

SECURING THE CITIES IMPROVEMENT ACT

DECEMBER 19, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GREEN of Tennessee, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4403]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4403) to amend the Homeland Security Act of 2002 to make improvements to the Securing the Cities program, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

The “Securing the Cities Improvement Act” amends the Homeland Security Act of 2002 by removing the requirement for a jurisdiction to be designated as a “high-risk urban area” by the Federal Emergency Management Agency (FEMA) in order to participate in

the Securing the Cities (STC) program. Instead, it allows the Secretary of the Department of Homeland Security (DHS) to determine which cities have the capability and capacity to prepare for and respond to biological, radiological, chemical, and nuclear attacks.

H.R. 4403 requires that DHS establish performance metrics and milestones for the STC program to track its performance and monitor its expenditures. Additionally, the legislation requires that DHS submit a report to Congress two years after enactment of the Act that evaluates the performance of the jurisdictions participating in the STC program by using the metrics and milestones DHS established; and it must outline any planned changes to the program.

BACKGROUND AND NEED FOR LEGISLATION

In Fiscal Year (FY) 2007, DHS established the “Securing the Cities Initiative” to reduce the risk of nuclear or radiological threats in New York City, Jersey City, and Newark. Operated by DHS’s Countering Weapons of Mass Destruction (CWMD) Office, the STC program provides “detection equipment, training, exercise support, operational and technical subject matter expertise, and programmatic support” to prepare for, protect against, and respond to high-consequence events and acts of terrorism.

Since its inception, the program has expanded to 14 metropolitan areas, including New York City, Newark, Los Angeles/Long Beach, the National Capital Region, Houston, Chicago, Atlanta, Boston, Denver, Phoenix (Maricopa Co), Miami, New Orleans, San Francisco, and Seattle.

However, in order to participate in the STC program, a jurisdiction must be designated as a “high-risk urban area” by FEMA’s Urban Area Security Initiative (UASI) program. FEMA’s designation of “high-risk urban areas” may change greatly from one year to the next, thus creating uncertainty for the cities involved and the possibility of being removed from the STC program.

Decoupling the requirement for a jurisdiction to be designated as a “high-risk urban area” under FEMA’s UASI program will ensure that a jurisdiction maintains the ability to participate in the STC program.

HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the Committee did not hold a legislative hearing on H.R. 4403 in the 118th Congress; however, during the 117th Congress, the following hearing informed H.R. 4403:

On July 16, 2021, the Emergency Preparedness, Response, and Recovery Subcommittee of the Committee on Homeland Security held a hearing entitled, “Examining the U.S. Department of Homeland Security Countering Weapons of Mass Destruction Office,” and received testimony from the Honorable Gary Rasicot, Acting Assistant Secretary, CWMD, DHS; and Mr. Christopher P. Currie, Director, Homeland Security and Justice, Government Accountability Office (GAO).

COMMITTEE CONSIDERATION

The Committee met on Wednesday, November 8, 2023, a quorum being present, to consider H.R. 4403 and ordered the measure to be favorably reported to the House by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII 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. 4403.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, 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 and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

H.R. 4403, Securing the Cities Improvement Act			
As ordered reported by the House Committee on Homeland Security on November 8, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Mandate Effects	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 4403 would require the Department of Homeland Security (DHS) to establish performance metrics and milestones for the Securing the Cities (STC) program. STC provides funding to reduce the risk of radiological or nuclear attacks against major metropolitan areas in the United States by providing detection equipment, training, and operational support to local governments. H.R. 4403

also would require DHS, within two years of enactment, to submit a report to the Congress evaluating the performance of the program. In 2023, DHS allocated \$35 million to the program.

According to information from DHS, the department has already developed performance metrics and milestones for the STC program. Based on the cost of similar activities, CBO estimates that evaluating and reporting on the program would cost less than \$500,000 over the 2024–2028 period. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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 of 1995.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4403 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 4403 is to amend the Homeland Security Act of 2002 to make improvements to the Securing the Cities program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI, 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 rule XXI.

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 THE LEGISLATIVE BRANCH

The Committee finds that H.R. 4403 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 states that the Act may be cited as the “Securing the Cities Improvement Act.”

Sec. 2. STC program eligibility, metrics, and congressional oversight

This section amends section 1928 of the Homeland Security Act of 2002 by removing the requirement that Securing the Cities (STC) jurisdictions be from “high-risk urban areas.”

This section also requires the Secretary of the Department of Homeland Security to establish performance metrics and milestones for the STC program, monitor expenditures for the program, and track the performance against program metrics and milestones.

