

**Calendar No. 112**109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 21****[Report No. 109-71]**

To provide for homeland security grant coordination and simplification, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2005

Ms. COLLINS (for herself, Mr. CARPER, Mr. VOINOVICH, Mr. FEINGOLD, Mr. AKAKA, Mr. LIEBERMAN, Mr. COBURN, Mr. CHAFEE, Mr. DODD, Mr. COLEMAN, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 24, 2005

Reported by Ms. COLLINS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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**A BILL**

To provide for homeland security grant coordination and simplification, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homeland Security  
3 Grant Enhancement Act of 2005”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act, the following definitions shall apply:

6 (1) **INSULAR AREA.**—The term “insular area”  
7 means American Samoa, the Commonwealth of the  
8 Northern Mariana Islands, the Commonwealth of  
9 Puerto Rico, Guam, and the Virgin Islands.

10 (2) **LARGE HIGH-THREAT STATE FUND.**—The  
11 term “Large High-Threat State Fund” means the  
12 fund containing amounts authorized to be appro-  
13 priated for States that elect to receive Federal finan-  
14 cial assistance through a per capita share of 38.625  
15 percent of the amount appropriated for the State  
16 Homeland Security Grant Program.

17 (3) **LOCAL GOVERNMENT.**—The term “local  
18 government” has the same meaning given that term  
19 in section 2 of the Homeland Security Act of 2002  
20 (6 U.S.C. 101).

21 (4) **MUNICIPAL SOLID WASTE.**—The term “mu-  
22 nicipal solid waste” includes sludge (as defined in  
23 section 1004 of the Solid Waste Disposal Act (42  
24 U.S.C. 6903)).

25 (5) **SECRETARY.**—The term “Secretary” means  
26 the Secretary of Homeland Security.

1           (6) STATE.—The term “State” means each of  
2           the several States of the United States and the Dis-  
3           trict of Columbia.

4           (7) STATE HOMELAND SECURITY GRANT PRO-  
5           GRAM.—The term “State Homeland Security Grant  
6           Program” means the program receiving 75 percent  
7           of the amount appropriated for the Threat-Based  
8           Homeland Security Grant Program.

9           (8) THREAT-BASED HOMELAND SECURITY  
10          GRANT PROGRAM.—The term “Threat-Based Home-  
11          land Security Grant Program” means the program  
12          authorized under section 6.

13          (9) URBAN AREA SECURITY INITIATIVE GRANT  
14          PROGRAM.—The term “Urban Area Security Initia-  
15          tive Grant Program” means the program receiving  
16          25 percent of the amount appropriated for the  
17          Threat-Based Homeland Security Grant Program.

18       **SEC. 3. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR**

19                               **TRADITIONAL FIRST RESPONDER MISSIONS.**

20          (a) IN GENERAL.—This Act shall not be construed  
21          to affect any authority to award grants under any Federal  
22          grant program listed under subsection (b), which existed  
23          on September 10, 2001, to enhance traditional missions  
24          of State and local law enforcement, firefighters, ports,  
25          emergency medical services, or public health missions.

1       (b) PROGRAMS INCLUDED.—The programs referred  
2 to in subsection (a) are the following:

3           (1) The Firefighter Assistance Program author-  
4 ized under section ~~33~~ of the Federal Fire Prevention  
5 and Control Act of 1974 (15 U.S.C. 2229).

6           (2) The Emergency Management Performance  
7 Grant Program and the Urban Search and Rescue  
8 Grant program authorized under—

9           (A) title VI of the Robert T. Stafford Dis-  
10 aster Relief and Emergency Assistance Act (42  
11 U.S.C. 5195 et seq.);

12           (B) the Departments of Veterans Affairs  
13 and Housing and Urban Development, and  
14 Independent Agencies Appropriations Act, 2000  
15 (Public Law 106–74; 113 Stat. 1047 et seq.);  
16 and

17           (C) the Earthquake Hazards Reduction  
18 Act of 1977 (42 U.S.C. 7701 et seq.).

19           (3) The Edward Byrne Memorial State and  
20 Local Law Enforcement Assistance Programs au-  
21 thorized under part E of title I of the Omnibus  
22 Crime Control and Safe Streets Act of 1968 (42  
23 U.S.C. 3750 et seq.).

24           (4) The Public Safety and Community Policing  
25 (COPS ON THE BEAT) Grant Program authorized

1 under part Q of title I of the Omnibus Crime Con-  
 2 trol and Safe Streets Act of 1968 (42 U.S.C.  
 3 3796dd et seq.).

4 (5) Grant programs under the Public Health  
 5 Service Act regarding preparedness for bioterrorism  
 6 and other public health emergencies and the Emer-  
 7 gency Response Assistance Program authorized  
 8 under section 1412 of the Defense Against Weapons  
 9 of Mass Destruction Act of 1996 (50 U.S.C. 2312).

10 **SEC. 4. INTERAGENCY COMMITTEE TO COORDINATE AND**  
 11 **STREAMLINE HOMELAND SECURITY GRANT**  
 12 **PROGRAMS.**

13 (a) IN GENERAL.—Title VIII of the Homeland Secu-  
 14 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by  
 15 inserting after section 801 the following:

16 **“SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE**  
 17 **AND STREAMLINE HOMELAND SECURITY**  
 18 **GRANT PROGRAMS.**

19 “(a) ESTABLISHMENT.—

20 “(1) IN GENERAL.—The Secretary, in coordina-  
 21 tion with the Attorney General, the Secretary of  
 22 Health and Human Services, the Secretary of  
 23 Transportation, the Administrator of the Environ-  
 24 mental Protection Agency, and other agencies pro-  
 25 viding assistance for first responder preparedness, as

1 identified by the President, shall establish the Inter-  
 2 agency Committee to Coordinate and Streamline  
 3 Homeland Security Grant Programs (referred to in  
 4 this subtitle as the ‘Interagency Committee’).

5 “(2) COMPOSITION.—The Interagency Com-  
 6 mittee shall be composed of—

7 “(A) a representative of the Department;

8 “(B) a representative of the Department of  
 9 Health and Human Services;

10 “(C) a representative of the Department of  
 11 Transportation;

12 “(D) a representative of the Department of  
 13 Justice;

14 “(E) a representative of the Environmental  
 15 Protection Agency; and

16 “(F) a representative of any other depart-  
 17 ment or agency determined to be necessary by  
 18 the President.

19 “(3) RESPONSIBILITIES.—The Interagency  
 20 Committee shall—

21 “(A) report on findings to the Information  
 22 Clearinghouse established under section 801(d);

23 “(B) consult with State and local govern-  
 24 ments and emergency response providers re-

1            regarding their homeland security needs and ca-  
2            pabilities;

3            “(C) advise the Secretary on the develop-  
4            ment of performance measures for homeland se-  
5            curity grant programs and the national strategy  
6            for homeland security;

7            “(D) compile a list of homeland security  
8            assistance programs;

9            “(E) not later than 1 year after the effec-  
10            tive date of the Homeland Security Grant En-  
11            hancement Act of 2005—

12            “(i) develop a proposal to coordinate,  
13            to the maximum extent practicable, the  
14            planning, reporting, application, and other  
15            guidance documents contained in homeland  
16            security assistance programs to eliminate  
17            all redundant and duplicative require-  
18            ments; and

19            “(ii) submit the proposal developed  
20            under clause (i) to Congress and the Presi-  
21            dent.

22            “(b) ADMINISTRATION.—The Department shall pro-  
23            vide administrative support to the Interagency Committee,  
24            which shall include—

25            “(1) scheduling meetings;

1           ~~“(2) preparing agenda;~~

2           ~~“(3) maintaining minutes and records; and~~

3           ~~“(4) producing reports.~~

4           ~~“(c) CHAIRPERSON.—The Secretary shall designate~~  
5 ~~a chairperson of the Interagency Committee.~~

6           ~~“(d) MEETINGS.—The Interagency Committee shall~~  
7 ~~meet—~~

8           ~~“(1) at the call of the Secretary; or~~

9           ~~“(2) not less frequently than once every~~  
10 ~~month.”.~~

11          ~~(b) TECHNICAL AND CONFORMING AMENDMENT.—~~  
12 ~~The table of contents for the Homeland Security Act of~~  
13 ~~2002 (6 U.S.C. 101 et seq.) is amended by inserting after~~  
14 ~~the item relating to section 801 the following:~~

~~“Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs.”.~~

15 **SEC. 5. STREAMLINING FEDERAL HOMELAND SECURITY**  
16 **GRANTS.**

17          ~~(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT~~  
18 ~~COORDINATION AND PREPAREDNESS.—Section 801(a) of~~  
19 ~~the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is~~  
20 ~~amended to read as follows:~~

21          ~~“(a) ESTABLISHMENT.—~~

22                 ~~“(1) IN GENERAL.—There is established within~~  
23 ~~the Office of the Secretary the Office for State and~~  
24 ~~Local Government Coordination and Preparedness;~~

1 which shall oversee and coordinate departmental  
 2 programs for, and relationships with, State and local  
 3 governments.

4 “(2) EXECUTIVE DIRECTOR.—The Office estab-  
 5 lished under paragraph (1) shall be headed by the  
 6 Executive Director of State and Local Government  
 7 Coordination and Preparedness, who shall be ap-  
 8 pointed by the President, by and with the advice and  
 9 consent of the Senate.”.

10 (b) OFFICE FOR DOMESTIC PREPAREDNESS.—The  
 11 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)  
 12 is amended—

13 (1) by redesignating section 430 as section 803  
 14 and transferring that section to the end of subtitle  
 15 A of title VIII, as amended by section 4; and

16 (2) in section 803, as redesignated by para-  
 17 graph (1)—

18 (A) in subsection (a), by striking “the Di-  
 19 rectorate of Border and Transportation Secu-  
 20 rity” and inserting “the Office for State and  
 21 Local Government Coordination and Prepared-  
 22 ness”;

23 (B) in subsection (b), by striking “who  
 24 shall be appointed by the President” and all  
 25 that follows and inserting “who shall report di-

1 rectly to the Executive Director of State and  
 2 Local Government Coordination and Prepared-  
 3 ness.”;

4 (C) in subsection (c)—

5 (i) in paragraph (7)—

6 (I) by striking “other” and in-  
 7 serting “the”;

8 (II) by striking “consistent with  
 9 the mission and functions of the Di-  
 10 rectorate”; and

11 (III) by striking “and” at the  
 12 end; and

13 (ii) in paragraph (8)—

14 (I) by inserting “carrying out”  
 15 before “those elements”; and

16 (II) by striking “and” at the end;

17 (iii) in paragraph (9), by striking the  
 18 period at the end and inserting “; and”;

19 and

20 (iv) by adding at the end the fol-  
 21 lowing:

22 “(10) managing the Homeland Security Infor-  
 23 mation Clearinghouse established under section  
 24 801(d).”;

1                   (D) by redesignating subsection (d) as sub-  
2                   section (e); and

3                   (E) by inserting after subsection (e) the  
4                   following:

5                   “(d) TRAINING AND EXERCISES OFFICE WITHIN  
6 THE OFFICE FOR DOMESTIC PREPAREDNESS.—

7                   “(1) IN GENERAL.—The Secretary shall create  
8                   within the Office for Domestic Preparedness an in-  
9                   ternal office that shall be the proponent for all na-  
10                  tional domestic preparedness, training, education,  
11                  and exercises within the Office for State and Local  
12                  Government Coordination.

13                  “(2) OFFICE HEAD.—The Secretary shall select  
14                  an individual with recognized expertise in first-re-  
15                  sponder training and exercises to head the office,  
16                  and such person shall report directly to the Director  
17                  of the Office of Domestic Preparedness.”.

18                  (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
19 The table of contents for the Homeland Security Act of  
20 2002 (6 U.S.C. 101 et seq.) is amended—

21                  (1) by striking the item relating to section 430;

22                  (2) by amending the item relating to section  
23                  801 to read as follows:

“Sec. 801. Office of State and Local Government Coordination and Prepared-  
ness.”;

24                  and

1           (3) by inserting after the item relating to sec-  
2           tion 802, as added by this Act, the following:

“Sec. 803. Office for Domestic Preparedness.”

3           (d) ESTABLISHMENT OF HOMELAND SECURITY IN-  
4           FORMATION CLEARINGHOUSE.—Section 801 of the Home-  
5           land Security Act of 2002 (6 U.S.C. 361), as amended  
6           by subsection (a), is further amended by adding at the  
7           end the following:

8           “(d) HOMELAND SECURITY INFORMATION CLEAR-  
9           INGHOUSE.—

10           “(1) ESTABLISHMENT.—There is established  
11           within the Office for State and Local Government  
12           Coordination a Homeland Security Information  
13           Clearinghouse (referred to in this section as the  
14           ‘Clearinghouse’), which shall assist States, local gov-  
15           ernments, and first responders in accordance with  
16           paragraphs (2) through (5).

17           “(2) HOMELAND SECURITY GRANT INFORMA-  
18           TION.—The Clearinghouse shall create a new  
19           website or enhance an existing website, establish a  
20           toll-free number, and produce a single publication  
21           that each contain information regarding the home-  
22           land security grant programs identified under sec-  
23           tion 802(a)(4).

