

109TH CONGRESS
2^D SESSION

H. R. 5910

To amend the Homeland Security Act of 2002 to provide funding for emergency planning and management and emergency response providers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2006

Ms. LORETTA SANCHEZ of California introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce and Homeland Security, 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 amend the Homeland Security Act of 2002 to provide funding for emergency planning and management and emergency response providers, 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 “Preparedness First
5 Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Communities face risks to their security and
2 safety every day from all different hazards. Whether
3 the risk is great for an earthquake, a flood, or a fire,
4 communities that do the most coordinated, all-en-
5 compassing, thorough emergency planning and train-
6 ing will be most ready for any hazard, including cri-
7 sis response in the event of a terrorism event.

8 (2) By placing the largest Federal priority on
9 emergency planning, followed by more specific Fed-
10 eral assistance for State homeland security pro-
11 grams, mass casualty medical responses and tar-
12 geted terrorist attacks, the Department of Homeland
13 Security can focus State and local goals so that com-
14 munities are the most prepared for the most broad
15 sense of emergency, preparation that can be tailored
16 to any type of hazard faced.

17 (3) General preparedness for any natural dis-
18 aster helps preparedness for all disasters.

19 (4) The lessons learned from Hurricane
20 Katrina showed that the regional structures of the
21 Department of Homeland Security must be built up
22 and that regional offices are means of fostering
23 State, local and private sector integration.

24 (5) The 9/11 Discourse Project, made up of
25 Members of the 9/11 Commission, gave Congress

1 and the Department of Homeland Security, in their
2 final report dated December 5, 2005, a failing grade
3 on the distribution of homeland security funding.

4 (6) When programs operate out of regional of-
5 fices, closer relationships are developed among all
6 levels of government.

7 (7) The Federal response to Hurricane Katrina
8 showed the Department of Homeland Security
9 lacked sufficient field capabilities.

10 **SEC. 3. PREPAREDNESS FIRST.**

11 The Homeland Security Act of 2002 (6 U.S.C. 101
12 et seq.) is amended by adding at the end the following
13 new title:

14 **“TITLE XVIII—FUNDING EMER-**
15 **GENCY PLANNING AND RE-**
16 **SPONSE**

17 **“SEC. 1801. DEFINITIONS.**

18 “In this title:

19 “(1) The term ‘covered grant’ means any grant
20 to which this title applies under section 1802.

21 “(2) The term ‘directly eligible tribe’ means any
22 Indian tribe or consortium of Indian tribes that—

23 “(A) meets the criteria for inclusion in the
24 qualified applicant pool for self-governance that
25 are set forth in section 402(c) of the Indian

1 Self-Determination and Education Assistance
2 Act (25 U.S.C. 458bb(e));

3 “(B) employs at least 10 full-time per-
4 sonnel in a law enforcement or emergency re-
5 sponse agency with the capacity to respond to
6 calls for law enforcement or emergency services;
7 and

8 “(C)(i) is located on, or within 5 miles of,
9 an international border or waterway;

10 “(ii) is located within 5 miles of a facility
11 designated as high-risk critical infrastructure
12 by the Secretary;

13 “(iii) is located within or contiguous to one
14 of the 50 largest metropolitan statistical areas
15 in the United States; or

16 “(iv) has more than 1,000 square miles of
17 Indian country, as that term is defined in sec-
18 tion 1151 of title 18, United States Code.

19 “(3) The term ‘Director’ means the Director of
20 the Federal Emergency Management Agency.

21 “(4) The term ‘emergency preparedness’ means
22 all those activities and measures designed or under-
23 taken to prepare for or minimize the effects of a
24 hazard upon the civilian population, to deal with the
25 immediate emergency conditions which would be cre-

1 ated by the hazard, and to effectuate emergency re-
2 pairs to, or the emergency restoration of, vital utili-
3 ties and facilities destroyed or damaged by the haz-
4 ard. Such term includes the following:

5 “(A) Measures to be undertaken in prepa-
6 ration for anticipated hazards (including the es-
7 tablishment of appropriate organizations, oper-
8 ational plans, and supporting agreements, the
9 recruitment and training of personnel, the con-
10 duct of research, the procurement and stock-
11 piling of necessary materials and supplies, the
12 provision of suitable warning systems, the con-
13 struction or preparation of shelters, shelter
14 areas, and control centers, and, when appro-
15 priate, the nonmilitary evacuation of the civilian
16 population).

