

COMMUNITY COUNTERTERRORISM PREPAREDNESS ACT

SEPTEMBER 19, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 5859]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5859) to amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Counterterrorism Preparedness Act”.

SEC. 2. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.) is amended by adding at the end the following new section:

“SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator and the heads of other relevant components of the Department, shall carry out a program for emergency response providers to prevent, prepare for, and respond to the most likely terrorist attack scenarios, including active shooters, as determined by the Secretary, against major metropolitan areas.

“(2) INFORMATION.—In establishing the program under paragraph (1), the Secretary shall provide to eligible applicants—

“(A) information, in an unclassified format, on the most likely terrorist attack scenarios, including active shooters, which such grants are intended to address; and

“(B) information on training and exercises best practices.

“(b) ELIGIBLE APPLICANTS.—

“(1) IN GENERAL.—Emergency response providers in jurisdictions that are currently receiving, or that previously received, funding under section 2003 may apply for a grant under the program established in subsection (a).

“(2) ADDITIONAL JURISDICTIONS.—Eligible applicants receiving funding under the program established in subsection (a) may include in activities funded by such program neighboring jurisdictions that would be likely to provide mutual aid in response to the most likely terrorist attack scenarios, including active shooters.

“(c) APPLICATION.—

“(1) IN GENERAL.—Eligible applicants described in subsection (b) may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may require.

“(2) MINIMUM CONTENTS OF APPLICATION.—The Administrator shall require that each applicant include in its application at a minimum, the following:

“(A) The purpose for which the applicant seeks grant funds, including a description of how the applicant plans to use such funds.

“(B) A description of how the activity for which the funding is sought will prepare the applicant to prevent, prepare for, and respond to complex, coordinated attacks.

“(C) A description of how the applicant will work with community partners located within the applicant’s jurisdiction, such as schools, places of worship, and businesses, as appropriate, when conducting activities permitted under subsection (d).

“(D) Such other information as determined necessary by the Administrator.

“(d) PERMITTED USES.—The recipient of a grant under this section may use such grant to conduct training and exercises consistent with preventing, preparing for, and responding to the most likely terrorist attack scenarios, including active shooters.

“(e) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not fewer than 24 months.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section \$39,000,000 for each of fiscal years 2017 through 2022.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following new item:

“Sec. 2009. Major metropolitan area counterterrorism training and exercise grant program.”.

PURPOSE AND SUMMARY

The purpose of H.R. 5859 is to amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Community Counterterrorism Preparedness Act (H.R. 5859) authorizes \$39 million for emergency response providers in major metropolitan areas to conduct training and exercises to prevent, prepare for, and respond to the most likely terrorist attack scenarios, including active shooters.

The Fiscal Year 2016 Consolidated Appropriations Act included \$39 million for grants to address complex, coordinated terrorist attacks, like the November 2015 attacks in Paris, France. However, the bill provided little direction to the Department on how to carry out this program. H.R. 5859 authorizes the program and provides that direction, ensuring that emergency response providers receive the funding they need to address these emerging threats.

Eligible recipients of funding include emergency response providers (law enforcement, fire fighters, EMS, emergency management, etc) in any jurisdiction that currently receives Urban Area Security Initiative (UASI) funding and any jurisdiction that previously received UASI funding.

This bipartisan bill would provide first responders with dedicated funding to address the types of attacks seen in Dallas, Texas (July 2016); Orlando, Florida (June 2016); San Bernardino, California (December 2015); Paris, France (November 2015); and Brussels, Belgium (March 2016).

HEARINGS

The Committee on Homeland Security did not hold a legislative hearing on H.R. 5859. However, throughout the 114th Congress, the Committee held numerous hearings relevant to this legislation, including hearings examining worldwide threats to the homeland.

COMMITTEE CONSIDERATION

The Committee met on September 13, 2016, to consider H.R. 5859, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An amendment offered by MR. DONOVAN of New York, listed on the roster as by MR. PERRY (#1); was AGREED TO by voice vote.

Page 2, strike lines 17 through 21 and insert a new subsection entitled “(b) Eligible Applicants.”

An amendment offered by MS. LORETTA SANCHEZ of California (#2); was AGREED TO by voice vote.

Page 2, strike lines 10 through 16 and insert a new subsection entitled “(a) Establishment.”

Page 3, line 2, strike “many” and insert “may”.

An amendment offered by MR. THOMPSON of Mississippi, listed on the roster as by MR. PAYNE (#2); was AGREED TO by voice vote.

Page 3, line 14, insert the following (and make necessary conforming changes):

“(C) A description of how the applicant will work with community partners located within the applicant’s jurisdiction, such as schools, places of worship, and businesses, as appropriate, when conducting activities permitted under subsection (d).”.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5859.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5859, the Community Counterterrorism Preparedness Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 2016.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5859, the Community Counterterrorism Preparedness Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 5859—Community Counterterrorism Preparedness Act

Summary: H.R. 5859 would amend the Homeland Security Act of 2002 to authorize the appropriation of \$39 million annually over the 2017–2021 period for the Federal Emergency Management Agency (FEMA) to carry out a grant program for counterterrorism training.