24           “(3) TECHNICAL ASSISTANCE.—The Clearing-  
25           house, in consultation with the Interagency Com-

1       mittee established under section 802, shall provide  
2       information regarding—

3               “(A) technical assistance provided by any  
4               Federal agency to States and local governments  
5               to conduct threat analyses and vulnerability as-  
6               sessments; and

7               “(B) templates for conducting threat anal-  
8               yses and vulnerability assessments.

9               “(4) BEST PRACTICES.—The Clearinghouse  
10              shall work with States, local governments, emer-  
11              gency response providers and the National Domestic  
12              Preparedness Consortium, and private organizations  
13              to gather, validate, and disseminate information re-  
14              garding successful State and local homeland security  
15              programs and practices.

16              “(5) USE OF FEDERAL FUNDS.—The Clearing-  
17              house shall compile information regarding equip-  
18              ment, training, and other services purchased with  
19              Federal funds provided under the homeland security  
20              grant programs identified under section 802(a)(4),  
21              and make such information, and information regard-  
22              ing voluntary standards of training, equipment, and  
23              exercises, available to States, local governments, and  
24              first responders.



1           planning and community wide plans for re-  
2           sponding to terrorist or all hazards emergency  
3           events that are coordinated with the capacities  
4           of applicable Federal, State, and local govern-  
5           ments, first responders, and State and local  
6           government health agencies;

7           (B) develop State, regional, or local mutual  
8           aid agreements;

9           (C) purchase or upgrade equipment based  
10          on State and local needs as identified under a  
11          State homeland security plan;

12          (D) conduct exercises to strengthen emer-  
13          gency preparedness of State and local first re-  
14          sponders including law enforcement, firefighting  
15          personnel, and emergency medical service work-  
16          ers, and other emergency responders identified  
17          in a State homeland security plan;

18          (E) pay for overtime expenses relating  
19          to—

20               (i) training activities consistent with  
21               the goals outlined in a State homeland se-  
22               curity plan;

23               (ii) as determined by the Secretary,  
24               activities relating to an increase in the

1 threat level under the Homeland Security  
2 Advisory System; and

3 (iii) any other activity relating to the  
4 State Homeland Security Strategy, and ap-  
5 proved by the Secretary;

6 (F) promote training regarding homeland  
7 security preparedness including—

8 (i) emergency preparedness responses  
9 to a use or threatened use of a weapon of  
10 mass destruction; and

11 (ii) training in the use of equipment,  
12 including detection, monitoring, and decon-  
13 tamination equipment, and personal pro-  
14 tective gear; and

15 (G) conduct any activity permitted under  
16 the Law Enforcement Terrorism Prevention  
17 Grant Program.

18 ~~(3) PROHIBITED USES.—~~

19 ~~(A) CONSTRUCTION.—~~Grants awarded  
20 under subsection (a) may not be used to con-  
21 struct buildings or other physical facilities, ex-  
22 cept those described in section 611 of the Rob-  
23 ert T. Stafford Disaster Relief and Emergency  
24 Assistance Act (42 U.S.C. 5196) and approved  
25 by the Secretary in the homeland security plan

1 certified under subsection (d), or to acquire  
2 land.

3 (B) COST SHARING.—Grant funds pro-  
4 vided under this section shall not be used for  
5 any State or local government cost sharing con-  
6 tribution request under this section.

7 (c) APPLICATION.—

8 (1) SUBMISSION.—A State may apply for a  
9 grant under this section by submitting to the Sec-  
10 retary an application at such time, and in such man-  
11 ner, and containing such information the Secretary  
12 may reasonably require.

13 (2) REVISIONS.—A State may revise a home-  
14 land security plan certified under subsection (d) at  
15 the time an application is submitted under para-  
16 graph (1) after receiving approval from the Sec-  
17 retary.

18 (3) APPROVAL.—The Secretary shall not award  
19 a grant under this section unless the application  
20 submitted by the State includes a homeland security  
21 plan meeting the requirements of subsection (d).

22 (4) RELEASE OF FUNDS.—The Secretary shall  
23 release grant funds to States with approved plans  
24 after the approval of an application submitted under  
25 this subsection.

1       (d) ~~HOMELAND SECURITY PLAN.—~~

2           (1) ~~IN GENERAL.—~~An application submitted  
3       under subsection (c) shall include a certification that  
4       the State has prepared a 3-year State homeland se-  
5       curity plan (referred to in this subsection as the  
6       “plan”) to respond to terrorist attacks and strength-  
7       en all hazards emergency planning that has been ap-  
8       proved by the Secretary.

9           (2) ~~CONTENTS.—~~The plan shall contain meas-  
10      urable goals and objectives that—

11           (A) establish a 3-year strategy to set prior-  
12      ities for the allocation of funding to political  
13      subdivisions based on the risk, capabilities, and  
14      needs described under paragraph (3)(C);

15           (B) provide for interoperable communica-  
16      tions;

17           (C) provide for local coordination of re-  
18      sponse and recovery efforts, including proce-  
19      dures for effective incident command in con-  
20      formance with the National Incident Manage-  
21      ment System;

22           (D) ensure that first responders and other  
23      emergency personnel have adequate training  
24      and appropriate equipment for the threats that  
25      may occur;

- 1           ~~(E)~~ provide for improved coordination and  
2           collaboration among police, fire, and public  
3           health authorities at State and local levels;
- 4           ~~(F)~~ coordinate emergency response and  
5           public health plans;
- 6           ~~(G)~~ mitigate risks to critical infrastructure  
7           that may be vulnerable to terrorist attacks;
- 8           ~~(H)~~ promote regional coordination among  
9           contiguous local governments;
- 10          ~~(I)~~ identify necessary protective measures  
11          by private owners of critical infrastructure;
- 12          ~~(J)~~ promote orderly evacuation procedures  
13          when necessary;
- 14          ~~(K)~~ ensure support from the public health  
15          community for measures needed to prevent, de-  
16          tect and treat bioterrorism, and radiological and  
17          chemical incidents;
- 18          ~~(L)~~ increase the number of local jurisdic-  
19          tions participating in local and statewide exer-  
20          cises;
- 21          ~~(M)~~ meet preparedness goals as deter-  
22          mined by the Secretary; and
- 23          ~~(N)~~ include a report from the relevant ad-  
24          visory committee established under paragraph  
25          ~~(3)~~~~(D)~~ that documents the areas of support;

1 disagreement, or recommended changes to the  
2 plan before its submission to the Secretary.

3 ~~(3) DEVELOPMENT PROCESS.—~~

4 (A) IN GENERAL.—In preparing the plan  
5 under this section, a State shall—

6 (i) provide for the consideration of all  
7 homeland security needs;

8 (ii) follow a process that is continuing,  
9 inclusive, cooperative, and comprehensive,  
10 as appropriate; and

11 (iii) coordinate the development of the  
12 plan with the homeland security planning  
13 activities of local governments.

14 (B) COORDINATION WITH LOCAL PLAN-  
15 NING ACTIVITIES.—The coordination under sub-  
16 paragraph (A)(iii) shall contain input from local  
17 stakeholders, including—

18 (i) local officials, including representa-  
19 tives of rural, high-population, and high-  
20 threat jurisdictions;

21 (ii) first responders and emergency re-  
22 sponse providers; and

23 (iii) private sector companies, such as  
24 railroads and chemical manufacturers.

1           (C) SCOPE OF PLANNING.—Each State  
2           preparing a plan under this section shall, in  
3           conjunction with the local stakeholders under  
4           subparagraph (B), address all the information  
5           requested by the Secretary, and complete a  
6           comprehensive assessment of—

7                   (i) risk, including a—

8                           (I) vulnerability assessment;

9                           (II) threat assessment; and

10                          (III) public health assessment, in  
11                          coordination with the State bioter-  
12                          rorism plan; and

13                   (ii) capabilities and needs, including—

14                           (I) an evaluation of current pre-  
15                           paredness, mitigation, and response  
16                           capabilities based on such assessment  
17                           mechanisms as shall be determined by  
18                           the Secretary;

19                           (II) an evaluation of capabilities  
20                           needed to address the risks described  
21                           under clause (i); and

22                           (III) an assessment of the short-  
23                           fall between the capabilities described  
24                           under subclause (I) and the required

1 capabilities described under subclause  
2 (H).

3 ~~(D) ADVISORY COMMITTEE.—~~

4 (i) ~~IN GENERAL.—~~Each State pre-  
5 paring a plan under this section shall es-  
6 tablish an advisory committee to receive  
7 comments from the public and the local  
8 stakeholders identified under subparagraph  
9 ~~(B)~~.

10 (ii) ~~COMPOSITION.—~~The Advisory  
11 Committee shall include local officials, local  
12 first responders, and emergency response  
13 providers that are representative of the  
14 counties, cities, and towns within the  
15 State, and which shall include representa-  
16 tives of rural, high-population, and high-  
17 threat jurisdictions.

18 ~~(4) PLAN APPROVAL.—~~The Secretary shall ap-  
19 prove a plan upon finding that the plan meets the  
20 requirements of—

21 ~~(A) paragraphs (2) and (3);~~

22 ~~(B) the interim performance measurements~~  
23 ~~under subsection (g)(1), or the national per-~~  
24 ~~formance standards under subsection (g)(2);~~  
25 and

1           (C) any other criteria the Secretary deter-  
2           mines necessary to the approval of a State plan.

3           ~~(5) REVIEW OF ADVISORY COMMITTEE RE-~~  
4           ~~PORT.—~~The Secretary shall review the recommenda-  
5           tions of the advisory committee report incorporated  
6           into a plan under subsection ~~(d)(2)(N)~~; including  
7           any dissenting views submitted by advisory com-  
8           mittee members, to ensure cooperation and coordina-  
9           tion between local and State jurisdictions in plan-  
10          ning the use of grant funds under this section.

11          ~~(e) TENTATIVE ALLOCATION.—~~

12          ~~(1) URBAN AREA SECURITY INITIATIVE GRANT~~  
13          ~~PROGRAM.—~~

14                 (A) IN GENERAL.—The Secretary shall al-  
15                 locate 25 percent of the funds appropriated  
16                 under the Threat-Based Homeland Security  
17                 Grant Program for discretionary grants to be  
18                 provided directly to local governments, includ-  
19                 ing multistate entities established by a compact  
20                 between 2 or more States, in high threat areas,  
21                 as determined by the Secretary based on the  
22                 criteria under subparagraph (B).

23                 (B) CRITERIA.—The Secretary shall en-  
24                 sure that each local government receiving a  
25                 grant under this paragraph—

1 (i) has a large population or high pop-  
2 ulation density;

3 (ii) has a high degree of threat, risk,  
4 and vulnerability related to critical infra-  
5 structure or not less than 1 key asset iden-  
6 tified by the Secretary or State homeland  
7 security plan;

8 (iii) has an international border with  
9 Canada or Mexico, or coastline bordering  
10 international waters of Canada, Mexico, or  
11 bordering the Atlantic Ocean, the Pacific  
12 Ocean, or the Gulf of Mexico; or

13 (iv) are subject to other threat factors  
14 specified in writing by the Secretary.

15 (C) CONSISTENCY.—Any grant awarded  
16 under this paragraph shall be used to supple-  
17 ment and support, in a consistent and coordi-  
18 nated manner, those activities and objectives  
19 described under subsection (b) or a State home-  
20 land security plan.

21 (D) COORDINATION.—The Secretary shall  
22 ensure that any grants made under this para-  
23 graph encourage multiple contiguous units of  
24 local government and mutual aid partners to  
25 coordinate any homeland security activities.

1           (2) STATE HOMELAND SECURITY GRANT PRO-  
2           GRAM.—

3           (A) STATES.—Each State whose applica-  
4           tion is approved under subsection (c) shall re-  
5           ceive, for each fiscal year, the greater of—

6           (i) 0.75 percent of the amounts ap-  
7           propriated for the State Homeland Secu-  
8           rity Grant Program; or

9           (ii) the State's per capita share, as  
10          defined by the 2002 census population esti-  
11          mate, of 38.625 percent of the State  
12          Homeland Security Grant Program.

13          (B) INSULAR AREAS.—Each insular area  
14          shall receive, for each fiscal year, the greater  
15          of—

16          (i) 0.075 percent of the amounts ap-  
17          propriated for the State Homeland Secu-  
18          rity Grant Program; or

19          (ii) the insular area's per capita  
20          share, as defined by the 2002 census popu-  
21          lation estimate, of 38.625 percent of the  
22          State Homeland Security Grant Program.

23          (3) SECONDARY DISTRIBUTION.—After the dis-  
24          tribution of funds under paragraph (2), the Sec-  
25          retary shall, from the remaining funds for the State

1 Homeland Security Grant Program and 10.8 percent  
2 of the amount appropriated for the Threat-Based  
3 Homeland Security Grant Program pursuant to sub-  
4 section (j)(1), distribute amounts to each State  
5 that—

6 (A) has a substantial percentage of its  
7 population residing in Metropolitan Statistical  
8 Areas, as defined by the Office of Management  
9 and Budget;

10 (B) has a high degree of threat, risk, and  
11 vulnerability related to critical infrastructure or  
12 not less than 1 key asset identified by the Sec-  
13 retary or State homeland security plan;

14 (C) has an international border with Can-  
15 ada or Mexico, or coastline bordering inter-  
16 national waters of Canada, Mexico, or bordering  
17 the Atlantic Ocean, the Pacific Ocean, or the  
18 Gulf of Mexico; or

19 (D) are subject to other threat factors  
20 specified in writing by the Secretary.