17 “(B) Measures to be undertaken during a
18 hazard (including the enforcement of passive
19 defense regulations prescribed by duly estab-
20 lished military or civil authorities, the evacu-
21 ation of personnel to shelter areas, the control
22 of traffic and panic, and the control and use of
23 lighting and civil communications).

24 “(C) Measures to be undertaken following
25 a hazard (including activities for fire fighting,

1 rescue, emergency medical, health, and sanita-
2 tion services, monitoring for specific dangers of
3 special weapons, unexploded bomb reconnais-
4 sance, essential debris clearance, emergency
5 welfare measures, and immediately essential
6 emergency repair or restoration of damaged
7 vital facilities).

8 “(5) The term ‘essential capabilities’ means the
9 levels, availability, and competence of emergency
10 personnel, planning, training, and equipment across
11 a variety of disciplines needed to effectively and effi-
12 ciently prevent, prepare for, respond to, and recover
13 from acts of terrorism consistent with established
14 practices.

15 “(6) The term ‘region’ means—

16 “(A) any geographic area consisting of all
17 or parts of 2 or more contiguous States, coun-
18 ties, municipalities, or other local governments
19 that have a combined population of at least
20 1,650,000 or have an area of not less than
21 20,000 square miles, and that, for purposes of
22 an application for a covered grant, is rep-
23 resented by 1 or more governments or govern-
24 mental agencies within such geographic area,
25 and that is established by law or by agreement

1 of 2 or more such governments or governmental
2 agencies in a mutual aid agreement; or

3 “(B) any other combination of contiguous
4 local government units (including such a com-
5 bination established by law or agreement of two
6 or more governments or governmental agencies
7 in a mutual aid agreement) that is formally cer-
8 tified by the Secretary as a region for purposes
9 of this Act with the consent of—

10 “(i) the State or States in which the
11 units are located, including a multi-State
12 entity established by a compact between
13 two or more States; and

14 “(ii) the incorporated municipalities,
15 counties, and parishes that they encom-
16 pass.

17 “(7) The term ‘terrorism preparedness’ means
18 any activity designed to improve the ability to pre-
19 vent, prepare for, respond to, mitigate against, or
20 recover from threatened or actual terrorist attacks.

21 **“SEC. 1802. PREPAREDNESS FIRST.**

22 “(a) COVERED GRANTS.—This title applies to grants
23 provided by the Department to States, regions, or directly
24 eligible tribes for the primary purpose of improving the
25 ability of emergency response providers to prevent, pre-

1 pare for, respond to, mitigate against, or recover from nat-
2 ural or manmade disasters, including threatened or actual
3 terrorist attacks, especially those involving weapons of
4 mass destruction, administered under the following pro-
5 grams of the Department, and to any successor to any
6 of the following programs:

7 “(1) The Emergency Management Performance
8 Grant program.

9 “(2) The State Homeland Security Grant Pro-
10 gram.

11 “(3) The Metropolitan Medical Response Sys-
12 tem Program.

13 “(4) The Urban Search and Rescue Program.

14 “(5) The Urban Area Security Initiative.

15 “(b) EXCLUDED PROGRAMS.—This title does not
16 apply to or otherwise affect the following Federal grant
17 programs or any grant under such a program:

18 “(1) Any Federal grant program that is not ad-
19 ministered by the Department.

20 “(2) The fire grant programs authorized by sec-
21 tions 33 and 34 of the Federal Fire Prevention and
22 Control Act of 1974 (15 U.S.C. 2229–2229a).

23 **“SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.**

24 “(a) GRANT ELIGIBILITY.—Any State, region, or di-
25 rectly eligible tribe is eligible to apply for a covered grant.

1 “(b) GRANT CRITERIA.—The Secretary shall award
2 covered grants to assist States and local governments in
3 achieving, maintaining, and enhancing the essential capa-
4 bilities for emergency preparedness established by the Sec-
5 retary.

