

108TH CONGRESS  
2D SESSION

# H. R. 4333

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

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2004

Ms. HOOLEY of Oregon (for herself, Mr. STENHOLM, Mr. CASE, Mr. EMANUEL, Mr. GRIJALVA, Mr. FARR, Mr. HOEFFEL, Mr. MCINTYRE, Mr. DEFAZIO, Mr. SANDLIN, Mr. TOWNS, and Ms. LEE) introduced the following bill; which was referred to the Select Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, Judiciary, Energy and Commerce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security  
5 Grant Enhancement Act of 2004”.

1 **SEC. 2. INTERAGENCY COMMITTEE TO COORDINATE AND**  
2 **STREAMLINE HOMELAND SECURITY GRANT**  
3 **PROGRAMS.**

4 (a) IN GENERAL.—The Homeland Security Act of  
5 2002 (6 U.S.C. 101 et seq.) is amended by inserting after  
6 section 801 the following:

7 **“SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE**  
8 **AND STREAMLINE HOMELAND SECURITY**  
9 **GRANT PROGRAMS.**

10 “(a) ESTABLISHMENT.—There is established an  
11 Interagency Committee to Coordinate and Streamline  
12 Homeland Security Grant Programs (in this subtitle re-  
13 ferred to as the ‘Interagency Committee’), which shall—

14 “(1) report all findings to the Information  
15 Clearinghouse established under section 801(c);

16 “(2) consult with State and local governments  
17 and emergency response providers regarding their  
18 homeland security needs and capabilities;

19 “(3) advise the Secretary on the development of  
20 performance measures for homeland security grant  
21 programs and the national strategy for homeland se-  
22 curity;

23 “(4) not later than 60 days after the effective  
24 date of the Homeland Security Grant Enhancement  
25 Act of 2004—

1           “(A) compile a list of homeland security  
2 assistance programs and their reporting re-  
3 quirements, including—

4                   “(i) those administered by the Office  
5 for Domestic Preparedness, such as—

6                           “(I) the State Homeland Security  
7 Grant Program;

8                           “(II) high threat urban area  
9 grants;

10                          “(III) critical infrastructure secu-  
11 rity grants;

12                          “(IV) research and development  
13 grant programs;

14                          “(V) training and technical as-  
15 sistance grants; and

16                          “(VI) other discretionary or and  
17 assistance grant programs;

18                   “(ii) Federal Emergency Management  
19 Agency assistance programs, such as—

20                           “(I) the Assistance to Fire-  
21 fighters Grant Program;

22                           “(II) Citizen Corps;

23                           “(III) grants for emergency oper-  
24 ations centers;

1                   “(IV) interoperable communica-  
2                   tions grants;

3                   “(V) Urban Search and Rescue  
4                   task forces; and

5                   “(VI) other Federal Emergency  
6                   Management Agency assistance pro-  
7                   grams, except those grants intended  
8                   to reimburse States, localities, and  
9                   other applicants for costs resulting  
10                  from disasters or emergencies de-  
11                  clared under to the Disaster Relief  
12                  Act of 1974 (42 U.S.C. 5121 et seq.);

13                  “(iii) Transportation Security Admin-  
14                  istration assistance programs, such as port  
15                  security grants;

16                  “(iv) Department of Justice assist-  
17                  ance programs, such as—

18                         “(I) the Local Law Enforcement  
19                         Block Grant;

20                         “(II) the Byrne Memorial For-  
21                         mula Grant Program; and

22                         “(III) the Community Oriented  
23                         Policing Services program;

1           “(v) Department of Health and  
2 Human Services assistance programs, such  
3 as—

4                   “(I) the Public Health Bioter-  
5 rorism Preparedness program, admin-  
6 istered by the Centers for Disease  
7 Control and Prevention; and

8                   “(II) the Hospital Bioterrorism  
9 Program, administered by the Health  
10 Resources and Services Administra-  
11 tion;