21 (4) DISTRIBUTION OF FUNDS.—If the amounts  
22 tentatively allocated under paragraphs (1) through  
23 (3) equal the sum of the amounts appropriated pur-  
24 suant to subsection (j), the Secretary shall distribute

1 the appropriated amounts based on the tentative al-  
2 location.

3 (5) PROPORTIONAL REDUCTION.—If the  
4 amount appropriated for the Large High-Threat  
5 State Fund pursuant to subsection (j)(2) is less  
6 than 10.8 percent of the amount appropriated for  
7 the Threat-Based Homeland Security Grant Pro-  
8 gram pursuant to subsection (j)(1), the Secretary  
9 shall proportionately reduce the amounts tentatively  
10 allocated under paragraphs (1) through (3) so that  
11 the amount distributed is equal to the sum of the  
12 amounts appropriated for such programs.

13 (6) FUNDING FOR LOCAL ENTITIES AND FIRST  
14 RESPONDERS.—The Secretary shall require recipi-  
15 ents of the State Homeland Security Grant to pro-  
16 vide local governments and first responders, con-  
17 sistent with the applicable State homeland security  
18 plan, with not less than 80 percent of the grant  
19 funds, the resources purchased with such grant  
20 funds, or a combination thereof, not later than 60  
21 days after receiving grant funding.

22 (7) SUPPLEMENT NOT SUPPLANT.—Amounts  
23 appropriated for grants under this subsection shall  
24 be used to supplement and not supplant other State

1 and local public funds obligated for the purposes  
2 provided under this Act.

3 ~~(8) LAW ENFORCEMENT TERRORISM PREVEN-~~  
4 ~~TION PROGRAM.—~~

5 (A) IN GENERAL.—The Secretary shall  
6 designate not more than 25 percent of the  
7 amounts allocated through the State Homeland  
8 Security Grant Program to be used for the Law  
9 Enforcement Terrorism Prevention Program to  
10 provide grants to law enforcement agencies to  
11 enhance capabilities for terrorism prevention.

12 (B) USE OF FUNDS.—Grants awarded  
13 under this paragraph may be used for—

14 (i) information sharing to preempt  
15 terrorist attacks;

16 (ii) target hardening to reduce the  
17 vulnerability of selected high value targets;

18 (iii) threat recognition to recognize  
19 the potential or development of a threat;

20 (iv) intervention activities to interdict  
21 terrorists before they can execute a threat;

22 (v) interoperable communication sys-  
23 tems;

1                   (vi) overtime expenses related to the  
2                   State Homeland Security Strategy ap-  
3                   proved by the Secretary; and

4                   (vii) any other terrorism prevention  
5                   activity authorized by the Secretary.

6           (f) REPORT ON HOMELAND SECURITY SPENDING.—

7 Each recipient of a grant under this section shall annually  
8 submit a report to the Secretary that contains—

9                   (1) an accounting of the amount of State and  
10                  local funds spent on homeland security activities  
11                  under the applicable State homeland security plan;  
12                  and

13                  (2) information regarding the use of grant  
14                  funds by units of local government as required by  
15                  the Secretary.

16           (g) ACCOUNTABILITY.—

17                   (1) INTERIM PERFORMANCE MEASURES.—

18                           (A) IN GENERAL.—Before establishing per-  
19                           formance standards under paragraph (2), the  
20                           Secretary shall assist each State in establishing  
21                           interim performance measures based upon—

22                                   (i) the goals and objectives under sub-  
23                                   section (d)(2); and

24                                   (ii) any other factors determined by  
25                                   the Secretary.

1           (B) ANNUAL REPORT.—Before establishing  
2 performance measures under paragraph (2),  
3 each State with an approved State plan shall  
4 submit to the Secretary a report detailing the  
5 progress the State has made in meeting the in-  
6 terim performance measures established under  
7 subparagraph (A).

8           (2) NATIONAL PERFORMANCE STANDARDS.—

9           (A) IN GENERAL.—Not later than 1 year  
10 after the date of enactment of this Act, the Sec-  
11 retary shall set national performance standards  
12 based in part on the goals and objectives under  
13 subsection (d)(2) and any other factors the Sec-  
14 retary determines relevant.

15           (B) COMPLIANCE.—The Secretary shall  
16 ensure that State plans are in conformance  
17 with the standards set under subparagraph (A).

18           (C) ANNUAL REPORT.—After the establish-  
19 ment of performance standards under subpara-  
20 graph (A), each State with an approved State  
21 homeland security plan shall submit to the Sec-  
22 retary a report on the progress the State has  
23 made in meeting such standards.

24           (3) GENERAL ACCOUNTING OFFICE ACCESS TO  
25 INFORMATION.—Each recipient of a grant under this

1 section and the Department of Homeland Security  
2 shall provide the General Accounting Office with full  
3 access to information regarding the activities carried  
4 out under this section.

5 (4) AUDIT.—Grant recipients that expend  
6 \$500,000 or more in Federal funds during any fiscal  
7 year shall submit to the Secretary an organization  
8 wide financial and compliance audit report in con-  
9 formance with the requirements of chapter 75 of  
10 title 31, United States Code.

11 ~~(h) REMEDIES FOR NON-COMPLIANCE.—~~

12 (1) IN GENERAL.—If the Secretary finds, after  
13 reasonable notice and an opportunity for a hearing,  
14 that a recipient of a grant under this section has  
15 failed to substantially comply with any provision of  
16 this section, the Secretary shall—

17 (A) terminate any payment of grant funds  
18 to be made to the recipient under this section;

19 (B) reduce the amount of payment of  
20 grant funds to the recipient by an amount equal  
21 to the amount of grants funds that were not ex-  
22 pended by the recipient in accordance with this  
23 section; or

1           (C) limit the use of grant funds received  
2           under this section to programs, projects, or ac-  
3           tivities not affected by the failure to comply.

4           (2) DURATION OF PENALTY.—The Secretary  
5           shall apply an appropriate penalty under paragraph  
6           (1) until such time as the Secretary determines that  
7           the grant recipient is in full compliance with this  
8           section.

9           (3) DIRECT FUNDING.—If a State fails to sub-  
10          stantially comply with any provision of this section,  
11          including failing to provide local governments with  
12          grant funds or resources purchased with grant funds  
13          in a timely fashion, a local government entitled to  
14          receive such grant funds or resources may petition  
15          the Secretary, at such time and in such manner as  
16          determined by the Secretary, to request that grant  
17          funds or resources be provided directly to the local  
18          government.

19          (i) REPORTS TO CONGRESS.—The Secretary shall  
20          submit an annual report to Congress that provides—

21               (1) findings relating to the performance stand-  
22               ards established under subsection (g);

23               (2) the status of preparedness goals and objec-  
24               tives;

1           (3) an evaluation of how States and local gov-  
2 ernments are meeting preparedness goals and objec-  
3 tives;

4           (4) the total amount of resources provided to  
5 the States;

6           (5) the total amount of resources provided to  
7 units of local government; and

8           (6) a list of how these resources were expended.

9           (j) AUTHORIZATION OF APPROPRIATIONS.—

10           (1) THREAT-BASED HOMELAND SECURITY  
11 GRANT PROGRAM.—There are authorized to be ap-  
12 propriated such sums as are necessary to carry out  
13 this section.

14           (2) LARGE HIGH-THREAT STATE FUND.—There  
15 are authorized to be appropriated 10.8 percent of  
16 the funds appropriated in any fiscal year pursuant  
17 to paragraph (1), which shall be used to carry out  
18 the Large High-Threat State Fund.

19 **SEC. 7. ELIMINATING HOMELAND SECURITY FRAUD,**  
20 **WASTE, AND ABUSE.**

21           (a) ANNUAL GENERAL ACCOUNTING OFFICE AUDIT  
22 AND REPORT.—

23           (1) AUDIT.—The Comptroller General of the  
24 United States shall conduct an annual audit of the  
25 Threat Based Homeland Security Grant Program

1           (2) REPORT.—The Comptroller General of the  
2           United States shall provide a report to Congress on  
3           the results of the audit conducted under paragraph  
4           (1), which includes—

5                   (A) an analysis of whether the grant re-  
6                   ipients allocated funding consistent with the  
7                   State homeland security plan and the guidelines  
8                   established by the Department of Homeland Se-  
9                   curity; and

10                   (B) the amount of funding devoted to over-  
11                   time and administrative expenses.

12           (b) REVIEWS OF THREAT-BASED HOMELAND SECU-  
13           RITY FUNDING.—The Secretary, through the appropriate  
14           agency, shall conduct periodic reviews of grants made  
15           through the Threat Based Homeland Security Grant Pro-  
16           gram to ensure that recipients allocate funds consistent  
17           with the guidelines established by the Department of  
18           Homeland Security.

19           (c) REMEDIES FOR NON-COMPLIANCE.—If the Sec-  
20           retary determines, after reasonable notice and an oppor-  
21           tunity for a hearing, that a recipient of a Threat Based  
22           Homeland Security Grant has failed to substantially com-  
23           ply with any regulations or guidelines issues by the De-  
24           partment regarding eligible expenditures, the Secretary  
25           shall—



1 Appropriations Resolution of 2003 (Public Law 108-7),  
2 among the 4 categories of equipment, training, exercises,  
3 and planning.

4 (b) APPROVAL OF REALLOCATION REQUESTS.—The  
5 Director shall approve reallocation requests under sub-  
6 section (a) in accordance with the State plan and any  
7 other relevant factors that the Secretary determines to be  
8 necessary.

9 (c) LIMITATION.—A waiver under this section shall  
10 not affect the obligation of a State to pass through 80  
11 percent of the amount appropriated for equipment to units  
12 of local government.

13 **SEC. 9. CERTIFICATION RELATIVE TO THE SCREENING OF**  
14 **MUNICIPAL SOLID WASTE TRANSPORTED**  
15 **INTO THE UNITED STATES.**

16 The Secretary shall deny entry into the United States  
17 of any commercial motor vehicle (as defined in section  
18 31101(1) of title 49, United States Code) carrying munic-  
19 ipal solid waste unless and until the Secretary certifies to  
20 Congress that the methodologies and technologies used by  
21 the Bureau of Customs and Border Protection of the De-  
22 partment of Homeland Security to screen for and detect  
23 the presence of chemical, nuclear, biological, and radio-  
24 logical weapons in such waste are as effective as the meth-  
25 odologies and technologies used by the Bureau to screen

1 for such materials in other items of commerce entering  
 2 into the United States by commercial motor vehicle trans-  
 3 port.

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Homeland Security*  
 6 *Grant Enhancement Act of 2005”.*

7 **SEC. 2. INTERAGENCY COMMITTEE TO COORDINATE AND**  
 8 **STREAMLINE HOMELAND SECURITY GRANT**  
 9 **PROGRAMS.**

10 *(a) IN GENERAL.—Title VIII of the Homeland Secu-*  
 11 *rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by insert-*  
 12 *ing after section 801 the following:*

13 **“SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE AND**  
 14 **STREAMLINE HOMELAND SECURITY GRANT**  
 15 **PROGRAMS.**

16 *“(a) ESTABLISHMENT.—*

17 *“(1) IN GENERAL.—The Secretary, in coordina-*  
 18 *tion with the Attorney General, the Secretary of*  
 19 *Health and Human Services, the Secretary of Trans-*  
 20 *portation, the Administrator of the Environmental*  
 21 *Protection Agency, and other agencies providing as-*  
 22 *sistance for emergency response provider prepared-*  
 23 *ness, as identified by the President, shall establish the*  
 24 *Interagency Committee to Coordinate and Streamline*

1 *Homeland Security Grant Programs (referred to in*  
2 *this subtitle as the ‘Interagency Committee’).*

3 “(2) *COMPOSITION.—The Interagency Committee*  
4 *shall be composed of—*

5 “(A) *at least 2 representatives of the De-*  
6 *partment, including a representative of the*  
7 *United States Fire Administration;*

8 “(B) *a representative of the Department of*  
9 *Health and Human Services;*

10 “(C) *a representative of the Department of*  
11 *Transportation;*

12 “(D) *a representative of the Department of*  
13 *Justice;*

14 “(E) *a representative of the Environmental*  
15 *Protection Agency; and*

16 “(F) *a representative of any other depart-*  
17 *ment or agency determined to be necessary by*  
18 *the President.*

19 “(3) *RESPONSIBILITIES.—The Interagency Com-*  
20 *mittee shall—*

21 “(A) *provide any findings to the Informa-*  
22 *tion Clearinghouse established under section*  
23 *801(c);*

24 “(B) *consult with State and local govern-*  
25 *ments and emergency response providers regard-*

1            *ing their homeland security needs and capabili-*  
2            *ties;*

3            *“(C) advise the Secretary on the develop-*  
4            *ment of performance measures for homeland se-*  
5            *curity and other first responder assistance pro-*  
6            *grams;*

7            *“(D) compile a list of homeland security*  
8            *and other first responder assistance programs;*

9            *“(E) not later than 1 year after the date of*  
10           *enactment of the Homeland Security Grant En-*  
11           *hancement Act of 2005—*

12           *“(i) develop a proposal to coordinate,*  
13           *to the maximum extent practicable, the*  
14           *planning, reporting, application, and other*  
15           *guidance documents contained in homeland*  
16           *security assistance programs to—*

17           *“(I) eliminate all redundant and*  
18           *duplicative requirements;*

19           *“(II) ensure accountability of the*  
20           *programs to the intended purposes of*  
21           *such programs; and*

22           *“(III) coordinate expenditures of*  
23           *grant funds to avoid duplicative or in-*  
24           *consistent purchases; and*

1                   “(ii) submit the proposal developed  
2                   under clause (i) to—

3                                 “(I) the President;

4                                 “(II) the Committee on Homeland  
5                                 Security and Governmental Affairs of  
6                                 the Senate; and

7                                 “(III) the Committee on Home-  
8                                 land Security of the House of Rep-  
9                                 resentatives; and

10                               “(F) otherwise promote the coordination of  
11                               homeland security grant programs throughout  
12                               the Federal government.

