

109TH CONGRESS  
2D SESSION

# H. R. 6071

To amend the USA PATRIOT Act to improve administration and effectiveness of homeland security grant funding, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2006

Mr. SWEENEY introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the USA PATRIOT Act to improve administration and effectiveness of homeland security grant funding, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “High Risk Terrorism  
5       Prevention Initiative of 2006”.

6       **SEC. 2. AMENDMENTS TO.**

7       Section 1014 of the USA PATRIOT Act (42 U.S.C.  
8       3711) is amended to read as follows:

1 **“SEC. 1014. GRANT PROGRAM FOR STATE AND LOCAL DO-**  
2 **MESTIC PREPAREDNESS SUPPORT.**

3 “(a) IN GENERAL.—The Secretary of Homeland Se-  
4 curity shall make a grant each fiscal year to each State  
5 for use, in conjunction with units of local government, to  
6 enhance the capability of State and local jurisdictions to  
7 prepare for and respond to terrorist acts including events  
8 of terrorism involving weapons of mass destruction and  
9 biological, nuclear, radiological, incendiary, chemical, and  
10 explosive devices.

11 “(b) USE OF GRANT AMOUNTS.—

12 “(1) IN GENERAL.—Grants under this section  
13 may be used for any project that was eligible for a  
14 grant under any of the programs referred to in para-  
15 graph (2) made with amounts available for fiscal  
16 year 2006, including (as authorized by such pro-  
17 gram)—

18 “(A) to purchase needed equipment and to  
19 provide training and technical assistance to  
20 State and local first responders; and

21 “(B) to construct, develop, expand, modify,  
22 operate, or improve facilities to provide training  
23 or assistance to State and local first responders.

24 “(2) COVERED PROGRAMS.—The programs re-  
25 ferred to in paragraph (1) are the following:

1           “(A) The State Homeland Security Grants  
2           program of the Department of Homeland Secu-  
3           rity carried out with amounts appropriated for  
4           the Office for Domestic Preparedness by title  
5           III of the Department of Homeland Security  
6           Appropriations Act, 2006 under paragraph (1)  
7           under the heading ‘State and local programs’  
8           (119 Stat. 2075).

9           “(B) The Urban Area Security Initiative of  
10          the Department of Homeland Security carried  
11          out with amounts appropriated for the Office  
12          for Domestic Preparedness by title III of the  
13          Department of Homeland Security Appropria-  
14          tions Act, 2006 under paragraph (2)(A) under  
15          the heading ‘State and local programs’ (119  
16          Stat. 2075).

17          “(c) TERMS AND CONDITIONS.—Except as otherwise  
18          provided in this section, a grant under this section for a  
19          project referred to in subsection (b)(1) shall be made  
20          under the same conditions, restrictions, and other terms  
21          that would apply if the grant were made under the pro-  
22          gram referred to in subsection (b)(2) with respect to the  
23          project.

24          “(d) URBAN AREA SECURITY INITIATIVE GRANTS.—

1           “(1) PURPOSE.—A grant under this section for  
2           a project that was eligible under the Urban Area Se-  
3           curity Initiative referred to in subsection (b)(2) (in  
4           this subsection referred to as a ‘UASI grant’) shall  
5           be used by a high threat, high density urban area,  
6           in conjunction with units of local government, for  
7           the purpose of enhancing the capability of State and  
8           local jurisdictions to deter, prepare for, and respond  
9           to terrorist acts including catastrophic terrorist at-  
10          tacks involving chemical, biological, radiological or  
11          nuclear weapons (in this subsection referred to as  
12          ‘CBRN’).

13          “(2) AUTHORIZED USES.—A UASI grant may  
14          be used in accordance with this Act solely—

15               “(A) to purchase equipment, to provide  
16               training, to conduct exercises, to provide tech-  
17               nical assistance to State and local first respond-  
18               ers, and to analyze intelligence information;

19               “(B) to construct, modify, or operate a fa-  
20               cility in major metropolitan areas that is des-  
21               ignated by an appropriate State and the Sec-  
22               retary of Homeland Security as a critical home-  
23               land security emergency operation node; and

24               “(C) for CBRN terrorist prevention and  
25               deterrence activities, including to pay full-time

1 (including over-time) salaries of sworn law en-  
2 forcement officers who work exclusively on in-  
3 telligence collection, analysis, and prevention ac-  
4 tivities.