12           “(vi) related Federal assistance pro-  
13 grams, such as—

14                   “(I) the Hazardous Materials  
15 Emergency Preparedness Program of  
16 the Department of Transportation;  
17 and

18                   “(II) the water security assist-  
19 ance programs administered by the  
20 Environmental Protection Agency;  
21 and

22           “(vii) any related grant or assistance  
23 program, as determined by the Interagency  
24 Committee; and

1           “(B) identify all homeland security plan-  
2           ning requirements contained in homeland secu-  
3           rity emergency preparedness, and public safety  
4           programs administered by Federal agencies, in-  
5           cluding—

6                   “(i) terrorism preparedness plans,  
7                   such as those required by the Office for  
8                   Domestic Preparedness and other entities  
9                   within the Department;

10                   “(ii) all hazards emergency prepared-  
11                   ness plans, such as those required in the  
12                   Emergency Management Performance  
13                   Grants administered by the Federal Emer-  
14                   gency Management Agency;

15                   “(iii) bioterrorism response plans,  
16                   such as those required in bioterrorism pre-  
17                   paredness programs administered by the  
18                   Department of Health and Human Serv-  
19                   ices;

20                   “(iv) hazardous materials response  
21                   plans, such as those required by the Envi-  
22                   ronmental Protection Agency and the De-  
23                   partment of Transportation;

24                   “(v) critical infrastructure security  
25                   plans, such as those required by—

1                   “(I) the Transportation Security  
2                   Administration;

3                   “(II) the Environmental Protec-  
4                   tion Agency;

5                   “(III) the Department of Trans-  
6                   portation; and

7                   “(IV) the Nuclear Regulatory  
8                   Commission;

9                   “(vi) law enforcement and public safe-  
10                  ty plans administered by the Department  
11                  of Justice, such as those required by—

12                   “(I) the Local Law Enforcement  
13                   Block Grant;

14                   “(II) the Byrne Memorial For-  
15                   mula Grant Program; and

16                   “(III) the Community Oriented  
17                   Policing Services program; and

18                   “(vii) any other planning requirement  
19                  identified by the Interagency Committee;

20                  “(5) not later than 120 days after the effective  
21                  date of the Homeland Security Grant Enhancement  
22                  Act of 2004, review—

23                   “(A) all application, reporting, and other  
24                  administrative requirements contained in grant  
25                  programs under paragraph (4)(A) and report

1 all redundant and duplicative requirements to  
2 the appropriate committees of Congress and the  
3 agencies represented in the Interagency Com-  
4 mittee; and

5 “(B) all homeland security planning and  
6 other administrative requirements under para-  
7 graph (4)(B) and report all redundant and du-  
8 plicative requirements to the appropriate com-  
9 mittees of Congress and the agencies rep-  
10 resented in the Interagency committee;

11 “(6) not later than 150 days after the effective  
12 date of the Homeland Security Grant Enhancement  
13 Act of 2004, provide recommendations to—

14 “(A) the agencies with the requirements  
15 identified under paragraph (4)(A) to streamline  
16 and standardize application, reporting, and ad-  
17 ministrative requirements to eliminate duplica-  
18 tion and promote coordination of homeland se-  
19 curity planning grants; and

20 “(B) the agencies involved with the grant  
21 programs under paragraph (4)(B) to streamline  
22 and standardize planning requirements to elimi-  
23 nate duplication and promote coordination; and

24 “(7) not later than 250 days after the effective  
25 date of the Homeland Security Grant Enhancement

1 Act of 2004, issue a report to Congress regarding its  
2 actions under this subsection.

3 “(b) MEMBERSHIP.—The Interagency Committee  
4 shall be composed of a representative of—

5 “(1) the Department of Homeland Security;

6 “(2) the Department of Health and Human  
7 Services;

8 “(3) the Department of Transportation;

9 “(4) the Department of Justice;

10 “(5) the Environmental Protection Agency; and

11 “(6) any other department or agency deter-  
12 mined to be necessary by the President.