13                   “(b) ADMINISTRATION.—The Department shall provide  
14                   administrative support to the Interagency Committee,  
15                   which shall include—

16                               “(1) scheduling meetings;

17                               “(2) preparing agenda;

18                               “(3) maintaining minutes and records; and

19                               “(4) producing reports.

20                   “(c) CHAIRPERSON.—The Secretary shall designate a  
21                   chairperson of the Interagency Committee.

22                   “(d) MEETINGS.—The Interagency Committee shall  
23                   meet—

24                               “(1) at the call of the Secretary; or

25                               “(2) not less frequently than once every month.”.

1           **(b) TECHNICAL AND CONFORMING AMENDMENT.**—*The*  
 2 *table of contents for the Homeland Security Act of 2002*  
 3 *(6 U.S.C. 101 et seq.) is amended by inserting after the*  
 4 *item relating to section 801 the following:*

*“Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs.”.*

5 **SEC. 3. STREAMLINING FEDERAL HOMELAND SECURITY**  
 6 **GRANT ADMINISTRATION.**

7           **(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT**  
 8 **COORDINATION AND PREPAREDNESS.**—*Section 801(a) of*  
 9 *the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is*  
 10 *amended to read as follows:*

11           **“(a) ESTABLISHMENT.**—

12                   **“(1) IN GENERAL.**—*There is established within*  
 13 *the Office of the Secretary the Office for State and*  
 14 *Local Government Coordination and Preparedness,*  
 15 *which shall oversee and coordinate departmental pro-*  
 16 *grams for, and relationships with, State and local*  
 17 *governments.*

18                   **“(2) EXECUTIVE DIRECTOR.**—*The Office estab-*  
 19 *lished under paragraph (1) shall be headed by the Ex-*  
 20 *ecutive Director of State and Local Government Co-*  
 21 *ordination and Preparedness, who shall be appointed*  
 22 *by the President, by and with the advice and consent*  
 23 *of the Senate.”.*

1       (b) *OFFICE FOR DOMESTIC PREPAREDNESS.*—*The*  
2 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is*  
3 *amended—*

4           (1) *by redesignating section 430 as section 803*  
5 *and transferring that section to the end of subtitle A*  
6 *of title VIII, as amended by section 2; and*

7           (2) *in section 803, as redesignated by paragraph*  
8 *(1)—*

9           (A) *in subsection (a), by striking “the Di-*  
10 *rectorate of Border and Transportation Secu-*  
11 *rity” and inserting “the Office for State and*  
12 *Local Government Coordination and Prepared-*  
13 *ness”;*

14           (B) *in subsection (b), by striking “who shall*  
15 *be appointed by the President” and all that fol-*  
16 *lows and inserting “who shall report directly to*  
17 *the Executive Director of State and Local Gov-*  
18 *ernment Coordination and Preparedness.”; and*

19           (C) *in subsection (c)—*

20           (i) *in paragraph (7)—*

21           (I) *by striking “other” and insert-*  
22 *ing “the”; and*

23           (II) *by striking “consistent with*  
24 *the mission and functions of the Direc-*  
25 *torate”;*

1                   (ii) in paragraph (8)—

2                   (I) by inserting “carrying out”  
3 before “those elements”; and

4                   (II) by striking “and” at the end;

5                   (iii) in paragraph (9), by striking the  
6 period at the end and inserting “; and”;

7                   and

8                   (iv) by adding at the end the following:

9                   “(10) managing the Homeland Security Infor-  
10 mation Clearinghouse established under section  
11 801(c).”.

12                  (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

13                   (1) *TABLE OF CONTENTS.*—The table of contents  
14 for the Homeland Security Act of 2002 (6 U.S.C. 101  
15 et seq.) is amended—

16                   (A) by striking the item relating to section  
17 430;

18                   (B) by amending the item relating to sec-  
19 tion 801 to read as follows:

“Sec. 801. Office of State and Local Government Coordination and Prepared-  
ness.”;

20                   and

21                   (C) by inserting after the item relating to  
22 section 802, as added by this Act, the following:

“Sec. 803. Office for Domestic Preparedness.”.

1           (2) *SECTION HEADING.*—Section 801 of the  
 2           *Homeland Security Act of 2002* (6 U.S.C. 361) is  
 3           amended by striking the section heading and insert-  
 4           ing the following:

5           **“SEC. 801. OFFICE OF STATE AND LOCAL GOVERNMENT CO-**  
 6                                   **ORDINATION AND PREPAREDNESS.”**

7           (d) *ESTABLISHMENT OF HOMELAND SECURITY INFOR-*  
 8           *MATION CLEARINGHOUSE.*—Section 801 of the *Homeland*  
 9           *Security Act of 2002* (6 U.S.C. 361), as amended by sub-  
 10          section (a), is further amended by adding at the end the  
 11          following:

12          “(c) *HOMELAND SECURITY INFORMATION CLEARING-*  
 13          *HOUSE.*—

14                 “(1) *ESTABLISHMENT.*—There is established  
 15                 within the Office for State and Local Government Co-  
 16                 ordination and Preparedness a Homeland Security  
 17                 Information Clearinghouse (referred to in this section  
 18                 as the ‘Clearinghouse’), which shall assist States, local  
 19                 governments, and emergency response providers in ac-  
 20                 cordance with paragraphs (2) through (6).

21                 “(2) *HOMELAND SECURITY GRANT INFORMA-*  
 22                 *TION.*—The Clearinghouse shall create a new website  
 23                 or enhance an existing website, establish a toll-free  
 24                 number, and produce a single publication that each

1       *contain information regarding the homeland security*  
2       *grant programs administered by the Department.*

3               “(3) *TECHNICAL ASSISTANCE.*—*The Clearing-*  
4       *house, in consultation with the Interagency Com-*  
5       *mittee established under section 802, shall provide in-*  
6       *formation regarding technical assistance provided by*  
7       *any Federal agency to States and local governments*  
8       *relating to homeland security matters, including tem-*  
9       *plates for conducting threat analyses and vulner-*  
10       *ability assessments.*

11               “(4) *BEST PRACTICES.*—*The Clearinghouse shall*  
12       *work with States, local governments, emergency re-*  
13       *sponse providers, the National Domestic Preparedness*  
14       *Consortium, the National Memorial Institute for the*  
15       *Prevention of Terrorism, and private organizations to*  
16       *gather, validate, and disseminate information regard-*  
17       *ing successful State and local homeland security pro-*  
18       *grams and practices.*

19               “(5) *USE OF FEDERAL FUNDS.*—*The Clearing-*  
20       *house shall compile information regarding equipment,*  
21       *training, and other services that can be purchased*  
22       *with Federal funds provided under homeland security*  
23       *grant programs and make such information, and in-*  
24       *formation regarding voluntary standards of training,*

1       *equipment, and exercises, available to States, local*  
 2       *governments, and emergency response providers.*

3               “(6) *OTHER INFORMATION.—The Clearinghouse*  
 4       *shall provide States, local governments, and emer-*  
 5       *gency response providers with any other information*  
 6       *that the Secretary determines necessary.”.*

7       **SEC. 4. ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS**  
 8               **AND THREAT-BASED HOMELAND SECURITY**  
 9               **GRANT PROGRAM.**

10       (a) *IN GENERAL.—The Homeland Security Act of*  
 11       *2002 (6 U.S.C. 101 et seq.) is amended by adding at the*  
 12       *end the following:*

13       **“TITLE XVIII—ESSENTIAL CAPA-**  
 14       **BILITIES FOR FIRST RE-**  
 15       **SPONDERS AND THREAT-**  
 16       **BASED HOMELAND SECURITY**  
 17       **GRANT PROGRAM**

18       **“SEC. 1801. DEFINITIONS.**

19       *“In this title, the following definitions shall apply:*

20               “(1) *ELIGIBLE METROPOLITAN REGION.—The*  
 21       *term ‘eligible metropolitan region’ means the fol-*  
 22       *lowing:*

23               “(A) *IN GENERAL.—A combination of 2 or*  
 24       *more incorporated municipalities, counties, par-*  
 25       *ishes, or Indian tribes within a metropolitan re-*

1            *gion that includes the city in that metropolitan*  
2            *region with the largest population. Such eligible*  
3            *metropolitan region may include additional local*  
4            *governments outside the metropolitan region that*  
5            *are likely to be affected by, or be called upon to*  
6            *respond to, a terrorist attack or other cata-*  
7            *strophic event within the metropolitan region.*

8            *“(B) OTHER COMBINATIONS.—Any other*  
9            *combination of contiguous local governments that*  
10           *are formally certified by the Secretary as an eli-*  
11           *gible metropolitan region for purposes of this*  
12           *title with the consent of the State or States in*  
13           *which such local governments are located.*

14           *“(2) ESSENTIAL CAPABILITIES.—The term ‘es-*  
15           *sential capabilities’ means the levels, availability, and*  
16           *competence of emergency personnel, planning, train-*  
17           *ing, and equipment across a variety of disciplines*  
18           *needed to effectively and efficiently prevent, prepare*  
19           *for, and respond to threatened or actual domestic ter-*  
20           *rorist attacks and other catastrophic events.*

21           *“(3) INDIAN TRIBE.—The term ‘Indian tribe’*  
22           *means an entity described under section 2(10)(B).*

23           *“(4) METROPOLITAN REGION.—The term ‘metro-*  
24           *politan region’ means—*

1           “(A) any of the 100 largest metropolitan  
2           statistical areas in the United States, as defined  
3           by the Office of Management and Budget; or

4           “(B) any combined statistical area, as de-  
5           fined by the Office of Management and Budget,  
6           of which any metropolitan statistical area cov-  
7           ered by subparagraph (A) is a part.

8           “(5) *POPULATION*.—The term ‘population’  
9           means population according to the most recent United  
10          States census population estimates available at the  
11          start of the relevant fiscal year.

12          “(6) *POPULATION DENSITY*.—The term ‘popu-  
13          lation density’ means population divided by land  
14          area in square miles.

