

112TH CONGRESS
1ST SESSION

H. R. 3631

To amend the Homeland Security Act of 2002 to preserve homeland security capability gains achieved through the Urban Area Security Initiative program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2011

Mr. HIGGINS (for himself and Mr. STIVERS) introduced the following bill;
which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to preserve homeland security capability gains achieved through the Urban Area Security Initiative program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving Urban Area
5 Security Initiative Capability Gains Act of 2011” or the
6 “Preserving UASI Capability Gains Act of 2011”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) In the wake of the devastating attacks of
2 September 11, 2001, the National Commission on
3 Terrorist Attacks Upon the United States (the “9/
4 11 Commission”) concluded that “[i]f New York or
5 other major cities are to be prepared for future ter-
6 rorist attacks, different first responder agencies
7 within each city must be fully coordinated, just as
8 different branches of the U.S. military are.”.

9 (2) The 9/11 Commission recommended that
10 limited Federal preparedness and response resources
11 should be allocated to “supplement state and local
12 resources based on risks and vulnerabilities that
13 merit additional support.”.

14 (3) The Urban Area Security Initiative (UASI)
15 program, as established in 2003, provides grant
16 funding to certain high-threat, high-density urban
17 areas that need assistance to build an enhanced and
18 sustainable capacity to prevent, protect against, re-
19 spond to, and recover from terrorist attacks and
20 other catastrophic events.

21 (4) The UASI program emphasizes multi-juris-
22 dictional, regional readiness and supports the unique
23 planning, organization, equipment, training, and ex-
24 ercise needs of high-threat, high-density urban
25 areas. State and local governments have leveraged

1 Federal investment under the UASI program to pro-
2 vide personnel, plans, equipment, training, and exer-
3 cises to first responders to address the homeland se-
4 curity challenges of a post-9/11 world.

5 (5) An August 2011 report issued by the Na-
6 tional Urban Area Security Initiative Association
7 stated that between fiscal years 2003 and 2010,
8 high-threat, high-density urban areas had received
9 6.5 billion dollars in UASI funding to achieve pre-
10 paredness and response capabilities.

11 (6) Over the past eight years, UASI funding
12 has enabled at-risk State and local governments to
13 develop critical preparedness and response capabili-
14 ties that such governments could not otherwise
15 achieve.

16 (7) UASI funding has been used to advance the
17 National Homeland Security Priorities promulgated
18 by the Department of Homeland Security in the Na-
19 tional Preparedness Guidelines in 2007, including to
20 strengthen information sharing and collaboration,
21 strengthen interoperable and operable communica-
22 tions, strengthen planning and citizen preparedness,
23 improve chemical, biological, radiological, nuclear,
24 and explosives detection, and improve critical infra-
25 structure protection.

1 (8) UASI funding has helped foster better de-
2 tection of potential threats and information sharing
3 on the local level. In fact, an October 2010 study re-
4 leased by the Institute for Homeland Security Solu-
5 tions found that 51 percent of the 68 known ter-
6 rorist plots from 1999 to 2009 were thwarted when
7 community members or local law enforcement—the
8 first lines of defense—detected these threats.

9 (9) For fiscal year 2010, the Department of
10 Homeland Security identified 64 high-threat, high-
11 density urban areas that required UASI funding to
12 achieve and preserve preparedness and response ca-
13 pabilities and provided necessary funding.

14 (10) For fiscal year 2011, the Department of
15 Homeland Security eliminated thirty-two high-
16 threat, high-density urban areas from the UASI pro-
17 gram when UASI funding was reduced by 18 per-
18 cent pursuant to the Department of Defense and
19 Full-Year Continuing Appropriations Act of 2011.
20 The urban areas eliminated are Albany, NY; Austin,
21 TX; Bakersfield, CA; Baton Rouge, LA; Bridgeport,
22 CT; Buffalo, NY; Columbus, OH; El Paso, TX;
23 Hartford, CT; Honolulu, HI; Indianapolis, IN; Jack-
24 sonville, FL; Kansas City, MO; Louisville, KY;
25 Memphis, TN; Milwaukee, WI; Nashville, TN; New

1 Orleans, LA; Oklahoma City, OK; Omaha, KS;
2 Oxnard, CA; Providence, RI; Richmond, VA; Roch-
3 ester, NY; Sacramento, CA; Salt Lake City, UT;
4 San Antonio, TX; San Juan, PR; Syracuse, NY; To-
5 ledo, OH; Tucson, AZ; and Tulsa, OK.