13 “(c) ADMINISTRATION.—The Department shall pro-  
14 vide 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 “(d) CHAIRPERSON.—The Secretary shall designate  
21 a chairperson of the Interagency Committee.

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

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

1           “(2) not less frequently than once every 1  
2 month.”.

3           (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
4 The table of contents for the Homeland Security Act of  
5 2002 (6 U.S.C. 101 et seq.) is amended by inserting after  
6 the item relating to section 801 the following:

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

7 **SEC. 3. STREAMLINING FEDERAL HOMELAND SECURITY**  
8 **GRANTS.**

9           (a) **DIRECTOR OF STATE AND LOCAL GOVERNMENT**  
10 **COORDINATION.**—Section 801 of the Homeland Security  
11 Act of 2002 (6 U.S.C. 101 et seq.) is amended—

12           (1) by amending subsection (a) to read as fol-  
13 lows:

14           “(a) **ESTABLISHMENT.**—

15           “(1) **IN GENERAL.**—There is established within  
16 the Office of the Secretary the Office for State and  
17 Local Government Coordination, which shall oversee  
18 and coordinate departmental programs for, and rela-  
19 tionships with, State and local governments.

20           “(2) **DIRECTOR.**—The Office established under  
21 paragraph (1) shall be headed by the Director of  
22 State and Local Government Coordination, who shall  
23 be appointed by the President, by and with the ad-  
24 vice and consent of the Senate.”;

1 (2) in subsection (b)—

2 (A) in paragraph (3), by striking “and” at  
3 the end;

4 (B) in paragraph (4), by striking the pe-  
5 riod and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(5) administering the firefighter assistance  
8 grant program established under section 33 of the  
9 Federal Fire Prevention and Control Act of 1974  
10 (15 U.S.C. 2229) by—

11 “(A) coordinating grant making activities  
12 with—

13 “(i) emergency preparedness and re-  
14 sponse personnel;

15 “(ii) grants made under section 4 of  
16 the Homeland Security Grant Enhance-  
17 ment Act of 2004; and

18 “(iii) grants made under other Fed-  
19 eral programs to enhance emergency pre-  
20 paredness;

21 “(B) awarding grants on a competitive  
22 basis directly to fire departments of a State, in  
23 consultation with the chief executive of the  
24 State, for the purpose of protecting the health

1 and safety of the public and firefighting per-  
2 sonnel against fire and fire-related hazards;

3 “(C) complying with the administrative re-  
4 quirements set forth in section 33 of the Fed-  
5 eral Fire Prevention and Control Act of 1974  
6 (15 U.S.C. 2229) and retaining the administra-  
7 tive requirements set forth under part 152 of  
8 title 44, Code of Federal Regulations; and

9 “(D) ensuring that all equipment pur-  
10 chased with grant funds for which there are vol-  
11 untary consensus standards meet such stand-  
12 ards.”; and

13 (3) by adding at the end the following:

14 “(c) REFERENCE.—All references to ‘Director’ in  
15 section 33 of the Federal Fire Prevention and Control Act  
16 of 1974 (15 U.S.C. 2229) shall be deemed to refer to the  
17 Director for State and Local Government Coordination.”.

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

21 (1) by redesignating section 430 as section 803  
22 and transferring that section to the end of subtitle  
23 A of title VIII, as amended by section 2;

24 (2) in section 803, as redesignated by para-  
25 graph (1)—

1 (A) in subsection (a), by striking “the Di-  
2 rectorate of Border and Transportation Secu-  
3 rity” and inserting “the Office for State and  
4 Local Government Coordination”;

5 (B) in subsection (b), by striking “who  
6 shall be appointed by the President” and all  
7 that follows and inserting “who shall report di-  
8 rectly to the Director of State and Local Gov-  
9 ernment Coordination.”; and

10 (C) in subsection (c)—

11 (i) in paragraph (7)—

12 (I) by striking “other” and in-  
13 serting “the”;

14 (II) by striking “consistent with  
15 the mission and functions of the Di-  
16 rectorate”; and

17 (III) by striking “and” at the  
18 end;

19 (ii) in paragraph (8)—

20 (I) by inserting “carrying out”  
21 before “those elements”; and

22 (II) by striking the period at the  
23 end and inserting “; and”; and

24 (iii) by adding at the end the fol-  
25 lowing:

1           “(9) managing the Homeland Security Informa-  
2           tion Clearinghouse established under section  
3           801(c).”.