15          “(7) *SLIDING SCALE BASELINE ALLOCATION*.—  
16          The term ‘sliding scale baseline allocation’ means  
17          0.001 multiplied by the sum of—

18                 “(A) the value of a State’s population rel-  
19                 ative to that of the most populous of the 50  
20                 States of the United States, where the population  
21                 of such States has been normalized to a max-  
22                 imum value of 100; and

23                 “(B) one-fourth of the value of a State’s  
24                 population density relative to that of the most  
25                 densely populated of the 50 States of the United

1           *States, where the population density of such*  
2           *States has been normalized to a maximum value*  
3           *of 100.*

4           “(8) *THREAT-BASED HOMELAND SECURITY*  
5           *GRANT PROGRAM.—The term ‘Threat-Based Home-*  
6           *land Security Grant Program’ means the program es-*  
7           *tablished under section 1804.*

8           **“SEC. 1802. PRESERVATION OF PRE-9/11 GRANT PROGRAMS**  
9                           **FOR TRADITIONAL FIRST RESPONDER MIS-**  
10                           **SIONS.**

11           “(a) *IN GENERAL.—This title shall not be construed*  
12           *to affect any authority to award grants under any Federal*  
13           *grant program listed under subsection (b), which existed on*  
14           *September 10, 2001, to enhance traditional missions of*  
15           *State and local law enforcement, firefighters, ports, emer-*  
16           *gency medical services, or public health missions.*

17           “(b) *PROGRAMS NOT AFFECTED.—The programs re-*  
18           *ferred to in subsection (a) are the following:*

19                   “(1) *The Firefighter Assistance Program author-*  
20                   *ized under section 33 of the Federal Fire Prevention*  
21                   *and Control Act of 1974 (15 U.S.C. 2229) and pro-*  
22                   *grams under section 34 of that Act (15 U.S.C.*  
23                   *2229a).*

24                   “(2) *All grant programs authorized under the*  
25                   *Robert T. Stafford Disaster Relief and Emergency As-*

1 *sistance Act (42 U.S.C. 5121 et seq.), including the*  
 2 *Emergency Management Performance Grant Program*  
 3 *and the Urban Search and Rescue Grant program.*

4 “(3) *The Justice Assistance Grants authorized*  
 5 *under part E of title I of the Omnibus Crime Control*  
 6 *and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)*  
 7 *(commonly known as the Edward Byrne Memorial*  
 8 *State and Local Law Enforcement Assistance Pro-*  
 9 *grams).*

10 “(4) *The Public Safety and Community Policing*  
 11 *(COPS ON THE BEAT) Grant Program authorized*  
 12 *under part Q of title I of the Omnibus Crime Control*  
 13 *and Safe Streets Act of 1968 (42 U.S.C. 3796dd et*  
 14 *seq.).*

15 “(5) *Grant programs under the Public Health*  
 16 *Service Act regarding preparedness for bioterrorism*  
 17 *and other public health emergencies and the Emer-*  
 18 *gency Response Assistance Program authorized under*  
 19 *section 1412 of the Defense Against Weapons of Mass*  
 20 *Destruction Act of 1996 (50 U.S.C. 2312).*

21 **“SEC. 1803. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**

22 **ERS.**

23 “(a) *ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—*

24 “(1) *IN GENERAL.—Building upon the national*  
 25 *preparedness guidance issued by the Secretary, the*

1        *Secretary shall establish clearly defined essential ca-*  
2        *pabilities for State and local governments, in con-*  
3        *sultation with—*

4                *“(A) the Task Force on Essential Capabili-*  
5                *ties for First Responders established under sub-*  
6                *section (d);*

7                *“(B) the Under Secretaries for Emergency*  
8                *Preparedness and Response (including represent-*  
9                *atives of the United States Fire Administration),*  
10               *Border and Transportation Security, Informa-*  
11               *tion Analysis and Infrastructure Protection, and*  
12               *Science and Technology, and the Executive Di-*  
13               *rector of the Office for State and Local Govern-*  
14               *ment Coordination and Preparedness;*

15               *“(C) the Secretary of Health and Human*  
16               *Services;*

17               *“(D) other appropriate Federal agencies;*

18               *“(E) State and local emergency response*  
19               *providers;*

20               *“(F) State and local officials; and*

21               *“(G) consensus-based standard making or-*  
22               *ganizations responsible for setting standards rel-*  
23               *evant to the first responder community.*

24               *“(2) DEADLINES.—The Secretary shall—*

1           “(A) *establish essential capabilities under*  
2           *paragraph (1) within 30 days after receipt of the*  
3           *first report under subsection (d)(3); and*

4           “(B) *regularly update such essential capa-*  
5           *bilities as necessary, but not less than every 3*  
6           *years.*

7           “(3) *PROVISION OF ESSENTIAL CAPABILITIES.—*  
8           *The Secretary shall ensure that a detailed description*  
9           *of the essential capabilities established under para-*  
10          *graph (1) is provided promptly to the States and to*  
11          *Congress. The States shall make the description of the*  
12          *essential capabilities available as appropriate to local*  
13          *governments within their jurisdictions.*

14          “(b) *OBJECTIVES.—The Secretary shall ensure that es-*  
15          *sential capabilities established under subsection (a)(1) meet*  
16          *the following objectives:*

17               “(1) *SPECIFICITY.—The determination of essen-*  
18               *tial capabilities shall describe specifically the train-*  
19               *ing, planning, personnel, and equipment that dif-*  
20               *ferent types of communities in the Nation should pos-*  
21               *sess, or to which they should have access, in order to*  
22               *meet the Department’s goals for preparedness based*  
23               *upon—*

1           “(A) the national preparedness goal, the  
2 target capabilities list, and the national pre-  
3 paredness guidance;

4           “(B) the most current risk assessment avail-  
5 able by the Directorate for Information Analysis  
6 and Infrastructure Protection of the threats of  
7 terrorism against the United States;

8           “(C) the risks faced by different types of  
9 communities, including communities of various  
10 sizes, geographies, and other distinguishing char-  
11 acteristics; and

12           “(D) the principles of regional coordination  
13 and mutual aid among State and local govern-  
14 ments.

15           “(2) FLEXIBILITY.—The establishment of essen-  
16 tial capabilities shall be sufficiently flexible to allow  
17 State and local government officials to set priorities  
18 based on local or regional needs, while reaching na-  
19 tionally determined preparedness levels within a spec-  
20 ified time period.

21           “(3) MEASURABILITY.—The establishment of es-  
22 sential capabilities shall be designed to enable meas-  
23 urement of progress toward specific terrorism pre-  
24 paredness goals.

1           “(4) *COMPREHENSIVENESS.*—*The determination*  
2           *of essential capabilities shall be made within the con-*  
3           *text of a comprehensive State emergency management*  
4           *system.*

5           “(c) *FACTORS TO BE CONSIDERED.*—*In establishing*  
6           *essential capabilities for different types of communities*  
7           *under subsection (a)(1), the Secretary specifically shall con-*  
8           *sider the variables of threat, vulnerability, and consequences*  
9           *with respect to population (including transient commuting*  
10           *and tourist populations), areas of high population density,*  
11           *critical infrastructure, coastline, and international borders.*  
12           *Such consideration shall be based upon the most current*  
13           *risk assessment available by the Directorate for Information*  
14           *Analysis and Infrastructure Protection of the threats of ter-*  
15           *rorism against the United States and the needs described*  
16           *in the national preparedness guidance and the target capa-*  
17           *bilities list.*

18           “(d) *TASK FORCE ON ESSENTIAL CAPABILITIES FOR*  
19           *FIRST RESPONDERS.*—

20           “(1) *ESTABLISHMENT.*—

21           “(A) *IN GENERAL.*—*To assist the Secretary*  
22           *in establishing essential capabilities under sub-*  
23           *section (a)(1), the Secretary shall establish an*  
24           *advisory body under section 871(a) not later*  
25           *than 60 days after the date of enactment of this*

1           *section, which shall be known as the Task Force*  
2           *on Essential Capabilities for First Responders.*

3           “(B) *TERMINATION.*—*Notwithstanding sec-*  
4           *tion 871(b), the Task Force shall terminate 5*  
5           *years after the date of its establishment, unless*  
6           *the Secretary makes a written determination to*  
7           *extend the Task Force to a specified date, which*  
8           *shall not be more than 5 years after the date on*  
9           *which such determination is made. The Sec-*  
10           *retary may make any number of subsequent ex-*  
11           *tensions consistent with this subsection.*

12           “(2) *PUBLIC COMMENT.*—*Not later than 90 days*  
13           *after the date of enactment of this section, the Task*  
14           *Force shall solicit comment on the establishment of es-*  
15           *sential capabilities for State and local government*  
16           *preparedness.*

17           “(3) *REPORT.*—

18           “(A) *IN GENERAL.*—*Not later than 9*  
19           *months after the establishment of the Task Force*  
20           *by the Secretary, and every 3 years thereafter,*  
21           *the Task Force shall submit to the Secretary a*  
22           *report on its recommendations for essential ca-*  
23           *pabilities for preparedness for terrorism.*

24           “(B) *CONTENTS.*—*Each report shall—*

1           “(i) provide a thorough assessment of  
2           the national preparedness guidance and  
3           target capabilities list and recommenda-  
4           tions for revisions;

5           “(ii) include a priority ranking of es-  
6           sential capabilities in order to provide  
7           guidance to the Secretary and to Congress  
8           on determining the appropriate allocation  
9           of, and funding levels for, first responder  
10          needs;

11          “(iii) set forth a methodology by which  
12          any State or local government will be able  
13          to determine the extent to which it possesses  
14          or has access to the essential capabilities  
15          that States and local governments having  
16          similar risks should obtain; and

17          “(iv) describe the availability of na-  
18          tional voluntary consensus standards, and  
19          whether there is a need for new national  
20          voluntary consensus standards, with respect  
21          to first responder training and equipment.

22          “(C)   COMPREHENSIVENESS.—The   Task  
23          Force shall ensure that, when recommending es-  
24          sential capabilities for terrorism preparedness,  
25          such recommendations are made within the con-

1           *text of a comprehensive State emergency manage-*  
2           *ment system.*

3           “(4) *MEMBERSHIP.*—

4                   “(A) *IN GENERAL.*—*The Task Force shall*  
5           *consist of 25 members appointed by the Sec-*  
6           *retary, and shall, to the extent practicable, rep-*  
7           *resent a geographic and substantive cross section*  
8           *of first responder disciplines from the State and*  
9           *local government levels, including as appro-*  
10           *priate—*

11                           “(i) *members selected from the emer-*  
12           *gency response field, including fire service*  
13           *and law enforcement, hazardous materials*  
14           *response, emergency medical services, and*  
15           *emergency management personnel;*

16                           “(ii) *health scientists, emergency and*  
17           *inpatient medical providers, and public*  
18           *health professionals, including experts in*  
19           *emergency health care response to chemical,*  
20           *biological, radiological, and nuclear ter-*  
21           *rorism, and experts in providing mental*  
22           *health care during emergency response oper-*  
23           *ations;*

24                           “(iii) *experts from Federal, State, and*  
25           *local governments, and the private sector,*

1            *representing standards-setting organiza-*  
2            *tions, including representatives from the*  
3            *voluntary consensus codes and standards*  
4            *development community, particularly those*  
5            *with expertise in first responder disciplines;*  
6            *and*

7            *“(iv) State and local officials with ex-*  
8            *pertise in terrorism preparedness and other*  
9            *emergency preparedness.*

10            *“(B) COORDINATION WITH THE DEPART-*  
11            *MENT OF HEALTH AND HUMAN SERVICES.—In*  
12            *the selection of members of the Task Force who*  
13            *are health professionals, including emergency*  
14            *medical professionals, the Secretary shall coordi-*  
15            *nate the selection with the Secretary of Health*  
16            *and Human Services.*

17            *“(C) EX OFFICIO MEMBERS.—The Secretary*  
18            *shall designate 1 or more officers of the Depart-*  
19            *ment to serve as ex officio members of the Task*  
20            *Force. One of the ex officio members from the De-*  
21            *partment shall be the designated officer of the*  
22            *Federal Government for purposes of subsection*  
23            *(e) of section 10 of the Federal Advisory Com-*  
24            *mittee Act (5 U.S.C. App.).*



1           *urban areas, including the Urban Area Security*  
2           *Initiative Program; and*

3           “(C) *any successor program to any program*  
4           *described in subparagraph (A) or (B).*

5           “(2) *GRANTS AUTHORIZED.—The Secretary may*  
6           *award grants to States and eligible metropolitan re-*  
7           *gions under the Threat-Based Homeland Security*  
8           *Grant Program to enhance homeland security.*

9           “(3) *RELATIONSHIP TO OTHER LAWS.—The*  
10          *Threat-Based Homeland Security Grant Program*  
11          *shall be deemed to satisfy the requirements of section*  
12          *1014 of the USA PATRIOT ACT (42 U.S.C. 3714).*  
13          *The allocation of grants authorized under this section*  
14          *shall be governed by the terms of this section and not*  
15          *by any other provision of law.*

16          “(b) *USE OF FUNDS.—*

17                 “(1) *IN GENERAL.—Grants awarded under this*  
18                 *section—*

19                         “(A) *shall be used to address homeland secu-*  
20                         *rity matters related to acts of terrorism or cata-*  
21                         *strophic events, related capacity building, or oth-*  
22                         *erwise addressing shortfalls in essential capabili-*  
23                         *ties; and*

1           “(B) shall not be used to supplant ongoing  
2           emergency response expenses or general protective  
3           measures.

4           “(2) ALLOWABLE USES.—Grants awarded under  
5           this section may be used to achieve essential capabili-  
6           ties through—

7           “(A) developing State or regional plans or  
8           risk assessments (including the development of  
9           the homeland security plan under subsection (e))  
10          to respond to terrorist attacks or other cata-  
11          strophic events and community wide plans for  
12          responding to terrorist or catastrophic events  
13          that are coordinated with the capacities of appli-  
14          cable Federal, State, and local governments,  
15          emergency response providers, and State and  
16          local government health agencies;

17          “(B) developing State, regional, or local  
18          mutual aid agreements;

19          “(C) purchasing, upgrading, storing, or  
20          maintaining equipment based on State and local  
21          needs as identified under a State homeland secu-  
22          rity plan, consistent with essential capability  
23          needs;

24          “(D) conducting exercises to strengthen  
25          emergency preparedness of State and local first

1           *responders including law enforcement, fire-*  
2           *fighting personnel, and emergency medical serv-*  
3           *ice workers, and other emergency responders*  
4           *identified in a State homeland security plan;*

5           “(E) *paying for expenses relating to—*

6                 “(i) *overtime regarding training ac-*  
7                 *tivities consistent with the goals outlined in*  
8                 *a State homeland security plan; and*

9                 “(ii) *as determined by the Secretary,*  
10                *overtime activities relating to an increase*  
11                *in the threat level under the Homeland Se-*  
12                *curity Advisory System;*

13           “(F) *promoting training relating to home-*  
14           *land security preparedness including—*

15                “(i) *emergency preparedness responses*  
16                *to a use or threatened use of a weapon of*  
17                *mass destruction; and*

18                “(ii) *training in the use of equipment,*  
19                *including detection, monitoring, and decon-*  
20                *tamination equipment, and personal protec-*  
21                *tive gear;*

22           “(G) *conducting any activity permitted*  
23           *under the Law Enforcement Terrorism Preven-*  
24           *tion Grant Program under section 1014 of the*  
25           *USA PATRIOT ACT (42 U.S.C. 3714); and*

1           “(H) any other activity relating to achiev-  
2           ing essential capabilities approved by the Sec-  
3           retary.

