

Calendar No. 521

117TH CONGRESS
2^D SESSION**H. R. 5615**

IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, MARCH 7), 2022

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

SEPTEMBER 28, 2022

Reported by Mr. PETERS, with an amendment

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

AN ACT

To direct the Secretary of Homeland Security to submit a plan to make Federal assistance available to certain urban areas that previously received Urban Area Security Initiative funding to preserve homeland security capabilities, 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 “Homeland Security
5 Capabilities Preservation Act”.

1 **SEC. 2. PRESERVATION OF HOMELAND SECURITY CAPA-**
2 **BILITIES.**

3 (a) **PLAN.**—

4 (1) **IN GENERAL.**—Not later than one year
5 after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security, acting through the Ad-
7 ministrator of the Federal Emergency Management
8 Agency, shall submit to the Committee on Homeland
9 Security of the House of Representatives and the
10 Committee on Homeland Security and Governmental
11 Affairs of the Senate a plan, informed by the survey
12 information collected pursuant to subsection (b), to
13 make Federal assistance available for at least three
14 consecutive fiscal years to certain urban areas that
15 in the current fiscal year did not receive grant fund-
16 ing under the Urban Area Security Initiative under
17 section 2003 of the Homeland Security Act of 2002
18 (6 U.S.C. 604) and require continued Federal assist-
19 ance for the purpose of preserving a homeland secu-
20 rity capability related to preventing, preparing for,
21 protecting against, and responding to acts of ter-
22 rorism that had been developed or otherwise sup-
23 ported through prior grant funding under such Ini-
24 tiative and allow for such urban areas to transition
25 to such urban areas costs of preserving such home-
26 land security capabilities.

1 (2) ~~ADDITIONAL REQUIREMENT.~~—The plan re-
2 quired under paragraph (1) shall also contain a pro-
3 hibition on an urban area that in a fiscal year is eli-
4 gible to receive Federal assistance described in such
5 paragraph from also receiving grant funding under
6 the Urban Area Security Initiative under section
7 2003 of the Homeland Security Act of 2002. In such
8 a case, such plan shall require such an urban area
9 to promptly notify the Administrator of the Federal
10 Emergency Management Agency regarding the pref-
11 erence of such urban area to retain either—

12 (A) such eligibility for such Federal assist-

13 ance; or

14 (B) such receipt of such grant funding.

15 (b) ~~SURVEY.~~—In developing the plan required under
16 subsection (a), the Administrator of the Federal Emer-
17 gency Management Agency, shall, to ascertain the scope
18 of Federal assistance required, survey urban areas that—

19 (1) did not receive grant funding under the
20 Urban Area Security Initiative under section 2003
21 of the Homeland Security Act of 2002 in the current
22 fiscal year concerning homeland security capabilities
23 related to preventing, preparing for, protecting
24 against, and responding to acts of terrorism that
25 had been developed or otherwise supported through

1 funding under such Initiative that are at risk of
2 being reduced or eliminated without such Federal
3 assistance;

4 (2) received such funding in the current fiscal
5 year, but did not receive such funding in at least one
6 fiscal year in the six fiscal years immediately pre-
7 ceding the current fiscal year; and

8 (3) any other urban areas the Secretary deter-
9 mines appropriate.

10 (c) EXEMPTION.—The Secretary of Homeland Secu-
11 rity may exempt the Federal Emergency Management
12 Agency from the requirements of subchapter I of chapter
13 35 of title 44, United States Code (commonly referred to
14 as the “Paperwork Reduction Act”), for purposes of ear-
15 nying out subsection (b) if the Secretary determines that
16 complying with such requirements would delay the devel-
17 opment of the plan required under subsection (a).

18 (d) CONTENTS.—The plan required under subsection
19 (a) shall—

20 (1) establish eligibility criteria for urban areas
21 to receive Federal assistance pursuant to such plan
22 to provide assistance for the purpose described in
23 such subsection;

1 (2) identify annual funding levels for such Fed-
 2 eral assistance in accordance with the survey re-
 3 quired under subsection (b); and

4 (3) consider a range of approaches to make
 5 such Federal assistance available to such urban
 6 areas, including—

7 (A) modifications to the Urban Area Secu-
 8 rity Initiative under section 2003 of the Home-
 9 land Security Act of 2002 in a manner that
 10 would not affect the availability of funding to
 11 urban areas under such Initiative;

12 (B) the establishment of a competitive
 13 grant program;

14 (C) the establishment of a formula grant
 15 program; and

16 (D) a timeline for the implementation of
 17 any such approach and, if necessary, a legisla-
 18 tive proposal to authorize any such approach.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Homeland Security Ca-*
 21 *pabilities Preservation Act”.*

22 **SEC. 2. PRESERVATION OF HOMELAND SECURITY CAPABILI-**
 23 **TIES.**

24 (a) *DEFINITIONS.—In this section:*

1 (1) *ADMINISTRATOR.*—*The term “Adminis-*
2 *trator” means the Administrator of the Federal*
3 *Emergency Management Agency.*

4 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
5 *TEES.*—*The term “appropriate congressional commit-*
6 *tees” means the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate and the Com-*
8 *mittee on Homeland Security of the House of Rep-*
9 *resentatives.*

10 (3) *COVERED HOMELAND SECURITY CAPA-*
11 *BILITY.*—*The term “covered homeland security capa-*
12 *bility” means a homeland security capability related*
13 *to preventing, preparing for, protecting against, or*
14 *responding to acts of terrorism that—*

15 *(A) was developed or otherwise supported*
16 *through grant funding under the UASI before the*
17 *current fiscal year; and*

18 *(B) is at risk of being reduced or eliminated*
19 *without additional Federal financial assistance.*

20 (4) *COVERED URBAN AREA.*—*The term “covered*
21 *urban area” means an urban area that—*

22 *(A) during the current fiscal year did not*
23 *receive grant funding under the UASI; and*

1 (B) requires continued Federal assistance
2 for the purpose of preserving a covered homeland
3 security capability.

