

AUTHORIZATION OF SECURING THE CITIES INITIATIVE

JANUARY 12, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2611]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2611) to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.**

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

**“SEC. 1908. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.**

“(a) FINDINGS.—Congress finds the following:

“(1) The Securing the Cities Initiative of the Department uses next generation radiation detection technology to detect the transport of nuclear and radiological material in urban areas by terrorists or other unauthorized individuals.

“(2) The technology used by partners in the Securing the Cities Initiative leverages radiation detection technology used at ports of entry.

“(3) The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners.

“(4) The Securing the Cities Initiative is a critical national capability to detect the dangerous introduction of nuclear and radiological material.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of the Domestic Nuclear Detection Office of the Department for the Securing the Cities Initiative such sums as may be necessary for each fiscal year, including—

“(1) for each city in which it has been implemented by fiscal year 2009—

“(A) \$40,000,000 for fiscal year 2010;

“(B) \$20,000,000 for fiscal year 2011; and

“(C) not less than \$10,000,000 in sustainment assistance for each fiscal year thereafter; and

“(2) for additional Securing the Cities initiatives to be implemented in not fewer than 2 sites participating in the Urban Area Security Initiative, such sums as may be necessary each fiscal year to implement and sustain each additional initiative.”.

(b) CONFORMING 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. Authorization of Securing the Cities Initiative.”.

**PURPOSE AND SUMMARY**

The purpose of H.R. 2611 is to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

The detonation of an improvised nuclear device or a radiological dispersal device in a metropolitan area of the United States would have devastating consequences due to loss of life, destruction of property, and economic repercussions. As part of an overall strategy to prevent nuclear terrorism, the Committee recognizes that preventing illicit nuclear or radiological material from entering highly populated areas that are primary terrorist targets must be a top priority. Currently, the Securing the Cities Initiative is the only program dedicated specifically to this mission. The Securing the Cities Initiative uses next generation radiation detection technology to detect the illicit transport of nuclear and radiological material in and around urban areas. Enactment of H.R. 2611 will ensure that the Securing the Cities Initiative continues by permanently authorizing the program.

**HEARINGS**

No hearings were held on H.R. 2611. The House of Representatives, however, passed H.R. 5531 in the 110th Congress to authorize the Securing the Cities Initiative. The Senate did not act on this legislation prior to adjournment *sine die*.

## COMMITTEE CONSIDERATION

The Committee met on November 17, 2009, to consider H.R. 2611, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The Committee adopted the measure, as amended, by unanimous consent.

The following amendments were offered:

An Amendment offered by Mr. Green (#1); Page 2, beginning at line 22, strike “including” and all that follows through page 3, line 2, and insert “including-”. Page 2, after line 22, insert the following:

“(1) for each city in which it has been implemented by fiscal year 2009-

“(A) \$40,000,000 for fiscal year 2010;

“(B) \$20,000,000 for fiscal year 2011; and

“(C) not less than \$10,000,000 in sustainment assistance for each fiscal year thereafter; and

“(2) for additional Securing the Cities initiatives to be implemented in not fewer than 2 sites participating in the Urban Area Security Initiative, such sums as may be necessary each fiscal year to implement and sustain each additional initiative.”. ; was AGREED TO 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. 2611.

## 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. 2611, 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.

*H.R. 2611—A bill to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes*

Summary: H.R. 2611 would authorize funding for fiscal year 2010 and subsequent years for the Domestic Nuclear Detection Of-

office in the Department of Homeland Security (DHS) to support the Securing the Cities Initiative, a program to detect illicit nuclear and radiological material in urban areas. For each city that participated in the program in 2009, the bill would authorize the appropriation of \$40 million for fiscal year 2010, \$20 million for 2011, and at least \$10 million for each subsequent year. H.R. 2611 also would authorize the appropriation of such sums as may be necessary for each fiscal year to implement this program in at least two new areas.

CBO estimates that implementing H.R. 2611 would cost \$206 million over the 2010–2014 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

H.R. 2611 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2611 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Securing the Cities Funding for New York City:						
Estimated Authorization Level .....	20	20	10	10	10	70
Estimated Outlays .....	8	14	16	13	10	61
Securing the Cities Funding for Other Areas:						
Estimated Authorization Level .....	0	80	40	20	20	160
Estimated Outlays .....	0	40	40	40	25	145
Total Changes:						
Estimated Authorization Level .....	20	100	50	30	30	230
Estimated Outlays .....	8	54	56	53	35	206

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the middle of calendar year 2010, the necessary amounts will be appropriated near the start of each fiscal year (except fiscal year 2010), and outlays will follow the historical rate of spending for those activities.