4           “(3) *PROHIBITED USES.*—Grants awarded under  
5           this section may not be used to construct buildings or  
6           other physical facilities, except those described in sec-  
7           tion 611 of the Robert T. Stafford Disaster Relief and  
8           Emergency Assistance Act (42 U.S.C. 5196) and ap-  
9           proved by the Secretary in the homeland security  
10          plan certified under subsection (e), or to acquire land.

11          “(c) *EQUIPMENT STANDARDS.*—If an applicant for a  
12          grant under this section proposes to upgrade or purchase,  
13          with assistance provided under the grant, new equipment  
14          or systems that do not meet or exceed any applicable na-  
15          tional voluntary consensus standards established by the Sec-  
16          retary under section 1807(a), the applicant shall include  
17          in the application an explanation of why such equipment  
18          or systems will serve the needs of the applicant better than  
19          equipment or systems that meet or exceed such standards.

20          “(d) *APPLICATION.*—

21                  “(1) *STATES.*—

22                          “(A) *SUBMISSION.*—A State may apply for  
23                          a grant under this section by submitting to the  
24                          Secretary an application detailing how requested  
25                          funds would be used to achieve essential capabili-

1            *ties and containing such other information the*  
2            *Secretary may reasonably require.*

3            *“(B) REVISIONS.—A State may revise a*  
4            *homeland security plan certified under sub-*  
5            *section (e) at the time an application is sub-*  
6            *mitted under subparagraph (A) after receiving*  
7            *approval from the Secretary.*

8            *“(C) APPROVAL.—The Secretary shall not*  
9            *award a grant under this section unless—*

10            *“(i) the State submitting the applica-*  
11            *tion has previously submitted a homeland*  
12            *security plan meeting the requirements of*  
13            *subsection (e); and*

14            *“(ii) the Secretary finds that the report*  
15            *submitted by the recipient under subsection*  
16            *(g) demonstrates satisfactory progress to-*  
17            *ward achieving essential capabilities.*

18            *“(D) RELEASE OF FUNDS.—The Secretary*  
19            *shall release grant funds to States with approved*  
20            *plans after the approval of an application sub-*  
21            *mitted under this paragraph.*

22            *“(2) ELIGIBLE METROPOLITAN REGIONS.—*

23            *“(A) SUBMISSION.—An eligible metropoli-*  
24            *tan region may apply for a grant under this sec-*  
25            *tion by submitting an application through the*

1           *Governor of each State within which any part of*  
2           *the relevant metropolitan region is located.*

3           “(B) *CONTENTS.—An application under*  
4           *this paragraph shall include—*

5                   “(i) *a description of how requested*  
6                   *funds would be used to achieve essential ca-*  
7                   *pabilities;*

8                   “(ii) *an explanation of how the pro-*  
9                   *posed use of funds would be consistent with*  
10                  *the homeland security plans of all relevant*  
11                  *States;*

12                  “(iii) *a geographic description of the*  
13                  *eligible metropolitan region, including a list*  
14                  *of all local governments participating in the*  
15                  *application;*

16                  “(iv) *an explanation of how the appli-*  
17                  *cant intends to expend funds under the*  
18                  *grant, to administer such funds, and to al-*  
19                  *locate such funds among the participating*  
20                  *local governments;*

21                  “(v) *if not all of the incorporated mu-*  
22                  *nicipalities, counties, parishes, or Indian*  
23                  *tribes in a metropolitan region are partici-*  
24                  *pating in the application, or if additional*  
25                  *local governments outside the metropolitan*

1           region are participating, an explanation of  
2           why the eligible metropolitan region, as con-  
3           stituted, is an appropriate unit to receive  
4           grants to prevent, prepare for, and respond  
5           to acts of terrorism and other catastrophic  
6           events; and

7           “(vi) such other information the Sec-  
8           retary may reasonably require.

9           “(C) STATE REVIEW AND SUBMISSION.—

10           “(i) IN GENERAL.—To ensure consist-  
11           ency with State homeland security plans,  
12           an eligible metropolitan region applying for  
13           a grant under this paragraph shall submit  
14           its application to each State within which  
15           any part of the eligible metropolitan region  
16           is located for review before submission of  
17           such application to the Secretary.

18           “(ii) DEADLINE.—Not later than 30  
19           days after receiving an application from an  
20           eligible metropolitan region, each such State  
21           shall transmit the application to the Sec-  
22           retary.

23           “(iii) STATE DISAGREEMENT.—If the  
24           Governor of any such State determines that  
25           a regional application is inconsistent with

1           the State homeland security plan of that  
2           State, or otherwise does not support the ap-  
3           plication, the Governor shall—

4                   “(I) notify the Secretary, in writ-  
5                   ing, of that fact; and

6                   “(II) provide an explanation of  
7                   the reasons for not supporting the ap-  
8                   plication at the time of transmission of  
9                   the application.

10          “(e) *HOMELAND SECURITY PLAN.*—

11                   “(1) *IN GENERAL.*—A State applying for a grant  
12                   under this section shall have a 3-year State homeland  
13                   security plan (referred to in this subsection as the  
14                   ‘plan’) to respond to terrorist attacks and other cata-  
15                   strophic events that has been approved by the Sec-  
16                   retary.

17                   “(2) *CONTENTS.*—The plan shall contain—

18                           “(A) a 3-year strategy to—

19                                   “(i) ensure that the funds allocated to  
20                                   local governments are used exclusively to  
21                                   meet the needs and capabilities described  
22                                   under paragraph (3)(C);

23                                   “(ii) provide for interoperable commu-  
24                                   nications;

1           “(iii) provide for local coordination of  
2 response and recovery efforts, including pro-  
3 cedures for effective incident command in  
4 conformance with the National Incident  
5 Management System;

6           “(iv) ensure that first responders and  
7 other emergency personnel have adequate  
8 training and appropriate equipment for the  
9 threats that may occur;

10           “(v) provide for improved coordination  
11 and collaboration among law enforcement,  
12 fire, and public health authorities at Fed-  
13 eral, State, local, and tribal government lev-  
14 els;

15           “(vi) coordinate emergency response  
16 and public health plans;

17           “(vii) mitigate risks to critical infra-  
18 structure that may be vulnerable to terrorist  
19 attacks;

20           “(viii) promote regional coordination  
21 among contiguous local governments;

22           “(ix) identify necessary protective  
23 measures by private owners of critical in-  
24 frastructure;

1                   “(x) promote orderly evacuation proce-  
2                   dures when necessary;

3                   “(xi) ensure support from the public  
4                   health community for measures needed to  
5                   prevent, detect, and treat bioterrorism, and  
6                   radiological and chemical incidents;

7                   “(xii) increase the number of local ju-  
8                   risdictions participating in local and state-  
9                   wide exercises; and

10                  “(xiii) meet preparedness goals as de-  
11                  termined by the Secretary;

12                  “(B) objective measures for assessing the ex-  
13                  tent to which the goals and objectives set forth in  
14                  paragraph (A) have been achieved;

15                  “(C) priorities for the allocation of funding  
16                  to local governments based on the risk, capabili-  
17                  ties, and needs described under paragraph  
18                  (3)(C); and

19                  “(D) a report from the relevant advisory  
20                  committee established under paragraph (3)(D)  
21                  that documents the areas of support, disagree-  
22                  ment, or recommended changes to the plan before  
23                  its submission to the Secretary.

24                  “(3) DEVELOPMENT PROCESS.—

1           “(A) *IN GENERAL.*—*In preparing the plan*  
2           *under this section, a State shall—*

3                   “(i) *provide for the consideration of all*  
4                   *homeland security needs;*

5                   “(ii) *follow a process that is con-*  
6                   *tinuing, inclusive, cooperative, and com-*  
7                   *prehensive, as appropriate; and*

8                   “(iii) *coordinate the development of the*  
9                   *plan with the homeland security planning*  
10                   *activities of local governments.*

11           “(B) *COORDINATION WITH LOCAL PLANNING*  
12           *ACTIVITIES.*—*The coordination under subpara-*  
13           *graph (A)(iii) shall contain input from local*  
14           *stakeholders, including—*

15                   “(i) *local officials, including represent-*  
16                   *atives of rural, high-population, and high-*  
17                   *threat jurisdictions and of Indian tribes;*

18                   “(ii) *emergency response providers;*  
19                   *and*

20                   “(iii) *private sector companies that*  
21                   *own or operate critical infrastructure.*

22           “(C) *SCOPE OF PLANNING.*—*Each State*  
23           *preparing a plan under this section shall, in*  
24           *conjunction with the local stakeholders under*  
25           *subparagraph (B), address all the information*

1           *requested by the Secretary, and complete a com-*  
2           *prehensive assessment of—*

3                   *“(i) risk, including a—*

4                           *“(I) vulnerability and consequence*  
5                           *assessment;*

6                           *“(II) threat assessment; and*

7                           *“(III) public health assessment, in*  
8                           *coordination with the State bioter-*  
9                           *rorism plan; and*

10                   *“(ii) capabilities and needs, consistent*  
11                   *with the essential capabilities established by*  
12                   *the Secretary, including—*

13                           *“(I) an evaluation of current pre-*  
14                           *paredness, mitigation, and response ca-*  
15                           *pabilities based on such assessment*  
16                           *mechanisms as shall be determined by*  
17                           *the Secretary;*

18                           *“(II) an evaluation of capabilities*  
19                           *needed to address the risks described*  
20                           *under clause (i); and*

21                           *“(III) an assessment of the short-*  
22                           *fall between the capabilities described*  
23                           *under subclause (I) and the required*  
24                           *capabilities described under subclause*  
25                           *(II).*

1                   “(D) *ADVISORY COMMITTEE.*—

2                   “*(i) IN GENERAL.*—Each State pre-  
3                   paring a plan under this section shall estab-  
4                   lish an advisory committee to receive com-  
5                   ments from the public and the local stake-  
6                   holders identified under subparagraph (B).

7                   “*(ii) COMPOSITION.*—

8                   “*(I) IN GENERAL.*—The Advisory  
9                   Committee shall include—

10                   “*(aa) local officials; and*

11                   “*(bb) emergency response*  
12                   *providers, which shall include rep-*  
13                   *resentatives of the fire service, law*  
14                   *enforcement, emergency medical*  
15                   *response, and emergency man-*  
16                   *agers.*

17                   “*(II) GEOGRAPHIC REPRESENTA-*  
18                   *TION.*—The members of the Advisory  
19                   Committee shall be a representative  
20                   group of individuals from the counties,  
21                   cities, towns, and Indian tribes within  
22                   the State, including representatives of  
23                   rural, high-population, and high-threat  
24                   jurisdictions.