4           (c) TECHNICAL AND CONFORMING AMENDMENT.—  
5           The table of contents for the Homeland Security Act of  
6           2002 (6 U.S.C. 101 et seq.) is amended—

7           (1) by striking the item relating to section 430;  
8           and

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

          “803. Office for Domestic Preparedness.”.

11          (d) ESTABLISHMENT OF HOMELAND SECURITY IN-  
12          FORMATION CLEARINGHOUSE.—Section 801 of the Home-  
13          land Security Act of 2002 (6 U.S.C. 101 et seq.) is amend-  
14          ed by adding at the end the following:

15          “(c) HOMELAND SECURITY INFORMATION CLEAR-  
16          INGHOUSE.—

17                 “(1) ESTABLISHMENT.—There is established  
18                 within the Office for State and Local Government  
19                 Coordination a Homeland Security Information  
20                 Clearinghouse (referred to in this section as the  
21                 ‘Clearinghouse’), which shall assist States, local gov-  
22                 ernments, and first responders in accordance with  
23                 paragraphs (2) through (5).

24                 “(2) HOMELAND SECURITY GRANT INFORMA-  
25                 TION.—The Clearinghouse shall create and maintain

1 a web site, a toll-free number, and a single publica-  
2 tion containing information regarding the homeland  
3 security grant programs identified under section  
4 802(a)(4)(A).

5 “(3) TECHNICAL ASSISTANCE.—The Clearing-  
6 house, in consultation with the Interagency Com-  
7 mittee established under section 802, shall—

8 “(A) coordinate technical assistance pro-  
9 vided by any Federal agency to States and local  
10 governments to conduct threat analyses and  
11 vulnerability assessments; and

12 “(B) establish templates for conducting  
13 threat analyses and vulnerability assessments.

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

21 “(5) USE OF FEDERAL FUNDS.—The Clearing-  
22 house shall compile information regarding equip-  
23 ment, training, and other services purchased with  
24 Federal funds provided under the homeland security  
25 grant programs identified under section

1 802(a)(4)(A), and make such information, and infor-  
2 mation regarding voluntary standards of training,  
3 equipment, and exercises, available to States, local  
4 governments, and first responders.

5 “(6) OTHER INFORMATION.—The Clearing-  
6 house shall provide States, local governments, and  
7 first responders with any other information that the  
8 Secretary determines necessary.”

9 **SEC. 4. HOMELAND SECURITY GRANT PROGRAM.**

10 (a) DEFINITION.—In this section, the term “State”  
11 has the meaning given that term in section 2 of the Home-  
12 land Security Act of 2002 (6 U.S.C. 101 et seq.).

13 (b) GRANTS AUTHORIZED.—The Secretary of Home-  
14 land Security (in this section referred to as the “Sec-  
15 retary”) may award grants to States to enhance homeland  
16 security.

17 (c) USE OF FUNDS.—

18 (1) IN GENERAL.—Grants awarded under sub-  
19 section (b)—

20 (A) shall be used to address homeland se-  
21 curity matters related to acts of terrorism or  
22 major disasters and related capacity building;  
23 and

1           (B) shall not be used to supplant ongoing  
2           first responder expenses or general protective  
3           measures.