For fiscal year 2009, the only city to participate in the Secure the Cities Initiative was New York City. For 2010, the Congress appropriated \$20 million to continue that program. Thus, CBO estimates that H.R. 2611 would authorize the appropriation of an additional \$20 million in 2010 (for a total of \$40 million in 2010), \$20 million in 2011, and \$10 million for each year thereafter to continue operating the program in New York City.

In addition, the bill would authorize the appropriation of such sums as may be necessary for each fiscal year to implement the Securing the Cities Initiative in at least two new locations. Based on information from DHS, CBO assumes that those cities would be chosen by the beginning of fiscal year 2011 and that each would receive the same funding that the bill would authorize for New York City (but with a lag of one year as compared to the authorizations for New York). Thus, we estimate that this provision of H.R. 2611 would authorize the appropriation of \$80 million for fiscal year 2011, \$40 million for 2012, and \$20 million for each year thereafter.

Intergovernmental and private-sector impact: H.R. 2611 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Assuming appropriation of authorized and estimated amounts, certain cities would receive about \$200 million over the 2010–2014 period for security activities. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo; 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. 2611 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized: requires the Department of Homeland Security to continue the Securing the Cities Initiative.

#### 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.

#### ADVISORY COMMITTEE STATEMENT

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

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

#### 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. Authorization of Securing the Cities Initiative*

This section amends the Homeland Security Act of 2002 to authorize appropriations for the Securing the Cities Initiative. For any city in which the program was implemented by fiscal year 2009, \$40 million is authorized for fiscal year 2010, \$20 million for fiscal year 2011, and not less than \$10 million thereafter for sustainment costs. At least two additional cities participating in the Urban Area Security Initiative are also authorized such sums as may be necessary for implementation and sustainment of the program.

The Securing the Cities Initiative is the only program dedicated to protecting any city and its surrounding region against radiological or nuclear threats. The Department of Homeland Security first launched this program in New York City, a top terrorist target in the Nation. Through the Securing the Cities Initiative, the Domestic Nuclear Detection Office has collaborated with State and local agencies throughout the tri-state region to develop a unified strategy for defending against radiological and nuclear threats. The Committee finds that the Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners and its record of success will enhance the security of urban areas against radiological and other types of threats.

The Committee supports this vital program and the \$40 million appropriations amendment the House passed on June 24, 2009 for the Initiative's continuation in fiscal year 2010. Because only \$20 million of these needed funds were ultimately granted through the appropriations process, \$20 million is authorized for fiscal year 2011 to make up the difference. Furthermore, given that a radiological attack on a major urban area could easily have significant ripple effects throughout the Nation, the Committee believes the Securing the Cities Initiative should be treated as a national capability with sustained Federal funding. For this purpose, \$10 million is authorized annually beyond fiscal year 2011 for sustainment of the program.

The Committee notes that the Securing the Cities Initiative can be replicated in other densely populated, high-risk areas. Full Federal support of the existing program and development of lessons learned will enable the expansion of the program. This bill authorizes the program to be implemented and sustained in at least two additional cities that participate in the Urban Area Security Initiative (UASI). The UASI program assists high-risk urban areas in developing and sustaining regional preparedness capabilities. The Committee recognizes that these high-risk locales are designated as such based on a comprehensive risk assessment performed by the Department of Homeland Security, and should appropriately be considered for the Securing the Cities Initiative.

## 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) \* \* \*

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

\* \* \* \* \*

### TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

\* \* \* \* \*

*Sec. 1908. Authorization of Securing the Cities Initiative.*

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### TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

\* \* \* \* \*

#### SEC. 1908. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) *The Securing the Cities Initiative of the Department uses next generation radiation detection technology to detect the transport of nuclear and radiological material in urban areas by terrorists or other unauthorized individuals.*

(2) *The technology used by partners in the Securing the Cities Initiative leverages radiation detection technology used at ports of entry.*

(3) *The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners.*

(4) *The Securing the Cities Initiative is a critical national capability to detect the dangerous introduction of nuclear and radiological material.*

(b) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to the Director of the Domestic Nuclear Detection Office of the Department for the Securing the Cities Initiative such sums as may be necessary for each fiscal year, including—*

(1) *for each city in which it has been implemented by fiscal year 2009—*

(A) *\$40,000,000 for fiscal year 2010;*

(B) *\$20,000,000 for fiscal year 2011; and*

(C) *not less than \$10,000,000 in sustainment assistance for each fiscal year thereafter; and*

(2) *for additional Securing the Cities initiatives to be implemented in not fewer than 2 sites participating in the Urban*

*Area Security Initiative, such sums as may be necessary each  
fiscal year to implement and sustain each additional initiative.*

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