and completed by each center that has been designated during the preceding year;*
- (v) describe funding provided by the Secretary for each center under clause (iv) for that year; and*
- (vi) describe plans for utilization of each center or centers in the forthcoming year.*

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

(c) INTRAMURAL PROGRAMS.—

(1) CONSULTATION.—In carrying out the duties under section 302, the Secretary, acting through the Under Secretary for Science and Technology, may draw upon the expertise of any laboratory of the Federal Government, whether operated by a contractor or the Government.

(2) LABORATORIES.—The Secretary, acting through the Under Secretary for Science and Technology, may establish a headquarters laboratory for the Department at any laboratory or site and may establish additional laboratory units at other laboratories or sites.

(3) CRITERIA FOR HEADQUARTERS LABORATORY.—If the Secretary chooses to establish a headquarters laboratory pursuant to paragraph (2), then the Secretary shall do the following:

(A) Establish criteria for the selection of the headquarters laboratory in consultation with the National Academy of Sciences, appropriate Federal agencies, and other experts.

(B) Publish the criteria in the Federal Register.

(C) Evaluate all appropriate laboratories or sites against the criteria.

(D) Select a laboratory or site on the basis of the criteria.

(E) Report to the appropriate congressional committees on which laboratory was selected, how the selected laboratory meets the published criteria, and what duties the headquarters laboratory shall perform.

(4) LIMITATION ON OPERATION OF LABORATORIES.—No laboratory shall begin operating as the headquarters laboratory of the Department until at least 30 days after the transmittal of the report required by paragraph (3)(E).

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