4           (2) ALLOWABLE USES.—Grants awarded under  
5           subsection (b) may be used to—

6           (A) develop State plans or risk assess-  
7           ments (including the development of the home-  
8           land security plan) to respond to terrorist at-  
9           tacks and strengthen all hazards emergency  
10          planning in coordination with the requirements  
11          under section 201 of the Disaster Relief Act of  
12          1974 (42 U.S.C 5131), and community-wide  
13          plans for responding to terrorist or all hazards  
14          emergency events that are coordinated with the  
15          capacities of applicable Federal, State, and local  
16          governments, first responders, and State and  
17          local government health agencies;

18          (B) build and sustain comprehensive all-  
19          hazards emergency management capacity, such  
20          as planning, training, exercises, personnel, oper-  
21          ational activities, equipment, early warning,  
22          public information and education, mutual aid,  
23          and other preparedness, response, and recovery  
24          activities;

1 (C) develop State, regional, or local mutual  
2 aid agreements;

3 (D) purchase or upgrade equipment based  
4 on State and local needs as identified under a  
5 State homeland security plan;

6 (E) conduct exercises to strengthen emer-  
7 gency preparedness of State and local first re-  
8 sponders including law enforcement, fire fight-  
9 ing personnel, and emergency medical service  
10 workers, and other emergency responders iden-  
11 tified in a State homeland security plan;

12 (F) pay for overtime expenses relating to  
13 training activities consistent with the goals out-  
14 lined in a State homeland security plan; and

15 (G) promote training regarding homeland  
16 security preparedness including—

17 (i) emergency preparedness responses  
18 to a use or threatened use of a weapon of  
19 mass destruction; and

20 (ii) training in the use of equipment,  
21 including detection, monitoring, and decon-  
22 tamination equipment, and personal pro-  
23 tective gear.

24 (3) PROHIBITED USES.—

1           (A) CONSTRUCTION.—Grants awarded  
2 under subsection (b) may not be used to con-  
3 struct buildings or other physical facilities, ex-  
4 cept those described in section 611 of the Dis-  
5 aster Relief Act of 1974 (42 U.S.C. 5196), or  
6 to acquire land.

7           (B) COMPENSATION.—Not more than 5  
8 percent of grant funds provided under this sec-  
9 tion may be expended for the compensation of  
10 emergency planning personnel authorized under  
11 paragraph (2)(B). The amount of any such  
12 grant expended for the compensation of per-  
13 sonnel shall not exceed the amount of State or  
14 local government funds made available to in-  
15 crease such compensation.

16           (C) OVERTIME EXPENSES.—Not more  
17 than 5 percent of grant funds provided under  
18 this section may be used for overtime expenses  
19 for training carried out under paragraph  
20 (2)(F).

21           (D) COST SHARING.—Grant funds pro-  
22 vided under this section shall not be used for  
23 any State or local government cost sharing con-  
24 tribution request under this section.

25           (d) APPLICATION.—

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

6           (2) REVISIONS.—A State may revise a home-  
7 land security plan certified under subsection (e) at  
8 the time an application is submitted under para-  
9 graph (1) after receiving approval from the Sec-  
10 retary.

11           (3) APPROVAL.—The Secretary shall not award  
12 a grant under this section unless the application  
13 submitted by the State includes a homeland security  
14 plan meeting the requirements of subsection (e).

15           (4) RELEASE OF FUNDS.—The Secretary shall  
16 release grant funds to States with approved plans  
17 after the approval of an application submitted under  
18 this subsection.

19           (e) HOMELAND SECURITY PLAN.—

20           (1) IN GENERAL.—An application submitted  
21 under subsection (d) shall include a certification that  
22 the State has prepared a 3-year State homeland se-  
23 curity plan (referred to in this subsection as the  
24 “plan”) to respond to terrorist attacks and strength-

1       en all hazards emergency planning that has been ap-  
2       proved by the Secretary.

