

Calendar No. 818108TH CONGRESS
2^D SESSION**S. 2635****[Report No. 108-420]**

To establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

IN THE SENATE OF THE UNITED STATES

JULY 8, 2004

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

NOVEMBER 20, 2004

Reported by Ms. COLLINS, with an amendment

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

A BILL

To establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

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. TECHNOLOGY CLEARINGHOUSE.**

4 Section 430 of the Homeland Security Act of 2002
 5 (6 U.S.C. 238) is amended—

6 (1) in subsection (c)—

7 (A) by redesignating paragraphs (7) and
 8 (8) as paragraphs (8) and (9), respectively; and

9 (B) by inserting after paragraph (6) the
 10 following:

11 “(7) establishing a program to identify, develop,
 12 or modify existing or near term homeland security
 13 information, equipment, capabilities, technologies,
 14 and services to further the homeland security of the
 15 United States and to address the homeland security
 16 needs of Federal, State, and local governments;”;

17 (2) by redesignating subsection (d) as sub-
 18 section (e); and

19 (3) by inserting after subsection (e) the fol-
 20 lowing:

21 “(d) **HOMELAND SECURITY INFORMATION, EQUIP-**
 22 **MENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES**
 23 **GRANT PROGRAM.—**

24 “(1) **IN GENERAL.—**In developing the program
 25 established under subsection (e)(7), the Secretary,

1 acting through the Director of the Office for Domes-
2 tie Preparedness and in consultation with the Under
3 Secretary for Science and Technology, shall—

4 “(A) conduct a needs assessment of Fed-
5 eral, State, and local governments and first re-
6 sponders to identify—

7 “(i) the homeland security needs of
8 Federal, State, and local governments and
9 first responders; and

10 “(ii) areas where specific homeland
11 security information, equipment, capabili-
12 ties, technologies, and services could ad-
13 dress those needs;

14 “(B) survey near term and existing home-
15 land security information, equipment, capabili-
16 ties, technologies, and services developed within
17 the United States and within other countries
18 that—

19 “(i) are highly focused on homeland
20 security issues; and

21 “(ii) have demonstrated the capability
22 for fruitful cooperation with the United
23 States in the area of counterterrorism; and

24 “(C) provide grants, directly or through a
25 nonprofit, nongovernmental organization, to eli-

1 gible applicants to develop new, or modify exist-
2 ing, homeland security information, equipment,
3 capabilities, technologies, and services to ad-
4 dress the needs identified in subparagraph (A).

5 “(2) ELIGIBLE APPLICANTS.—An applicant is
6 eligible to receive a grant under this subsection if
7 the applicant—

8 “(A) addresses 1 or more needs of Federal,
9 State, and local governments and first respond-
10 ers, as identified through the assessment con-
11 ducted under paragraph (1)(A);

12 “(B) is a joint venture between—

13 “(i) a for profit business entity, aca-
14 demic institution, or non-profit entity; and

15 “(ii) another entity that has dem-
16 onstrated capability in the area of
17 counterterrorism or homeland security; and

18 “(C) meets any other qualifications that
19 the Secretary may reasonably require.

20 “(3) PRIORITY.—The Secretary shall give pri-
21 ority to those applicants who propose to provide the
22 homeland security information, equipment, tech-
23 nologies, or services developed or modified with
24 grant funds to Federal, State, and local governments
25 and first responders.

1 “(4) MATCHING REQUIREMENT.—The Sec-
2 retary may require a recipient of a grant under this
3 subsection to make available non-Federal matching
4 contributions in an amount equal to up to 50 per-
5 cent of the total proposed cost of the project for
6 which the grant was awarded.

7 “(5) GRANT REPAYMENT.—The Secretary may
8 require a recipient of a grant under this subsection
9 to repay to the Secretary the amount of the grant,
10 interest at an appropriate rate, and such charges for
11 administration of the grant as the Secretary deter-
12 mines appropriate. The Secretary may not require
13 that such repayment be more than 150 percent of
14 the amount of the grant, adjusted for inflation on
15 the basis of the Consumer Price Index.