6 (11) As a result of the funding reductions to
7 the UASI program for fiscal year 2011, many of
8 these high-threat, high-density urban areas must
9 stretch their limited financial resources to preserve
10 the advancements made to their terrorism prevention
11 and disaster preparedness and response capabilities
12 with UASI funding. Some of these urban areas will
13 not be able to sustain the advancements made under
14 the UASI program without additional Federal as-
15 sistance. Nationally, this capabilities' erosion has
16 significant homeland security implications.

17 **SEC. 3. PRESERVATION OF URBAN AREA SECURITY INITIA-**
18 **TIVE SECURITY GAINS.**

19 (a) IN GENERAL.—Subtitle A of title XX of the
20 Homeland Security Act of 2002 (6 U.S.C. 603 et seq.)
21 is amended—

22 (1) by redesignating sections 2004 through
23 2008 as sections 2005 through 2009, respectively;
24 and

1 (2) by inserting after section 2003 the following
2 new section:

3 **“SEC. 2004. PRESERVATION OF URBAN AREA SECURITY INI-**
4 **TIATIVE SECURITY GAINS.**

5 “(a) ESTABLISHMENT.—Not later than 180 days
6 after the date of enactment of this section, the Adminis-
7 trator shall establish a competitive grant program to make
8 funding available for preservation of homeland security ca-
9 pabilities achieved by high-risk urban areas that received
10 Urban Area Security Initiative funding in fiscal years
11 2009 or 2010 but were removed from the program there-
12 after.

13 “(b) APPLICATION.—Not later than 90 days after es-
14 tablishment of the competitive grant program required
15 under subsection (a), the Administrator shall accept appli-
16 cations with the following information:

17 “(1) Specific homeland security capability gains
18 achieved through previous grant awards that are at
19 risk of being reduced or eliminated without Federal
20 grant assistance.

21 “(2) A description of activities, programs, and
22 acquisitions that would be undertaken with Federal
23 grant assistance to enhance homeland security capa-
24 bilities.

1 “(3) The proposed division of responsibilities
2 and distribution of funding among the local and
3 tribal governments in each high-risk urban area.

4 “(4) The name of an individual to serve as a
5 high-risk urban area point of contact (in each such
6 area) for communication with the Department and
7 among the various jurisdictions in each high-risk
8 urban area.

9 “(5) Such information in support of the appli-
10 cation as the Administrator may reasonably require.

11 “(c) CRITERIA.—In awarding grants under this sec-
12 tion, the Administrator shall evaluate each grant applica-
13 tion and give priority to those applications that best—

14 “(1) preserve capabilities needed to prevent,
15 protect against, mitigate, respond to, and recover
16 from the threats and hazards that pose the greatest
17 risk to the United States, as reflected in the Presi-
18 dential Policy Directive 8 and the National Pre-
19 paredness Goal;

20 “(2) preserve core capabilities developed
21 through previous Urban Area Security Initiative
22 grant allocations;

23 “(3) align with strategies and principles of the
24 National Preparedness Goal, including the pro-
25 motion of national preparedness within the private

1 and nonprofit sectors, nongovernmental organiza-
2 tions, and the public;

3 “(4) support capabilities that enhance regional
4 catastrophic planning that could be used nationally
5 through mutual aid agreements before, during, and
6 after incidents; and

7 “(5) align with other established grant funding
8 priorities identified by the Administrator.

9 “(d) CONFORMANCE WITH THE URBAN AREA SECU-
10 RITY INITIATIVE PROGRAM.—All provisions relating to
11 State review and transmission, opportunity to amend, and
12 distribution of awards, as established in section 2003,
13 shall apply to the competitive grant program under this
14 section.

15 “(e) LIMITATIONS OF AWARDS.—No one applicant
16 may receive more than seven percent of the total amount
17 authorized for the competitive grant program under this
18 section.

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$58,000,000 for each of fiscal years 2012 through 2014,
22 of which not more than five percent shall be available each
23 fiscal year for the costs of administering the grant pro-
24 gram.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of such Act is amended by increasing by
3 one the section number in each of the items in the table
4 relating sections 2004 through 2008, and by inserting
5 after the item relating to section 2003 the following:

“Sec. 2004. Preservation of Urban Area Security Initiative security gains.”.

6 (c) CONFORMING AMENDMENTS.—Sections
7 2003(b)(2)(A)(i) and 2005(e) of such Act (6 U.S.C.
8 604(b)(2)(A)(i), 606(e)) are each amended by striking
9 “section 2007” and inserting “section 2008”.

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