3               (2) CONTENTS.—The plan shall contain meas-  
4       urable goals and objectives that—

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

9               (B) provide for interoperable communica-  
10       tions;

11              (C) provide for local coordination of re-  
12       sponse and recovery efforts, including proce-  
13       dures for effective incident command in con-  
14       formance with the National Incident Manage-  
15       ment System;

16              (D) ensure that first responders and other  
17       emergency personnel have adequate training  
18       and appropriate equipment for the threats that  
19       may occur;

20              (E) provide for improved coordination and  
21       collaboration among police, fire, and public  
22       health authorities at State and local levels;

23              (F) coordinate emergency response and  
24       public health plans;

1 (G) mitigate risks to critical infrastructure  
2 that may be vulnerable to terrorist attacks;

3 (H) promote regional coordination among  
4 contiguous local governments;

5 (I) identify necessary protective measures  
6 by private owners of critical infrastructure;

7 (J) promote orderly evacuation procedures  
8 when necessary;

9 (K) ensure support from the public health  
10 community for measures needed to prevent, de-  
11 tect and treat bioterrorism, and radiological and  
12 chemical incidents;

13 (L) increase the number of local jurisdic-  
14 tions participating in local and statewide exer-  
15 cises;

16 (M) meet preparedness goals as deter-  
17 mined by the Secretary; and

18 (N) include a report from the relevant ad-  
19 visory committee established under paragraph  
20 (3)(D) that documents the areas of support,  
21 disagreement, or recommended changes to the  
22 plan before its submission to the Secretary.

23 (3) DEVELOPMENT PROCESS.—

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

1 (i) provide for the consideration of all  
2 homeland security needs;

3 (ii) follow a process that is continuing,  
4 inclusive, cooperative, and comprehensive,  
5 as appropriate; and

6 (iii) coordinate the development of the  
7 plan with the homeland security planning  
8 activities of local governments.

9 (B) COORDINATION WITH LOCAL PLAN-  
10 NING ACTIVITIES.—The coordination under sub-  
11 paragraph (A)(iii) shall allow input from local  
12 stakeholders, including—

13 (i) local officials;

14 (ii) first responders and emergency re-  
15 sponse providers; and

16 (iii) private sector companies, such as  
17 railroads and chemical manufacturers.

18 (C) SCOPE OF PLANNING.—Each State  
19 preparing a plan under this section shall, in  
20 conjunction with the local stakeholders under  
21 subparagraph (B), address all the information  
22 requested by the Secretary, and complete a  
23 comprehensive assessment of—

24 (i) risk, including a—

25 (I) vulnerability assessment;

1 (II) threat assessment; and

2 (III) public health assessment, in  
3 coordination with the State bioter-  
4 rorism plan; and

5 (ii) capabilities and needs, including—

6 (I) an evaluation of current pre-  
7 paredness, mitigation, and response  
8 capabilities based on such assessment  
9 mechanisms as shall be determined by  
10 the Secretary;

11 (II) an evaluation of capabilities  
12 needed to address the risks described  
13 under clause (i); and

14 (III) an assessment of the short-  
15 fall between the capabilities described  
16 under subclause (I) and the required  
17 capabilities described under subclause  
18 (II).

19 (D) ADVISORY COMMITTEE.—

20 (i) IN GENERAL.—Each State pre-  
21 paring a plan under this section shall es-  
22 tablish an advisory committee to receive  
23 comments from the public and the local  
24 stakeholders identified under subparagraph  
25 (B).

1                   (ii) COMPOSITION.—The Advisory  
2                   Committee shall include local officials, local  
3                   first responders, and emergency response  
4                   providers that are representative of the  
5                   counties, cities, and towns within the  
6                   State.

7                   (4) PLAN APPROVAL.—The Secretary shall ap-  
8                   prove a plan upon finding that the plan meets the  
9                   requirements of—

10                   (A) paragraphs (2) and (3);

11                   (B) the interim performance measurements  
12                   under subsection (h)(1), or the national per-  
13                   formance standards under subsection (h)(2);  
14                   and

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

17                   (5) REVIEW OF ADVISORY COMMITTEE RE-  
18                   PORT.—The Secretary shall review the recommenda-  
19                   tions of the advisory committee report incorporated  
20                   into a plan under subsection (e)(2)(N) to ensure co-  
21                   operation and coordination between local and State  
22                   jurisdictions in planning the use of grant funds  
23                   under this section.