Additionally, this section requires the Secretary to choose STC jurisdictions based on the capability and capacity of the jurisdiction relating to preparedness and response, as well as threat, vulnerability, and consequences for such jurisdiction, regarding terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials.

Finally, this section requires the Secretary to submit a report to Congress regarding participation in the STC program, the establishment of metrics and milestones for the STC program, performance against such metrics and milestones, and plans for any changes to the STC program.

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 italics, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

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**TITLE XIX—COUNTERING WEAPONS OF
MASS DESTRUCTION OFFICE**

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Subtitle B—Mission of the Office

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SEC. 1928. SECURING THE CITIES PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary, through the Assistant Secretary, shall establish a program, to be known as the “Securing the Cities” or “STC” program, to enhance the ability of the United States to detect and prevent terrorist attacks and other high-con-

sequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in [high-risk urban areas] *jurisdictions designated under subsection (c)*.

(b) ELEMENTS.—Through the STC program the Secretary 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 an operating capability to detect and report on nuclear and other radiological materials out of regulatory 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 government agencies, in a manner that ensures transparency with the jurisdictions designated under subsection (c);

(6) provide augmenting resources, as appropriate, to enable State, local, Tribal, and territorial governments to sustain and refresh their capabilities developed under the STC program;

[(7) monitor expenditures under the STC program and track performance in meeting the goals of the STC program; and]

(7) *establish performance metrics and milestones for the STC program, monitor expenditures for the program, and track the performance against program metrics and milestones; and*

(8) provide any other assistance the Secretary determines appropriate.

(c) DESIGNATION OF JURISDICTIONS.—

(1) IN GENERAL.—In carrying out the STC program under subsection (a), the Secretary shall designate jurisdictions [from among high-risk urban areas under section 2003] *based on the capability and capacity of the jurisdiction relating to preparedness and response, as well as the relative threat to such jurisdiction, vulnerability of such jurisdiction, and consequences for such jurisdiction, regarding terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials.*

(2) CONGRESSIONAL NOTIFICATION.—The Secretary 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 3 days before the designation of a new jurisdiction under paragraph (1) or any change to a jurisdiction previously designated under that paragraph.

[(d) ACCOUNTABILITY.—

[(1) IMPLEMENTATION PLAN.—

[(A) IN GENERAL.—The Secretary shall develop, in consultation with relevant stakeholders, an implementation plan for carrying out the STC program that includes—

[(i) a discussion of the goals of the STC program and a strategy to achieve those goals;

[(ii) performance metrics and milestones for the STC program;

[(iii) measures for achieving and sustaining capabilities under the STC program; and

[(iv) costs associated with achieving the goals of the STC program.

[(B) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of the Countering Weapons of Mass Destruction Act of 2018, the Secretary shall submit to the appropriate congressional committees and the Comptroller General of the United States the implementation plan required by subparagraph (A).

[(2) REPORT REQUIRED.—Not later than one year after the submission of the implementation plan under paragraph (1)(B), the Secretary shall submit to the appropriate congressional committees and the Comptroller General a report that includes—

[(A) an assessment of the effectiveness of the STC program, based on the performance metrics and milestones required by paragraph (1)(A)(ii); and

[(B) proposals for any changes to the STC program, including an explanation of how those changes align with the strategy and goals of the STC program and, as appropriate, address any challenges faced by the STC program.

[(3) COMPTROLLER GENERAL REVIEW.—Not later than 18 months after the submission of the report required by paragraph (2), the Comptroller General of the United States shall submit to the appropriate congressional committees a report evaluating the implementation plan required by paragraph (1) and the report required by paragraph (2), including an assessment of progress made with respect to the performance metrics and milestones required by paragraph (1)(A)(ii) and the sustainment of the capabilities of the STC program.

[(4) BRIEFING AND SUBMISSION REQUIREMENTS.—Before making any changes to the structure or requirements of the STC program, the Assistant Secretary shall—

[(A) consult with the appropriate congressional committees; and

[(B) provide to those committees—

[(i) a briefing on the proposed changes, including a justification for the changes;

[(ii) documentation relating to the changes, including plans, strategies, and resources to implement the changes; and

[(iii) an assessment of the effect of the changes on the capabilities of the STC program, taking into consideration previous resource allocations and stakeholder input.]

(d) *REPORT.*—Not later than two years after the date of the enactment of this subsection, 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 regarding participation in the STC program, the establishment of metrics and milestones for the STC program, performance against such metrics and milestones, and plans for any changes to the STC program.

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