6 “(c) APPLICATION FOR GRANT.—

7 “(1) DEADLINES FOR APPLICATIONS AND
8 AWARDS.—To apply for a covered grant for a fiscal
9 year, a State, region, or directly eligible tribe shall
10 submit to the Secretary a application at such time,
11 in such manner, and containing such information as
12 is required under this subsection or as the Secretary
13 may reasonably require. The Secretary shall award
14 covered grants pursuant to all approved applications
15 for a fiscal year early in the year as is practicable,
16 but not later than March 1 of that year.

17 “(2) AVAILABILITY OF FUNDS.—A covered
18 grant awarded by the Secretary for a fiscal year
19 shall be available for obligation through the end of
20 the subsequent fiscal year.

21 “(3) MINIMUM CONTENTS OF APPLICATION.—
22 The Secretary shall require that each applicant in-
23 clude as part of an application for a covered grant—

24 “(A) the purpose for which the applicant
25 seeks a covered grant and the reason the appli-

1 cant needs the covered grant to meet the essen-
2 tial capabilities for all-hazards preparedness
3 within the State, region, or directly eligible
4 tribe to which the application pertains;

5 “(B) a description of how, by reference to
6 an applicable State emergency preparedness
7 plan under section 1804, the applicant intends
8 to spend amounts awarded under a covered
9 grant, including any amount not intended to be
10 distributed under section 1806(f)(1), would as-
11 sist in fulfilling the essential capabilities for all-
12 hazards preparedness specified in such plan;

13 “(C) a statement of whether a mutual aid
14 agreement would apply to the use of all or any
15 portion of the covered grant funds;

16 “(D) if the applicant is a State, a descrip-
17 tion of how the State plans to allocate the cov-
18 ered grant funds to regions, local governments,
19 and Indian tribes;

20 “(E) if the applicant is a region—

21 “(i) a precise geographical description
22 of the region and a specification of all par-
23 ticipating and nonparticipating local gov-
24 ernments within the geographical area
25 comprising that region;

1 “(ii) a specification of what govern-
2 mental entity within the region will admin-
3 ister the expenditure of funds under the
4 covered grant; and

5 “(iii) a designation of a specific indi-
6 vidual to serve as regional liaison;

7 “(F) a capital budget showing how the ap-
8 plicant intends to allocate and expend the cov-
9 ered grant funds;

10 “(G) if the applicant is a directly eligible
11 tribe, a designation of a specific individual to
12 serve as the tribal liaison; and

13 “(H) a statement of how the applicant in-
14 tends to meet the matching requirement, if any,
15 that applies under section 1806(f)(2).

16 “(4) REGIONAL APPLICATIONS.—

17 “(A) RELATIONSHIP TO STATE APPLICA-
18 TIONS.—A regional application—

19 “(i) shall be coordinated with an ap-
20 plication submitted by the State or States
21 of which such region is a part;

22 “(ii) shall supplement and avoid dupli-
23 cation with such State application; and

24 “(iii) shall address the unique regional
25 aspects of such region’s terrorism pre-

1 paredness needs beyond those provided for
2 in the application of such State or States.

3 “(B) STATE REVIEW AND SUBMISSION.—

4 “(i) SUBMISSION OF APPLICATION TO
5 STATE.—To ensure the consistency re-
6 quired under section 1804(d) and the co-
7 ordination required under subparagraph
8 (A), the Secretary shall require an appli-
9 cant that is a region to submit an applica-
10 tion to each State of which any part is in-
11 cluded in the region for review and concur-
12 rence prior to the submission of such appli-
13 cation to the Secretary.

14 “(ii) STATE SUBMISSION TO SEC-
15 RETARY.—The regional application shall be
16 transmitted to the Secretary through each
17 such State within 30 days of its receipt,
18 unless the Governor of such a State noti-
19 fies the Secretary in writing that such re-
20 gional application is inconsistent with the
21 State’s homeland security plan and pro-
22 vides an explanation of the reasons for the
23 inconsistency.

24 “(C) DISTRIBUTION OF REGIONAL
25 AWARDS.—

1 “(i) DISTRIBUTION TO STATE.—If the
2 Secretary approves a regional application,
3 then the Secretary shall distribute a re-
4 gional award to the State or States sub-
5 mitting the applicable regional application
6 under subparagraph (B).