24                   (f) DISCRETIONARY GRANT PROGRAM.—

1           (1) IN GENERAL.—The Secretary shall use 10  
2 percent of the funds appropriated under this section  
3 to make discretionary grants to local governments  
4 that the Secretary considers to be high threat areas  
5 based upon the criteria under paragraph (2).

6           (2) HIGH THREAT AREA CRITERIA.—The Sec-  
7 retary shall ensure that an award of a grant under  
8 this subsection is based upon the consideration of  
9 the local government's—

10                   (A) population and population density;

11                   (B) location, risk, or vulnerability of crit-  
12 ical infrastructure or key national assets; and

13                   (C) any other factors determined by the  
14 Secretary.

15           (3) CONSISTENCY.—Any grant awarded under  
16 this subsection shall be used to supplement and sup-  
17 port, in a consistent and coordinated manner with,  
18 those activities and objectives described under sub-  
19 section (b) or a State homeland security plan.

20           (4) COORDINATION.—The Secretary shall en-  
21 sure that any grants made under this subsection en-  
22 courage multiple contiguous units of local govern-  
23 ment and mutual aid partners to coordinate any  
24 homeland security activities.

25           (g) FUNDING.—

1           (1) IN GENERAL.—The Secretary shall make  
2 awards of grant funds in accordance with para-  
3 graphs (2) through (7).

4           (2) MAINTAINING A BASELINE LEVEL OF SECUR-  
5 RITY.—Each State whose application is approved  
6 under subsection (c), including the District of Co-  
7 lumbia and the Commonwealth of Puerto Rico shall  
8 receive .75 percent of the total amount appropriated  
9 in any fiscal year. The United States Territories (in-  
10 cluding American Samoa, the Commonwealth of  
11 Northern Mariana Islands, Guam, and the United  
12 States Virgin Islands) shall receive .25 percent of  
13 the total amount appropriated in any fiscal year.

14           (3) ASSESSMENT.—The Secretary shall dis-  
15 tribute any remaining available grant funds, after  
16 distribution of funds for grants under subsections  
17 (d) and (f), based on—

18                   (A) population and population density;

19                   (B) threat, risk, and vulnerability of crit-  
20 ical infrastructure or key national assets identi-  
21 fied in the State homeland security plan; and

22                   (C) any other factors identified by the Sec-  
23 retary.

24           (4) FUNDING FOR LOCAL ENTITIES AND FIRST  
25 RESPONDERS.—The Secretary shall require grant re-

1 recipients to provide local governments, first respond-  
2 ers, and other local groups, consistent with the ap-  
3 plicable State homeland security plan, with not less  
4 than 80 percent of the grant funds, the resources  
5 purchased with such grant funds, or a combination  
6 thereof, not later than 60 days after receiving grant  
7 funds under this section.

8 (5) STATE AND LOCAL MATCH.—

9 (A) IN GENERAL.—The Secretary shall re-  
10 quire a recipient of a grant under this section  
11 to make available non-Federal contributions in  
12 an amount equal to 25 percent of the Federal  
13 funds provided under the grant.

14 (B) EFFECTIVE DATE.—The matching re-  
15 quirement under subparagraph (A) shall take  
16 effect 2 years after the date of enactment of  
17 this Act.

18 (6) REPORT ON HOMELAND SECURITY SPEND-  
19 ING.—Each recipient of a grant under this section  
20 shall annually submit a report to the Secretary that  
21 contains—

22 (A) an accounting of the amount of State  
23 and local funds spent on homeland security ac-  
24 tivities under the applicable State homeland se-  
25 curity plan; and

1 (B) information regarding the use of grant  
2 funds by units of local government as required  
3 by the Secretary.