CBO estimates that implementing this bill would cost \$141 million over the 2017–2021 period, assuming appropriation of the authorized amounts. Enacting H.R. 5859 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5859 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5859 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Some emergency response providers and jurisdiction in metropolitan areas would benefit from the grant established in the bill to fund counterterrorism training and exercises. Any costs to such providers and jurisdictions would result from complying with conditions of assistance.

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 5859 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2017	2018	2019	2020	2021	2017– 2021
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	39	39	39	39	39	195
Estimated Outlays	4	26	34	38	39	141

Basis of estimate: For this estimate, CBO assumes that H.R. 5859 will be enacted before the end of calendar year 2016 and that the authorized amounts will be appropriated each fiscal year. Estimated outlays are based on historical spending patterns for similar programs.

The bill would authorize the appropriation of \$39 million annually over the 2017–2021 period for FEMA to implement a grant program for counterterrorism training. Such grants would be awarded to eligible emergency response providers and localities to conduct training to prevent, prepare for, and respond to terrorist attacks. CBO estimates that implementing that grant program would cost \$141 million over the 2017–2021 period with the remaining amounts being spent after 2021. (In 2016, \$39 million was provided to FEMA for similar purposes.)

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 5859 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private-sector impact: H.R. 5859 contains no intergovernmental or private-sector mandates as defined in UMRA. Some emergency response providers and jurisdictions in metropolitan areas would benefit from the grants established in the bill. Any costs to such providers and jurisdictions would result from complying with conditions of assistance.

Estimate prepared by: Federal costs: Robert Reese; Impact on state, local, and tribal governments: Rachel Austin; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 5859 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 5859 seeks to ensure emergency response providers receive necessary training and the opportunity to exercise scenarios related to the most likely terrorist attack scenarios, including active shooters.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 5859 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 5859 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 5859 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

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

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Community Counterterrorism Preparedness Act”.

Sec. 2. Major Metropolitan Area Counterterrorism Training and Exercise Grant Program.

This section amends the Homeland Security Act of 2002 (Pub. L. 107-296) to authorize \$39 million in grants for emergency response providers to enable them to prevent, prepare for, and respond to the most likely terrorist attack scenarios, including active shooters, against major metropolitan areas.

Eligible applicants for this program include emergency response providers in jurisdictions that are currently receiving, or that previously received, Urban Area Security Initiative funding.

This section also sets forth application requirements, allowable uses, and the period of performance for the grant program.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

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

*	*	*	*	*	*	*
TITLE XX—HOMELAND SECURITY GRANTS						
*	*	*	*	*	*	*
Subtitle A—Grants to States and High-Risk Urban Areas						
*	*	*	*	*	*	*
<i>Sec. 2009. Major metropolitan area counterterrorism training and exercise grant program.</i>						
*	*	*	*	*	*	*

TITLE XX—HOMELAND SECURITY GRANTS

*	*	*	*	*	*	*
Subtitle A—Grants to States and High-Risk Urban Areas						
*	*	*	*	*	*	*

SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.— *The Secretary, acting through the Administrator and the heads of other relevant components of the Department, shall carry out a program for emergency response providers to prevent, prepare for, and respond to the most likely terrorist attack scenarios, including active shooters, as determined by the Secretary, against major metropolitan areas.*

(2) INFORMATION.— *In establishing the program under paragraph (1), the Secretary shall provide to eligible applicants—*

(A) information, in an unclassified format, on the most likely terrorist attack scenarios, including active shooters, which such grants are intended to address; and

(B) information on training and exercises best practices.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.— *Emergency response providers in jurisdictions that are currently receiving, or that previously received, funding under section 2003 may apply for a grant under the program established in subsection (a).*

(2) ADDITIONAL JURISDICTIONS.— *Eligible applicants receiving funding under the program established in subsection (a) may include in activities funded by such program neighboring jurisdictions that would be likely to provide mutual aid in response to the most likely terrorist attack scenarios, including active shooters.*

(c) APPLICATION.—

(1) IN GENERAL.— *Eligible applicants described in subsection (b) may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may require.*

(2) MINIMUM CONTENTS OF APPLICATION.— *The Administrator shall require that each applicant include in its application at a minimum, the following:*

(A) The purpose for which the applicant seeks grant funds, including a description of how the applicant plans to use such funds.

(B) A description of how the activity for which the funding is sought will prepare the applicant to prevent, prepare for, and respond to complex, coordinated attacks.

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(D) Such other information as determined necessary by the Administrator.

(d) PERMITTED USES.— *The recipient of a grant under this section may use such grant to conduct training and exercises consistent with preventing, preparing for, and responding to the most likely terrorist attack scenarios, including active shooters.*

(e) PERIOD OF PERFORMANCE.— *The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not fewer than 24 months.*

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section \$39,000,000 for each of fiscal years 2017 through 2022.

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