1           “(4) *PLAN APPROVAL.*—*The Secretary shall ap-*  
 2           *prove a plan upon finding that the plan meets the re-*  
 3           *quirements of—*

4                     “(A) *paragraphs (2) and (3); and*

5                     “(B) *any other criteria the Secretary deter-*  
 6           *mines necessary to the approval of a State plan.*

7           “(5) *REVIEW OF ADVISORY COMMITTEE RE-*  
 8           *PORT.*—*The Secretary shall review the recommenda-*  
 9           *tions of the advisory committee report incorporated*  
 10           *into a plan under subsection (e)(2)(D), including any*  
 11           *dissenting views submitted by advisory committee*  
 12           *members, to ensure cooperation and coordination be-*  
 13           *tween State and local government jurisdictions in*  
 14           *planning for the use of grant funds under this section.*

15           “(f) *ALLOCATION.*—

16                     “(1) *SLIDING SCALE BASELINE DISTRIBUTION.*—

17                     “(A) *STATES.*—*Each State whose applica-*  
 18           *tion is approved under subsection (d) shall re-*  
 19           *ceive, for each fiscal year, the greater of—*

20                             “(i) *0.55 percent of the amounts ap-*  
 21                             *propriated for the Threat-Based Homeland*  
 22                             *Security Grant Program; or*

23                             “(ii) *the State’s sliding scale baseline*  
 24                             *allocation of 28.62 percent of the amounts*

1           *appropriated for the Threat-Based Home-*  
2           *land Security Grant Program.*

3           “(B) *OTHER ENTITIES.*—*Notwithstanding*  
4           *subparagraph (A)*—

5                   “(i) *the District of Columbia shall re-*  
6                   *ceive for each fiscal year 0.55 percent of the*  
7                   *amounts appropriated for the Threat-Based*  
8                   *Homeland Security Grant Program;*

9                   “(ii) *the Commonwealth of Puerto Rico*  
10                   *shall receive for each fiscal year 0.35 per-*  
11                   *cent of the amounts appropriated for the*  
12                   *Threat-Based Homeland Security Grant*  
13                   *Program;*

14                   “(iii) *American Samoa, the Common-*  
15                   *wealth of the Northern Mariana Islands,*  
16                   *Guam, and the Virgin Islands shall each re-*  
17                   *ceive 0.055 percent of the amounts appro-*  
18                   *priated for the Threat-Based Homeland Se-*  
19                   *curity Grant Program; and*

20                   “(iv) *no possession of the United States*  
21                   *shall receive a baseline distribution under*  
22                   *subparagraph (A).*

23           “(2) *URBAN AREA SECURITY INITIATIVE DIS-*  
24           *TRIBUTION.*—

1           “(A) *IN GENERAL.*—*After the distribution*  
2           *under paragraph (1), the Secretary may allocate*  
3           *up to 50 percent of the funds remaining to pro-*  
4           *vide grants to eligible metropolitan regions.*

5           “(B) *CRITERIA.*—

6           “(i) *IN GENERAL.*—*The Secretary shall*  
7           *allocate the grants under this paragraph to*  
8           *assist eligible metropolitan regions to*  
9           *achieve essential capabilities to effectively*  
10           *prevent, prepare for, and respond to acts of*  
11           *terrorism or other catastrophic events.*

12           “(ii) *PRIORITIZATION.*—*In prioritizing*  
13           *among the applications of eligible metro-*  
14           *politan regions for such funds, the Secretary*  
15           *shall consider the relative threat, vulner-*  
16           *ability, and consequences faced by an eligi-*  
17           *ble metropolitan region from a terrorist at-*  
18           *tack, including consideration of—*

19           “(I) *whether there has been a*  
20           *prior terrorist attack in the eligible*  
21           *metropolitan region;*

22           “(II) *whether any part of the eli-*  
23           *gible metropolitan region has ever had*  
24           *a higher threat level under the Home-*  
25           *land Security Advisory System than*

1                    *the threat level for the United States as*  
2                    *a whole;*

3                    *“(III) the population of the eligi-*  
4                    *ble metropolitan region, except that the*  
5                    *Secretary shall not establish a min-*  
6                    *imum population requirement that*  
7                    *would disqualify from consideration a*  
8                    *locality that otherwise faces significant*  
9                    *threats, vulnerabilities, or consequences*  
10                   *from acts of terrorism;*

11                   *“(IV) the population density of*  
12                   *the eligible metropolitan region;*

13                   *“(V) the degree of threat, vulner-*  
14                   *ability, and consequence to the eligible*  
15                   *metropolitan region related to critical*  
16                   *infrastructure or key assets identified*  
17                   *by the Secretary or State homeland se-*  
18                   *curity plan, including threats,*  
19                   *vulnerabilities, and consequences from*  
20                   *critical infrastructure in nearby juris-*  
21                   *dictions;*

22                   *“(VI) whether the eligible metro-*  
23                   *politan region is at or near an inter-*  
24                   *national border;*

1                   “(VII) *whether the eligible metro-*  
 2                   *politan region has a coastline bor-*  
 3                   *dering ocean or international waters;*

4                   “(VIII) *threats, vulnerabilities,*  
 5                   *and consequences faced by the eligible*  
 6                   *metropolitan region related to at-risk*  
 7                   *sites or activities in nearby jurisdic-*  
 8                   *tions, including the need to respond to*  
 9                   *terrorist attacks arising in those juris-*  
 10                   *dictions;*

11                   “(IX) *the extent to which the eli-*  
 12                   *gible metropolitan region has unmet*  
 13                   *essential capabilities;*

14                   “(X) *the extent to which the ap-*  
 15                   *plication of the eligible metropolitan*  
 16                   *region includes all incorporated mu-*  
 17                   *nicipalities, counties, parishes, and In-*  
 18                   *Indian tribes within the relevant metro-*  
 19                   *politan region; and*

20                   “(XI) *such other factors as are*  
 21                   *specified in writing by the Secretary.*

22                   “(C) *DISTRIBUTION OF AWARDS TO METRO-*  
 23                   *POLITAN REGIONS.—*

24                   “(i) *IN GENERAL.—If the Secretary*  
 25                   *approves the application of an eligible met-*

1            *ropolitan region for a grant under this sec-*  
 2            *tion, the Secretary shall distribute the re-*  
 3            *gional grant funds to the State or States in*  
 4            *which the eligible metropolitan region is lo-*  
 5            *cated.*

6            “(ii)    *STATE    DISTRIBUTION    OF*  
 7            *FUNDS.—Each State shall provide the eligi-*  
 8            *ble metropolitan region not less than 80*  
 9            *percent of the grant funds. Any funds re-*  
 10           *tained by a State shall be expended on*  
 11           *items or services approved by the Secretary*  
 12           *and that benefit the eligible metropolitan re-*  
 13           *gion.*

14           “(iii) *MULTISTATE REGIONS.—If parts*  
 15           *of an eligible metropolitan region awarded*  
 16           *a grant are located in 2 or more States, the*  
 17           *Secretary shall distribute to each such State*  
 18           *a portion of the grant funds in proportion*  
 19           *to that State’s share of the population of the*  
 20           *eligible metropolitan region, unless the Gov-*  
 21           *ernors of each State (or in the case of the*  
 22           *District of Columbia, the Mayor) agree oth-*  
 23           *erwise.*

24           “(3)    *THREAT-BASED    DISTRIBUTION    TO*  
 25           *STATES.—*

1           “(A) *IN GENERAL.*—After the distribution of  
2 funds under paragraphs (1) and (2), the Sec-  
3 retary shall, from the remaining funds for the  
4 Threat-Based Homeland Security Grant Pro-  
5 gram, distribute amounts to each State to assist  
6 that State in achieving essential capabilities to  
7 effectively prevent, prepare for, and respond to  
8 acts of terrorism and other catastrophic events.

9           “(B) *PRIORITIZATION.*—In prioritizing  
10 among State applications for such funds, the  
11 Secretary shall—

12           “(i) consider the relative threat, vul-  
13 nerability, and consequences faced by a  
14 State from a terrorist attack, including con-  
15 sideration of—

16           “(I) whether there has been a  
17 prior terrorist attack in a metropolitan  
18 region that is wholly or partly in the  
19 State, or in the State itself;

20           “(II) whether any part of the  
21 State has ever had a higher threat level  
22 under the Homeland Security Advisory  
23 System than the threat level for the  
24 United States as a whole;

1           “(III) the percent of a State’s  
2           population residing in metropolitan  
3           statistical areas, as defined by the Of-  
4           fice of Management and Budget;

5           “(IV) the degree of threat, vulner-  
6           ability, and consequence related to crit-  
7           ical infrastructure or key assets identi-  
8           fied by the Secretary or State home-  
9           land security plan;

10          “(V) whether the State has an  
11          international border;

12          “(VI) whether the State has a  
13          coastline bordering ocean or inter-  
14          national waters;

15          “(VII) threats, vulnerabilities,  
16          and consequences faced by a State re-  
17          lated to at-risk sites or activities in ad-  
18          jacent States, including the need to re-  
19          spond to terrorist attacks arising in  
20          adjacent States;

21          “(VIII) the extent to which the  
22          State has unmet essential capabilities;  
23          and

1                   “(IX) *such other factors as are*  
2                   *specified in writing by the Secretary;*  
3                   *and*

4                   “(ii) *balance the goal of ensuring that*  
5                   *the essential capabilities of the highest-risk*  
6                   *areas are achieved quickly and the goal of*  
7                   *ensuring that basic levels of preparedness,*  
8                   *as measured by the attainment of essential*  
9                   *capabilities, are achieved nationwide.*

10                   “(4) *FUNDING FOR LOCAL GOVERNMENTS AND*  
11                   *FIRST RESPONDERS.—*

12                   “(A) *IN GENERAL.—The Secretary shall re-*  
13                   *quire recipients of the sliding scale baseline dis-*  
14                   *tribution and the threat-based distribution to*  
15                   *States to make available to local governments*  
16                   *and emergency response providers, consistent*  
17                   *with the applicable State homeland security*  
18                   *plan, not less than 80 percent of the grant funds,*  
19                   *the resources purchased with such grant funds,*  
20                   *or a combination thereof, not later than 60 days*  
21                   *after receiving grant funding.*

22                   “(B) *INDIAN TRIBES.—States shall be re-*  
23                   *sponsible for allocating Federal resources to trib-*  
24                   *al communities in order to help those tribal com-*  
25                   *munities achieve essential capabilities. Indian*

1           *tribes shall be eligible for funding directly from*  
2           *the States, and shall not be required to seek*  
3           *funding from any local government.*

4           “(C) *EXCEPTION.*—*Subparagraph (A) shall*  
5           *not apply to the District of Columbia, the Com-*  
6           *monwealth of Puerto Rico, American Samoa, the*  
7           *Commonwealth of the Northern Mariana Islands,*  
8           *Guam, and the Virgin Islands.*

9           “(5) *SUPPLEMENT NOT SUPPLANT.*—*Amounts*  
10          *appropriated for grants under this subsection shall be*  
11          *used to supplement and not supplant other State and*  
12          *local government public funds obligated for the pur-*  
13          *poses provided under this title.*

14          “(6) *LAW ENFORCEMENT TERRORISM PREVEN-*  
15          *TION PROGRAM.*—

16                 “(A) *IN GENERAL.*—*The Secretary shall*  
17                 *designate not more than 25 percent of the*  
18                 *amounts authorized under this section to be used*  
19                 *for the Law Enforcement Terrorism Prevention*  
20                 *Program under section 1014 of the USA PA-*  
21                 *TRIOT ACT (42 U.S.C. 3714) to provide grants*  
22                 *to law enforcement agencies to enhance capabili-*  
23                 *ties for terrorism prevention.*

1           “(B) *USE OF FUNDS.*—*Notwithstanding*  
2           *subsection (b), grants awarded under this para-*  
3           *graph may be used for—*

4                   “(i) *information sharing to preempt*  
5                   *terrorist attacks;*

6                   “(ii) *target hardening to reduce the*  
7                   *vulnerability of selected high value targets;*

8                   “(iii) *threat recognition to recognize*  
9                   *the potential or development of a threat;*

10                  “(iv) *intervention activities to inter-*  
11                  *dict terrorists before they can execute a*  
12                  *threat;*

13                  “(v) *interoperable communication sys-*  
14                  *tems;*

15                  “(vi) *overtime expenses related to the*  
16                  *homeland security plan approved by the*  
17                  *Secretary, including overtime costs associ-*  
18                  *ated with providing enhanced law enforce-*  
19                  *ment operations in support of Federal agen-*  
20                  *cies for increased border security and border*  
21                  *crossing enforcement; and*

22                  “(vii) *any other terrorism prevention*  
23                  *activity authorized by the Secretary.*

1       “(g) *REPORT ON HOMELAND SECURITY SPENDING.*—

2       *Each recipient of a grant under this section shall annually*

3       *submit a report to the Secretary that contains—*

4               “(1) *an accounting of the amount of State and*  
5       *local government funds spent on homeland security*  
6       *activities under the applicable State homeland secu-*  
7       *rity plan;*

8               “(2) *information regarding the use of grant*  
9       *funds by the State and by units of local government*  
10       *as required by the Secretary; and*

11              “(3) *progress of the recipient and subgrantees in*  
12       *achieving essential capabilities.*

13       “(h) *ACCOUNTABILITY.*—

14              “(1) *GOVERNMENT ACCOUNTABILITY OFFICE AC-*  
15       *CESS TO INFORMATION.*—*Each recipient of a grant*  
16       *under this section and the Department shall provide*  
17       *the Government Accountability Office with full access*  
18       *to information regarding the activities carried out*  
19       *under this section.*

20              “(2) *AUDIT.*—*Grant recipients that expend*  
21       *\$500,000 or more in Federal funds during any fiscal*  
22       *year shall submit to the Secretary an organization*  
23       *wide financial and compliance audit report in con-*  
24       *formance with the requirements of chapter 75 of title*  
25       *31, United States Code.*

1       “(i) *REMEDIES FOR NON-COMPLIANCE.*—

2               “(1) *IN GENERAL.*—*If the Secretary finds, after*  
3       *reasonable notice and an opportunity for a hearing,*  
4       *that a recipient of a grant under this section has*  
5       *failed to substantially comply with any provision of*  
6       *this section, or with any regulations or guidelines of*  
7       *the Department regarding eligible expenditures, the*  
8       *Secretary shall—*

9               “(A) *terminate any payment of grant funds*  
10       *to be made to the recipient under this section;*

11              “(B) *reduce the amount of payment of*  
12       *grant funds to the recipient by an amount equal*  
13       *to the amount of grants funds that were not ex-*  
14       *pende*  
15       *ded by the recipient in accordance with this*  
16       *section; or*

17              “(C) *limit the use of grant funds received*  
18       *under this section to programs, projects, or ac-*  
19       *tivities not affected by the failure to comply.*