4 (7) SUPPLEMENT NOT SUPPLANT.—Amounts  
5 appropriated for grants under this section shall be  
6 used to supplement and not supplant other State  
7 and local public funds obligated for the purposes  
8 provided under this Act.

9 (h) ACCOUNTABILITY.—

10 (1) INTERIM PERFORMANCE MEASURES.—

11 (A) IN GENERAL.—Before establishing per-  
12 formance standards under paragraph (2), the  
13 Secretary shall assist each State in establishing  
14 interim performance measures based upon—

15 (i) the goals and objectives under sub-  
16 section (e)(2); and

17 (ii) any other factors determined by  
18 the Secretary.

19 (B) ANNUAL REPORT.—Before establishing  
20 performance measures under paragraph (2),  
21 each State with an approved State plan shall  
22 submit to the Secretary a report detailing the  
23 progress the State has made in meeting the in-  
24 terim performance measures established under  
25 subparagraph (A).

1 (2) NATIONAL PERFORMANCE STANDARDS.—

2 (A) IN GENERAL.—Not later than 1 year  
3 after the date of enactment of this Act, the Sec-  
4 retary shall set national performance standards  
5 based in part on the goals and objectives under  
6 subsection (e)(2) and any other factors the Sec-  
7 retary determines relevant.

8 (B) COMPLIANCE.—The Secretary shall  
9 ensure that State plans are in conformance  
10 with the standards set under subparagraph (A).

11 (C) ANNUAL REPORT.—After the establish-  
12 ment of performance standards under subpara-  
13 graph (A), each State with an approved State  
14 homeland security plan shall submit to the Sec-  
15 retary a report on the progress the State has  
16 made in meeting such standards.

17 (3) GENERAL ACCOUNTING OFFICE ACCESS TO  
18 INFORMATION.—Each recipient of a grant under this  
19 section and the Department of Homeland Security  
20 shall provide the General Accounting Office with full  
21 access to information regarding the activities carried  
22 out under this section.

23 (4) AUDIT.—Grant recipients that expend  
24 \$300,000 or more in Federal funds during any fiscal  
25 year shall submit to the Secretary an organization

1 wide financial and compliance audit report in con-  
2 formance with the requirements of chapter 75 of  
3 title 31, United States Code.

4 (i) REMEDIES FOR NON-COMPLIANCE.—

5 (1) IN GENERAL.—If the Secretary finds, after  
6 reasonable notice and an opportunity for a hearing,  
7 that a recipient of a grant under this section has  
8 failed to substantially comply with any provision of  
9 this section, the Secretary shall—

10 (A) terminate any payment of grant funds

11 to be made to the recipient under this section;

12 (B) reduce the amount of payment of

13 grant funds to the recipient by an amount equal

14 to the amount of grants funds that were not ex-

15 pended 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

24 section.

1 (j) REPORTS TO CONGRESS.—The Secretary shall  
2 submit an annual report to Congress that provides—

3 (1) findings relating to the performance stand-  
4 ards established under subsection (h);

5 (2) the status of preparedness goals and objec-  
6 tives;

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

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

12 (5) the total amount of resources provided to  
13 units of local government; and

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

15 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated such sums as are nec-  
17 essary to carry out this section.

18 **SEC. 5. FLEXIBILITY IN UNSPENT HOMELAND SECURITY**

19 **FUNDS.**

20 (a) REALLOCATION OF FUNDS.—The Director of the  
21 Office for Domestic Preparedness, Department of Home-  
22 land Security, shall allow any State to request approval  
23 to reallocate funds received pursuant to appropriations for  
24 the State Homeland Security Grant Program under Public  
25 Laws 105–277 (112 Stat. 2681 et seq.), 106–113 (113

1 Stat. 1501A–3 et seq.), 106–553 (114 Stat. 2762A–3 et  
2 seq.), 107–77 (115 Stat. 78 et seq.), or the Consolidated  
3 Appropriations Resolution of 2003 (Public Law 108–7),  
4 among the 4 categories of equipment, training, exercises,  
5 and planning.

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

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

○