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

6 (6) UASI.—The term “UASI” means the Urban
7 Area Security Initiative under section 2003 of the
8 Homeland Security Act of 2002 (6 U.S.C. 604).

9 (b) REPORT AND PROPOSAL.—

10 (1) SUBMISSION TO CONGRESS.—Not later than
11 18 months after the date of enactment of this Act, the
12 Secretary, acting through the Administrator, shall
13 submit to the appropriate congressional committees a
14 report regarding covered homeland security capabili-
15 ties, including a proposal relating to providing Fed-
16 eral assistance to covered urban areas to preserve such
17 capabilities that is informed by the survey informa-
18 tion collected pursuant to subsection (c)—

19 (A) under which the Administrator would
20 make Federal financial assistance available for
21 at least 3 consecutive fiscal years to covered
22 urban areas; and

23 (B) that would allow covered urban areas to
24 transition funding for the covered homeland se-

1 *curity capabilities that were previously funded*
 2 *through the UASI to other sources.*

3 (2) *REQUIREMENTS RELATING TO UASI*
 4 *FUNDS.—The proposal required under paragraph (1)*
 5 *shall contain—*

6 (A) *a prohibition on a covered urban area*
 7 *that receives Federal financial assistance de-*
 8 *scribed in paragraph (1)(A) during a fiscal year*
 9 *from also receiving funds under the UASI dur-*
 10 *ing that fiscal year; and*

11 (B) *a requirement for a covered urban area*
 12 *to submit to the Administrator notice of whether*
 13 *the covered urban area would elect to receive—*

14 (i) *Federal financial assistance under*
 15 *paragraph (1)(A); or*

16 (ii) *funding under the UASI.*

17 (3) *ANALYSIS.—The report required under para-*
 18 *graph (1) shall include—*

19 (A) *an analysis of whether providing addi-*
 20 *tional Federal financial assistance, as described*
 21 *in paragraph (1)(A), would allow covered urban*
 22 *areas to preserve covered homeland security ca-*
 23 *pabilities on a long-term basis; and*

24 (B) *an analysis of whether legislative*
 25 *changes to the UASI are necessary to ensure*

1 *urban areas receiving funds under the UASI are*
2 *able to preserve covered homeland security capa-*
3 *bilities on a long-term basis.*

4 *(4) OTHER CONTENTS OF PROPOSAL.—The pro-*
5 *posal required under paragraph (1) shall—*

6 *(A) set forth eligibility criteria for covered*
7 *urban areas to receive Federal assistance de-*
8 *scribed in paragraph (1)(A);*

9 *(B) identify annual funding levels that*
10 *would be required to provide Federal assistance*
11 *described in paragraph (1)(A), in accordance*
12 *with the survey required under subsection (c);*
13 *and*

14 *(C) consider a range of approaches to make*
15 *Federal assistance described in paragraph (1)(A)*
16 *available to covered urban areas, including—*

17 *(i) modifications to the UASI in a*
18 *manner that would not affect the avail-*
19 *ability of funding to urban areas under the*
20 *UASI;*

21 *(ii) the establishment of a competitive*
22 *grant program;*

23 *(iii) the establishment of a formula*
24 *grant program; and*

1 (iv) a timeline for the implementation
2 of any such approach and, if necessary, a
3 legislative proposal to authorize any such
4 approach.

5 (c) *SURVEY.*—In developing the proposal required
6 under subsection (b), the Administrator shall, to ascertain
7 the scope of Federal financial assistance required, survey—

8 (1) urban areas that did not receive grant fund-
9 ing under the UASI during the current fiscal year
10 concerning covered homeland security capabilities
11 that are at risk of being reduced or eliminated with-
12 out additional Federal financial assistance;

13 (2) urban areas that received grant funding
14 under the UASI during the current fiscal year, but
15 did not receive such funding during at least 1 fiscal
16 year of the 7 fiscal years immediately preceding the
17 current fiscal year; and

18 (3) any other urban areas the Secretary deter-
19 mines appropriate.

20 (d) *EXEMPTION.*—The Secretary may exempt the Ad-
21 ministrators from the requirements of subchapter I of chap-
22 ter 35 of title 44, United States Code (commonly referred
23 to as the “Paperwork Reduction Act”), for purposes of car-
24 rying out subsection (c) if the Secretary determines that

1 *complying with such requirements would delay the develop-*
2 *ment of the proposal required under subsection (b).*

3 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
4 *shall be construed to be directing or authorizing the Admin-*
5 *istrator to implement the proposal required under sub-*
6 *section (b).*

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