20              “(2) *DURATION OF PENALTY.*—*The Secretary*  
21       *shall apply an appropriate penalty under paragraph*  
22       *(1) until such time as the Secretary determines that*  
23       *the grant recipient is in full compliance with this sec-*  
24       *tion or with applicable guidelines or regulations of*  
      *the Department.*

1           “(3) *DIRECT FUNDING.*—*If a State fails to sub-*  
2           *stantially comply with any provision of this section*  
3           *or with applicable guidelines or regulations of the De-*  
4           *partment, including failing to provide local govern-*  
5           *ments with grant funds or resources purchased with*  
6           *grant funds in a timely fashion, a local government*  
7           *entitled to receive such grant funds or resources may*  
8           *petition the Secretary, at such time and in such man-*  
9           *ner as determined by the Secretary, to request that*  
10          *grant funds or resources be provided directly to the*  
11          *local government.*

12          “(j) *REPORTS TO CONGRESS.*—*The Secretary shall*  
13          *submit an annual report to Congress that provides—*

14                 “(1) *the status of preparedness goals and objec-*  
15                 *tives;*

16                 “(2) *an evaluation of how States and local gov-*  
17                 *ernments are making progress in achieving essential*  
18                 *capabilities;*

19                 “(3) *the total amount of resources provided to the*  
20                 *States;*

21                 “(4) *the total amount of resources provided to*  
22                 *local governments and metropolitan regions; and*

23                 “(5) *an accounting of how these resources were*  
24                 *expended.*

1       “(k) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
 2 *are authorized to be appropriated to carry out this sec-*  
 3 *tion—*

4               “(1) \$2,925,000,000 for fiscal year 2006;

5               “(2) \$2,925,000,000 for fiscal year 2007; and

6               “(3) *such sums as are necessary for each fiscal*  
 7 *year thereafter.*

8       “**SEC. 1805. ELIMINATING HOMELAND SECURITY FRAUD,**  
 9                               **WASTE, AND ABUSE.**

10       “(a) *ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE*  
 11 *AUDIT AND REPORT.*—

12               “(1) *AUDIT.*—*The Comptroller General of the*  
 13 *United States shall conduct an annual audit of the*  
 14 *Threat-Based Homeland Security Grant Program.*

15               “(2) *REPORT.*—*The Comptroller General of the*  
 16 *United States shall provide a report to Congress on*  
 17 *the results of the audit conducted under paragraph*  
 18 *(1), which includes—*

19                       “(A) *an analysis of whether the grant re-*  
 20 *cipients allocated funding consistent with the*  
 21 *State homeland security plan and the guidelines*  
 22 *established by the Department; and*

23                       “(B) *the amount of funding devoted to over-*  
 24 *time and administrative expenses.*



1 *percent of the amount appropriated for equipment to units*  
 2 *of local government.*

3 **“SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER**  
 4 **EQUIPMENT AND TRAINING.**

5 *“(a) EQUIPMENT STANDARDS.—*

6 *“(1) IN GENERAL.—The Secretary, in consulta-*  
 7 *tion with the Under Secretaries for Emergency Pre-*  
 8 *paredness and Response and Science and Technology*  
 9 *(including a representative of the United States Fire*  
 10 *Administration) and the Executive Director of the Of-*  
 11 *fice for State and Local Government Coordination*  
 12 *and Preparedness, shall support the development of,*  
 13 *promulgate, and update as necessary national vol-*  
 14 *untary consensus standards for the performance, use,*  
 15 *and validation of first responder equipment for pur-*  
 16 *poses of section 1804(c).*

17 *“(2) STANDARDS.—Standards under this sub-*  
 18 *section shall—*

19 *“(A) be, to the maximum extent practicable,*  
 20 *consistent with any existing voluntary consensus*  
 21 *standards;*

22 *“(B) take into account, as appropriate, new*  
 23 *types of terrorism threats that may not have*  
 24 *been contemplated when such existing standards*  
 25 *were developed;*

1           “(C) be focused on maximizing interoper-  
2           ability, interchangeability, durability, flexibility,  
3           efficiency, efficacy, portability, sustainability,  
4           and safety; and

5           “(D) cover all appropriate uses of the equip-  
6           ment.

7           “(b) TRAINING STANDARDS.—

8           “(1) IN GENERAL.—The Secretary, in consulta-  
9           tion with the Under Secretaries for Emergency Pre-  
10          paredness and Response and Science and Technology  
11          (including a representative of the United States Fire  
12          Administration) and the Director of the Office for Do-  
13          mestic Preparedness, shall support the development of,  
14          promulgate, and regularly update as necessary na-  
15          tional voluntary consensus standards for first re-  
16          sponder training that will enable State and local gov-  
17          ernment first responders to achieve optimal levels of  
18          terrorism preparedness as quickly as practicable.

19          “(c) CONSULTATION WITH STANDARDS ORGANIZA-  
20          TIONS.—In establishing national voluntary consensus  
21          standards for first responder equipment and training under  
22          this section, the Secretary shall consult with relevant public  
23          and private sector groups, including—

24                 “(1) the National Institute of Standards and  
25                 Technology;

1           “(2) *the National Fire Protection Association;*

2           “(3) *the American National Standards Institute;*

3           “(4) *the National Institute of Justice;*

4           “(5) *the National Institute for Occupational*  
5           *Safety and Health; and*

6           “(6) *to the extent the Secretary considers appro-*  
7           *priate, other national voluntary consensus standards*  
8           *development organizations, other interested Federal,*  
9           *State, and local agencies, and other interested per-*  
10          *sons.*

11          “(d) *COORDINATION WITH SECRETARY OF HHS.—In*  
12          *establishing any national voluntary consensus standards*  
13          *under this section for first responder equipment or training*  
14          *that involve or relate to health professionals, including*  
15          *emergency medical professionals, the Secretary shall coordi-*  
16          *nate activities under this section with the Secretary of*  
17          *Health and Human Services.*

18          “**SEC. 1808. CERTIFICATION RELATIVE TO THE SCREENING**  
19                                **OF MUNICIPAL SOLID WASTE TRANSPORTED**  
20                                **INTO THE UNITED STATES.**

21          “(a) *DEFINITION.—In this section, the term ‘munic-*  
22          *ipal solid waste’ includes sludge (as defined in section 1004*  
23          *of the Solid Waste Disposal Act (42 U.S.C. 6903)).*

24          “(b) *REPORTS TO CONGRESS.—Not later than 90 days*  
25          *after the date of enactment of this section, the Bureau of*

1 *Customs and Border Protection shall submit a report to*  
2 *Congress that—*

3           “(1) *indicates whether the methodologies and*  
4 *technologies used by the Bureau to screen for and de-*  
5 *tect the presence of chemical, nuclear, biological, and*  
6 *radiological weapons in municipal solid waste are as*  
7 *effective as the methodologies and technologies used by*  
8 *the Bureau to screen for such materials in other items*  
9 *of commerce entering into the United States by com-*  
10 *mercial motor vehicle transport; and*

11           “(2) *if the methodologies and technologies used to*  
12 *screen solid waste are less effective than those used to*  
13 *screen other commercial items, identifies the actions*  
14 *that the Bureau will take to achieve the same level of*  
15 *effectiveness in the screening of solid waste, including*  
16 *the need for additional screening technologies.*

17           “(c) *IMPACT ON COMMERCIAL MOTOR VEHICLES.—If*  
18 *the Bureau of Customs and Border Protection fails to fully*  
19 *implement the actions described in subsection (b)(2) before*  
20 *the earlier of 6 months after the date on which the report*  
21 *is due under subsection (b) or 6 months after the date on*  
22 *which such report is submitted, the Secretary shall deny*  
23 *entry into the United States of any commercial motor vehi-*  
24 *cle (as defined in section 31101(1) of title 49, United States*  
25 *Code) carrying municipal solid waste until the Secretary*

1 certifies to Congress that the methodologies and technologies  
 2 used by the Bureau to screen for and detect the presence  
 3 of chemical, nuclear, biological, and radiological weapons  
 4 in such waste are as effective as the methodologies and tech-  
 5 nologies used by the Bureau to screen for such materials  
 6 in other items of commerce entering into the United States  
 7 by commercial motor vehicle transport.”.

8 (b) *FIRE SERVICES*.—Section 2(6) of the Homeland  
 9 Security Act of 2002 (6 U.S.C. 101(6)) is amended by in-  
 10 serting “(including fire services)” after “local emergency  
 11 public safety”.

12 (c) *TECHNICAL AND CONFORMING AMENDMENT*.—The  
 13 table of contents in section 1(b) of the Homeland Security  
 14 Act of 2002 (6 U.S.C. 101 note) is amended by adding at  
 15 the end the following:

“TITLE XVIII—ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS  
 AND THREAT-BASED HOMELAND SECURITY GRANT PROGRAM

“Sec. 1801. Definitions.

“Sec. 1802. Preservation of pre-9/11 grant programs for traditional first re-  
 sponder missions.

“Sec. 1803. Essential capabilities for first responders.

“Sec. 1804. Threat-Based Homeland Security Grant Program.

“Sec. 1805. Eliminating homeland security fraud, waste, and abuse.

“Sec. 1806. Flexibility in unspent homeland security funds.

“Sec. 1807. National standards for first responder equipment and training.

“Sec. 1808. Certification relative to the screening of municipal solid waste  
 transported into the United States.”.

16 **SEC. 5. COMMUNICATION SYSTEM GRANTS.**

17 (a) *IN GENERAL*.—

18 (1) *ESTABLISHMENT*.—There is established in  
 19 the Department of Homeland Security an Inter-

1 *national Border Community Interoperable Commu-*  
2 *nications Demonstration Project (referred to in this*  
3 *section as “demonstration projects”).*

4 (2) *MINIMUM NUMBER OF COMMUNITIES.—The*  
5 *Secretary of Homeland Security shall select no fewer*  
6 *than 6 communities to participate in a demonstra-*  
7 *tion project.*

8 (3) *LOCATION OF COMMUNITIES.—No fewer than*  
9 *3 of the communities selected under paragraph (2)*  
10 *shall be located on the northern border of the United*  
11 *States and no fewer than 3 of the communities se-*  
12 *lected under paragraph (2) shall be located on the*  
13 *southern border of the United States.*

14 (b) *PROGRAM REQUIREMENTS.—The demonstration*  
15 *projects shall—*

16 (1) *address the interoperable communications*  
17 *needs of police officers, firefighters, emergency medical*  
18 *technicians, National Guard, and other emergency re-*  
19 *sponse providers, as defined in the Homeland Secu-*  
20 *rity Act of 2002;*

21 (2) *foster interoperable communications—*

22 (A) *among Federal, State, local, and tribal*  
23 *government agencies in the United States in-*  
24 *volved in preventing or responding to terrorist*  
25 *attacks or other catastrophic events; and*

1                   (B) *with similar agencies in Canada or*  
2                   *Mexico;*

3                   (3) *identify common international cross-border*  
4                   *frequencies for communications equipment, including*  
5                   *radio or computer messaging equipment;*

6                   (4) *foster the standardization of interoperable*  
7                   *communications equipment;*

8                   (5) *identify solutions that will facilitate commu-*  
9                   *nications interoperability across national borders ex-*  
10                   *peditiously;*

11                   (6) *ensure that emergency response providers can*  
12                   *communicate with one another and the public at dis-*  
13                   *aster sites or in the event of a terrorist attack or other*  
14                   *catastrophic event;*

15                   (7) *provide training and equipment to enable*  
16                   *emergency response providers to deal with threats and*  
17                   *contingencies in a variety of environments; and*

18                   (8) *identify and secure appropriate joint-use*  
19                   *equipment to ensure communications access.*

20                   (c) *DISTRIBUTION OF FUNDS.—*

21                   (1) *IN GENERAL.—The Secretary of Homeland*  
22                   *Security shall distribute funds under this section to*  
23                   *each community participating in a demonstration*  
24                   *project under this section through the State or States*  
25                   *in which each community is located.*

1           (2) *OTHER PARTICIPANTS* .—A State receiving  
2           funds under this section shall make the funds avail-  
3           able to the local governments and emergency response  
4           providers participating in a demonstration project se-  
5           lected by the Secretary of Homeland Security not  
6           later than 60 days after receiving funds.

7           (d) *AUTHORIZATION OF APPROPRIATIONS*.—There are  
8           authorized to be appropriated such sums as are necessary  
9           in each of fiscal years 2006, 2007, and 2008 to carry out  
10          this section.

11          (e) *REPORTING*.—Not later than December 31, 2005,  
12          and each year thereafter in which funds are appropriated  
13          for a demonstration project, the Secretary of Homeland Se-  
14          curity shall provide to the Committee on Homeland Secu-  
15          rity and Governmental Affairs of the Senate and the Com-  
16          mittee on Homeland Security of the House of Representa-  
17          tives a report on the demonstration projects under this sec-  
18          tion.



**Calendar No. 112**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 21**

[Report No. 109-71]

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**A BILL**

To provide for homeland security grant coordination and simplification, and for other purposes.

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MAY 24, 2005

Reported with an amendment