5 “(3) ALLOCATION ON BASIS OF THREAT, VUL-  
6 NERABILITY, AND CONSEQUENCES.—The Secretary  
7 may allocate funds for UASI grants based on—

8 “(A) a quantitative assessment of—

9 “(i) the threats addressed by a grant;

10 “(ii) the vulnerability off persons and  
11 critical infrastructure to such threats; and

12 “(iii) the economic consequences if a  
13 CBRN attack occurs; and

14 “(B) the sustainability and effectiveness of  
15 the activities to be carried out with a grant, ex-  
16 cept that the weight given to determinations  
17 under this subparagraph may not exceed 10  
18 percent of the total of the weight given to all  
19 factors considered in awarding UASI grants.

20 “(4) PRIORITY FOR PAST COOPERATION.—In  
21 awarding UASI grants, the Secretary shall give pri-  
22 ority to grant applications from persons who dem-  
23 onstrate past patterns of cooperation in preventing  
24 CBRN attacks, among a minimum of 3 municipali-

1       ties in regions or States that adjoin the area where  
2       activities will be carried out with the grants.

3               “(5) LIMITATIONS ON ELIGIBILITY OF MUNICI-  
4       PALITIES.—

5               “(A) PRIOR RECEIPT OF GRANT.—

6               “(i) ELIGIBILITY REQUIREMENT.—A  
7       municipality shall not be eligible for a  
8       UASI grant for a fiscal year unless the  
9       municipality received such a grant for the  
10      preceding fiscal year.

11              “(ii) LIMITATION ON APPLICATION OF  
12      REQUIREMENT.—Clause (i) shall not apply  
13      with respect to a municipality if the Sec-  
14      retary determines, based on consideration  
15      of threat, vulnerability, and consequence,  
16      that the municipality faces a greater threat  
17      of attack by terrorism than such threat  
18      faced by a recipient of a UASI grant for  
19      the preceding fiscal year.

20              “(B) ELIGIBILITY BASED ON THREAT,  
21      VULNERABILITY, AND CONSEQUENCE.—A mu-  
22      nicipality may not be determined to be eligible  
23      or ineligible for a UASI grant except on the  
24      basis of threat, vulnerability, and consequence.

1           “(C) NUMBER.—The number of munic-  
2           palities treated as eligible for a UASI grant  
3           may not exceed 47.

4           “(D) SUSTAINABILITY AND EFFECTIVE-  
5           NESS.—For purposes of paragraph (3)(B), ac-  
6           tivities proposed to be carried out with a UASI  
7           grant to a municipality—

8                   “(i) shall not be considered sustain-  
9                   able unless the amount expended by the  
10                  municipality during the 2 full fiscal years  
11                  preceding the award of the grant to sup-  
12                  port full-time homeland security prepared-  
13                  ness averaged at least \$50,000,000 per fis-  
14                  cal year; and

15                  “(ii) shall not be considered effective  
16                  unless the municipality demonstrates its  
17                  ability to utilize equipment, technology, or  
18                  intelligence received from the Federal Gov-  
19                  ernment on a 24-hours-per-day and 7-  
20                  days-per-week basis.

21           “(e) AUTHORIZATION OF APPROPRIATIONS.—

22                  “(1) IN GENERAL.—There is authorized to be  
23                  appropriated to the Secretary of Homeland Security  
24                  carry out this section such sums as necessary for  
25                  each of fiscal years 2007 through 2011.

1           “(2) LIMITATIONS.—Of the amount made avail-  
2           able to carry out this section for any fiscal year, not  
3           more than 3 percent may be used by the Secretary  
4           for salaries and administrative expenses.

5           “(3) MINIMUM AMOUNT.—

6                   “(A) IN GENERAL.—Except as provided in  
7                   subparagraph (B), each State shall be allocated  
8                   in each fiscal year under this section not less  
9                   than 0.25 percent of the total amount appro-  
10                  priated for the fiscal year for grants under this  
11                  section.

12                   “(B) TERRITORIES.—Each of the United  
13                   States Virgin Islands, American Samoa, Guam,  
14                   and the Northern Mariana Islands shall be allo-  
15                   cated in each fiscal year under this section not  
16                   less than 0.08 percent of the total amount ap-  
17                   propriated for the fiscal year for grants under  
18                  this section.”.

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