7 “(ii) STATE DISTRIBUTION TO RE-
8 GION.—Each such State shall, not later
9 than the end of the 45-day period begin-
10 ning on the date on which the region re-
11 ceives the award, distribute to the region
12 all covered grant funds or resources pur-
13 chased with such funds, except those funds
14 necessary for the State to carry out its re-
15 sponsibilities with respect to such regional
16 application.

17 “(iii) LIMITATION ON STATE RETEN-
18 TION OF FUNDS.—In no such case shall
19 the State or States distribute to the region
20 less than 80 percent of the regional award.

21 “(D) CERTIFICATIONS REGARDING DIS-
22 TRIBUTION OF GRANT FUNDS TO REGIONS.—
23 Any State that receives a regional award under
24 subparagraph (C) shall certify to the Secretary,
25 not later than 30 days after the expiration of

1 the 45-day period described in subparagraph
2 (C)(ii) with respect to the grant, that the State
3 has made available to the region the required
4 funds and resources in accordance with sub-
5 paragraph (C).

6 “(E) DIRECT PAYMENTS TO REGIONS.—If
7 any State fails to distribute a regional award to
8 a region as required by subparagraph (C) with-
9 in 45 days after receiving such award and does
10 not request or receive an extension of such pe-
11 riod under section 1806(g)(2), the region may
12 petition the Secretary to receive directly the
13 portion of the regional award that is required to
14 be distributed to such region under subpara-
15 graph (C).

16 “(5) TRIBAL APPLICATIONS.—

17 “(A) SUBMISSION TO THE STATE OR
18 STATES.—To ensure the consistency required
19 under section 1804(d), an applicant that is a
20 directly eligible tribe must submit its applica-
21 tion to each State within the boundaries of
22 which any part of such tribe is located for di-
23 rect submission to the Department along with
24 the application of such State or States.

1 “(B) OPPORTUNITY FOR STATE COM-
2 MENT.—Before awarding any covered grant to
3 a directly eligible tribe, the Secretary shall pro-
4 vide an opportunity to each State within the
5 boundaries of which any part of such tribe is lo-
6 cated to comment to the Secretary on the con-
7 sistency of the tribe’s application with the
8 State’s homeland security plan. Any such com-
9 ments shall be submitted to the Secretary con-
10 currently with the submission of the State and
11 tribal applications.

12 “(C) FINAL AUTHORITY.—The Secretary
13 shall have final authority to determine the con-
14 sistency of any application of a directly eligible
15 tribe with the applicable State emergency pre-
16 paredness plan or plans, and to approve any ap-
17 plication of such tribe. The Secretary shall no-
18 tify each State within the boundaries of which
19 any part of such tribe is located of the approval
20 of an application by such tribe.

21 “(D) TRIBAL LIAISON.—A tribal liaison
22 designated under paragraph (3)(G) shall—

23 “(i) coordinate with Federal, State,
24 local, regional, and private-sector officials
25 concerning terrorism preparedness;

1 “(ii) develop a process for receiving
2 input from Federal, State, local, regional,
3 and private-sector officials to assist in the
4 development of the application of such
5 tribe and to improve the tribe’s access to
6 covered grants; and

7 “(iii) administer, in consultation with
8 State, local, regional, and private officials,
9 covered grants awarded to such tribe.

10 “(E) TRIBES NOT RECEIVING DIRECT
11 GRANTS.—An Indian tribe that does not receive
12 a grant directly under this section is eligible to
13 receive funds under a covered grant from the
14 State or States within the boundaries of which
15 any part of such tribe is located, consistent with
16 the homeland security plan of the State as de-
17 scribed in subsection (C). If a State fails to
18 comply with section 1806(f)(1), the tribe may
19 request payment under section 1806(g)(3) in
20 the same manner as a local government.

21 “(6) EQUIPMENT STANDARDS.—If an applicant
22 for a covered grant proposes to upgrade or purchase,
23 with assistance provided under the grant, new equip-
24 ment or systems that do not meet or exceed any ap-
25 plicable national voluntary consensus standards es-

1 established by the Secretary, the applicant shall in-
2 clude in the application an explanation of why such
3 equipment or systems will serve the needs of the ap-
4 plicant better than equipment or systems that meet
5 or exceed such standards.

