

SUPPORTING RESEARCH AND DEVELOPMENT FOR FIRST RESPONDERS ACT

JUNE 14, 2018.—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. 4991]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4991) 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. 4991 authorizes the National Urban Security Technology Laboratory (NUSTL) within the Department of Homeland Security.

riety's Science and Technology Directorate (S&T). NUSTL is a one of a kind test and evaluation laboratory for the first responder community. Additionally, NUSTL conducts radiological and nuclear research and development (R&D).

BACKGROUND AND NEED FOR LEGISLATION

NUSTL has supported national security efforts for more than 70 years. In 1947, the laboratory was established to support atomic energy activities. For over 50 years, this laboratory conducted numerous radiological and nuclear R&D projects and was known as the Environmental Measurements Laboratory (EML). EML was transferred to the Department of Homeland Security from the Department of Energy in 2003.¹ In 2009, the Department of Homeland Security officially changed the name of the laboratory to the National Urban Security Technology Laboratory.²

NUSTL is one of five laboratories overseen by S&T. Housed within S&T's First Responders Group, NUSTL has become a one of a kind test and evaluation laboratory for first responders. One of NUSTL's programs is the System Assessment and Validation for Emergency Responders or SAVER. The intent of SAVER is to conduct impartial assessments and validations on current and emerging first responders' equipment. SAVER has conducted and published more than 1,000 assessments on equipment used by first responders.³ These assessments range from high-level overviews to in-depth comparative evaluation of selected equipment based on criteria established by first responders.⁴

In addition to NUSTL's test and evaluation programs, NUSTL conducts radiological and nuclear R&D. NUSTL's R&D focused on response and recovery efforts. Such R&D seeks to improve decision making and response to minimize damages, including the loss of life, after a radiological incident.

In both the Fiscal Year 2018 and 2019 budget requests, the Administration proposed closing NUSTL along with two additional S&T laboratories.⁵ However, Congress rejected the proposal and funded all three laboratories in the Consolidated Appropriations Act of 2018.⁶

Chairman Donovan introduced H.R. 4991 in February with the goal of authorizing NUSTL and the activities described above to ensure S&T continues to support first responders through NUSTL's projects and programs.

¹6 USC 183

²National Urban Security Technology Laboratory Annual Report Fiscal Year 2016. At 5. Available at: https://www.dhs.gov/sites/default/files/publications/NUSTL_Annual-Report-FY2016_web_171012-508_0.pdf.

³"System Assessment and Validation for Emergency Responders (SAVER) Program, Science and Technology Directorate, available at: <https://www.dhs.gov/science-and-technology/saver>.

⁴System Assessment and Validation for Emergency Responders, Science and Technology Directorate, available at: <https://www.dhs.gov/sites/default/files/publications/SAVER%20One%20Pager%2007072016-508.pdf>.

⁵ 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.

⁶Pub.L. 115-141.

HEARINGS

No hearings were specifically held on H.R. 4991 in the 115th Congress. However, on November 7, 2017, 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.⁷ 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.⁸

COMMITTEE CONSIDERATION

The Committee met on June 6, 2018, to consider H.R. 4991, 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. 4991.

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. 4991, the Supporting Research and Development for First Responders Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget

⁷ 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.

⁸ *Id.*

Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

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. 4991 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goals and objectives of H.R. 4991 are to authorize the activities of the National Urban Security Technology Laboratory in support for first responders.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4911 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

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

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. 4991 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4991 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 this bill may be cited as the “Supporting Research and Development for First Responders Act”.

Section 2. National Urban Security Technology Laboratory.

This section authorizes the National Urban Security Technology Laboratory (previously known as the Environmental Measurements Laboratory) pursuant to the authority under section 308(c)(2) of the Homeland Security Act of 2002. This section gives the Secretary, acting through the Under Secretary for Science and Technology, the authority to establish a headquarters laboratory and additional laboratories for the Department of Homeland Security. Currently, NUSTL is one of the five laboratories overseen by the Department of Homeland Security’s Science and Technology Directorate.

Additionally, this section authorizes NUSTL’s activities, including conducting testing, evaluations, assessments of current and emerging technologies for first responders and conducting radiological and nuclear research and development.

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

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. 317. Promoting antiterrorism through international cooperation program.

[Sec. 318. Social media working group.

[Sec. 319. EMP and GMD mitigation research and development.

[Sec. 319. Transparency in research and development.**]**

Sec. 318. Social media working group.

Sec. 319. Transparency in research and development.

Sec. 320. EMP and GMD mitigation research and development.
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. [319.] 320. EMP AND GMD MITIGATION RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—In furtherance of domestic preparedness and response, the Secretary, acting through the Under Secretary for Science and Technology, and in consultation with other relevant executive agencies, relevant State, local, and tribal governments, and relevant owners and operators of critical infrastructure, shall, to the extent practicable, conduct research and development to mitigate the consequences of threats of EMP and GMD.

(b) **SCOPE.**—The scope of the research and development under subsection (a) shall include the following:

(1) An objective scientific analysis—

(A) evaluating the risks to critical infrastructure from a range of threats of EMP and GMD; and

(B) which shall—

(i) be conducted in conjunction with the Office of Intelligence and Analysis; and

(ii) include a review and comparison of the range of threats and hazards facing critical infrastructure of the electrical grid.

(2) Determination of the critical utilities and national security assets and infrastructure that are at risk from threats of EMP and GMD.

(3) An evaluation of emergency planning and response technologies that would address the findings and recommendations of experts, including those of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, which shall include a review of the feasibility of rapidly isolating one or more portions of the electrical grid from the main electrical grid.

(4) An analysis of technology options that are available to improve the resiliency of critical infrastructure to threats of EMP and GMD, including an analysis of neutral current blocking devices that may protect high-voltage transmission lines.

(5) The restoration and recovery capabilities of critical infrastructure under differing levels of damage and disruption from various threats of EMP and GMD, as informed by the objective scientific analysis conducted under paragraph (1).

(6) An analysis of the feasibility of a real-time alert system to inform electrical grid operators and other stakeholders within milliseconds of a high-altitude nuclear explosion.

(c) **EXEMPTION FROM DISCLOSURE.**—

(1) **INFORMATION SHARED WITH THE FEDERAL GOVERNMENT.**—Section 214, and any regulations issued pursuant to such section, shall apply to any information shared with the Federal Government under this section.

(2) INFORMATION SHARED BY THE FEDERAL GOVERNMENT.—Information shared by the Federal Government with a State, local, or tribal government under this section shall be exempt from disclosure under any provision of State, local, or tribal freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records.

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 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.

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