16 “(6) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated
18 \$25,000,000 for fiscal year 2005 to carry out the
19 grant program established under this subsection.”.

20 **SEC. 2. HOMELAND SECURITY INFORMATION, EQUIPMENT,**
21 **CAPABILITIES, TECHNOLOGIES, AND SERV-**
22 **ICES GRANT PROGRAM.**

23 Section 313 of the Homeland Security Act of 2002
24 (6 U.S.C. 193) is amended—

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

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “~~(e) HOMELAND SECURITY INFORMATION, EQUIP-~~
6 ~~MENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES~~
7 ~~GRANT PROGRAM.—~~In developing the program described
8 in section 430(d), the Under Secretary for Science and
9 Technology shall assist the Director of the Office for Do-
10 mestic Preparedness by reviewing, testing, and evaluating
11 applications or proposals.”.

12 **SECTION 1. FINDINGS.**

13 *Congress finds the following:*

14 (1) *The development and implementation of tech-*
15 *nology is a crucial component of combating terrorism*
16 *and implementing homeland security strategies.*

17 (2) *The Government of Israel and companies in*
18 *Israel have extensive experience with matters per-*
19 *taining to homeland security generally, and*
20 *antiterrorism specifically, including expertise in the*
21 *fields of border integrity, transportation security, first*
22 *responder equipment, and civil defense planning.*

23 (3) *The United States and Israel have an exten-*
24 *sive history of working cooperatively and successfully*
25 *to assist with the development of agricultural, defense,*

1 *telecommunications, and other technologies that are*
2 *mutually beneficial to each country, as exemplified by*
3 *the success of the Binational Industrial Research and*
4 *Development Foundation (referred to in this section*
5 *as the “BIRD Foundation”).*

6 *(4) Initiated in 1977 as a grant program, fund-*
7 *ed equally by the Governments of the United States*
8 *and Israel in support of joint ventures between busi-*
9 *nesses in the United States and in Israel, the BIRD*
10 *Foundation has invested \$180,000,000 in 600 projects*
11 *over the past 27 years and has realized*
12 *\$7,000,000,000 in sales and the development of a*
13 *number of important technologies.*

14 *(5) The establishment of a similar binational*
15 *program, or the expansion of the BIRD Foundation,*
16 *to support the development of technologies and serv-*
17 *ices applicable to homeland security would be bene-*
18 *ficial to the security of the United States and Israel*
19 *and would strengthen the economic ties between the*
20 *two countries.*

21 **SEC. 2. UNITED STATES-ISRAEL HOMELAND SECURITY**

22 **GRANT PROGRAM.**

23 *(a) ESTABLISHMENT.—There is established a program*
24 *between the United States and Israel to identify, develop,*
25 *or modify existing or near term homeland security informa-*

1 *tion, equipment, capabilities, technologies, and services to*
2 *further the homeland security of the United States and to*
3 *address the homeland security needs of Federal, State, and*
4 *local governments.*

5 *(b) HOMELAND SECURITY NEEDS ASSESSMENT.—In*
6 *carrying out the program established under subsection (a),*
7 *the Secretary of Homeland Security shall—*

8 *(1) conduct a needs assessment of Federal, State,*
9 *and local governments and first responders to iden-*
10 *tify—*

11 *(A) the homeland security needs of Federal,*
12 *State, and local governments and first respond-*
13 *ers; and*

14 *(B) areas where specific homeland security*
15 *information, equipment, capabilities, tech-*
16 *nologies, and services could address those needs;*

17 *(2) survey near term and existing homeland se-*
18 *curity information, equipment, capabilities, tech-*
19 *nologies, and services developed within the United*
20 *States and Israel; and*

21 *(3) provide grants, directly or through a non-*
22 *profit, nongovernmental organization, to eligible ap-*
23 *plicants to develop, manufacture, sell, or otherwise*
24 *provide homeland security information, equipment,*

1 *capabilities, technologies, and services to address the*
2 *needs identified under paragraph (1).*

3 (c) *ELIGIBLE APPLICANTS.*—*An applicant is eligible*
4 *to receive a grant under this section if the applicant—*

5 (1) *addresses one or more needs of Federal, State,*
6 *and local governments and first responders, as identi-*
7 *fied through the assessment conducted under sub-*
8 *section (b)(1) or homeland security needs otherwise*
9 *identified by the Department of Homeland Security;*

10 (2) *is a joint venture between—*

11 (A) *a for profit business entity, academic*
12 *institution, or non-profit entity in the United*
13 *States and a for profit business entity, academic*
14 *institution, or non-profit entity in Israel; or*

15 (B) *the government of the United States*
16 *and the government of Israel; and*

17 (3) *meets any other qualifications that the Sec-*
18 *retary may reasonably require.*

19 (d) *APPLICATION.*—*Each eligible applicant seeking a*
20 *grant under this section shall submit to the Secretary of*
21 *Homeland Security, or the head of a nonprofit, nongovern-*
22 *mental organization authorized by the Secretary to award*
23 *such grants, an application that contains—*

1 (1) *the identification of the joint venture apply-*
2 *ing for the grant and the identity of each entity par-*
3 *ticipating in the joint venture;*

4 (2) *a description of the product or service with*
5 *applications related to homeland security that the ap-*
6 *plicant is developing, manufacturing, or selling;*

7 (3) *the development, manufacturing, sales, or*
8 *other activities related to such product or service that*
9 *the applicant is seeking to carry out with grant*
10 *funds;*

11 (4) *a detailed capital budget for such product or*
12 *service, including the manner in which the grant*
13 *funds will be allocated and expended; and*

14 (5) *such other information as the Secretary of*
15 *Homeland Security may reasonably require.*

16 (e) *ADVISORY BOARD.—*

17 (1) *ESTABLISHMENT.—If the Secretary of Home-*
18 *land Security makes funds available to a nonprofit,*
19 *nongovernmental organization to award grants to eli-*
20 *gible applicants, the Secretary shall establish an advi-*
21 *sory board to monitor how such grants are awarded.*

22 (2) *MEMBERSHIP.—The advisory board shall be*
23 *comprised of—*

1 (A) an appropriate representative of the
2 Government of the United States, as designated
3 by the Secretary of Homeland Security; and

4 (B) an official designated by the Govern-
5 ment of Israel.

6 (f) *ADDITIONAL CONDITION.*—

7 (1) *IN GENERAL.*—The Secretary of Homeland
8 Security may impose a condition that the Govern-
9 ment of Israel contribute an amount that the Sec-
10 retary determines to be appropriate toward a project
11 to be funded by a grant under this section before the
12 disbursement of proceeds of such grant.

13 (2) *LIMITATION.*—The Secretary may not pre-
14 scribe a condition that requires a contribution toward
15 the project from the Government of Israel of an
16 amount in excess of the amount of the grant awarded
17 under this section for such project.

18 (g) *PRIORITY.*—The Secretary of Homeland Security
19 shall give priority to those applicants who propose to mar-
20 ket the homeland security information, equipment, tech-
21 nologies, or services developed or modified with grant funds
22 to Federal, State, and local governments and first respond-
23 ers.

24 (h) *MATCHING REQUIREMENT.*—The Secretary of
25 Homeland Security may require a recipient of a grant

1 *under this section to make available non-Federal matching*
2 *contributions in an amount equal to up to 50 percent of*
3 *the total proposed cost of the project for which the grant*
4 *was awarded.*

5 *(i) GRANT REPAYMENT.—The Secretary of Homeland*
6 *Security may, as appropriate, require a recipient of a grant*
7 *under this section to repay to the Secretary, or the non-*
8 *profit, nongovernmental entity designated by the Secretary,*
9 *the amount of the grant, interest at an appropriate rate,*
10 *and such charges for administration of the grant as the Sec-*
11 *retary determines appropriate. The Secretary may not re-*
12 *quire that such repayment be more than 150 percent of the*
13 *amount of the grant, adjusted for inflation on the basis of*
14 *the Consumer Price Index.*

15 *(j) AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated to the Department of Home-*
17 *land Security to carry out the grant program established*
18 *under this section—*

19 *(1) \$25,000,000 for fiscal year 2005; and*
20 *(2) such sums as may be necessary for fiscal year*
21 *2006.*

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