6 **“SEC. 1804. STATE EMERGENCY PREPAREDNESS PLANS.**

7 “(a) SUBMISSION OF PLANS.—Except in the case of
8 a covered grant under subsection (g), the Secretary shall
9 require that any State applying to the Secretary for a cov-
10 ered grant submit to the Secretary a 3-year State emer-
11 gency preparedness plan in accordance with this section.

12 “(b) PLAN REQUIREMENTS.—Each State plan under
13 this section shall—

14 “(1) describe the essential capabilities that
15 communities within the State should possess, or to
16 which they should have access, based upon the all-
17 hazards risk factors relevant to such communities, in
18 order to meet the Department’s goals for all-hazards
19 preparedness;

20 “(2) demonstrate the extent to which the State
21 has achieved the essential capabilities that apply to
22 the State;

23 “(3) demonstrate the needs of the State nec-
24 essary to achieve, maintain, or enhance the essential
25 capabilities that apply to the State;

1 “(4) include a prioritization of such needs based
2 on threat, vulnerability, and consequence assessment
3 factors applicable to the State;

4 “(5) describe how the State intends—

5 “(A) to address such needs at the city,
6 county, regional, tribal, State, and interstate
7 level, including a precise description of any re-
8 gional structure the State has established for
9 the purpose of organizing emergency activities
10 funded by covered grants;

11 “(B) to use all Federal, State, and local
12 resources available for the purpose of address-
13 ing such needs; and

14 “(C) to give particular emphasis to re-
15 gional planning and cooperation, including the
16 activities of multi-jurisdictional planning agen-
17 cies governed by local officials, both within its
18 jurisdictional borders and with neighboring
19 States;

20 “(6) with respect to the emergency prepared-
21 ness of emergency response providers, address the
22 unique aspects of terrorism as part of a comprehen-
23 sive State emergency management plan;

24 “(7) provides for coordination of response and
25 recovery efforts at the local level, including proce-

1 dures for effective incident command in conformance
2 with the National Incident Management System;

3 “(8) pursuant to State law, be in effect in all
4 political subdivisions of the State and be mandatory
5 on them, and be administered or supervised by a sin-
6 gle State agency;

7 “(9) provide that the State shall share the fi-
8 nancial assistance with that provided by the Federal
9 Government under this section from any source de-
10 termined by it to be consistent with State law;

11 “(10) be consistent with Federal emergency
12 preparedness and response plans;

13 “(11) set forth a comprehensive and detailed
14 State program for preparation for and assistance
15 following emergencies and major disasters, including
16 the provision of assistance to individuals, businesses,
17 and local governments;

18 “(12) provide for the development of State and
19 local emergency preparedness operational plans, pur-
20 suant to standards approved by the Secretary;

21 “(13) provide for the employment of a full-time
22 emergency preparedness director, or deputy director,
23 by the State;

1 “(14) provide for adoption of the Incident Com-
2 mand System in emergency response in conformance
3 with the National Incident Management System;

4 “(15) provide for the appointment and training
5 of appropriate staff, the formulation of necessary
6 regulations and procedures, and the conducting of
7 required exercises;

8 “(16) provide for adoption of a unified com-
9 mand structure when multiple agencies or jurisdic-
10 tions are involved in emergency response;

11 “(17) provide that the State shall make such
12 reports in such form and content as the Secretary
13 may require; and

14 “(18) make available to duly authorized rep-
15 resentatives of the Director of the Federal Emer-
16 gency Management Agency and the Comptroller
17 General, books, records, and papers necessary to
18 conduct audits for the purposes of this section.

19 “(c) CONSULTATION.—A State plan submitted under
20 subsection (a) shall be developed in consultation with and
21 subject to appropriate comment by local governments,
22 emergency response providers within the State, and a re-
23 gional representative from the Department.

24 “(d) APPROVAL BY SECRETARY.—The Secretary may
25 not award any covered grant to a State until the Secretary

1 has approved the applicable State emergency preparedness
2 plan.

3 “(e) REVISIONS.—A State may revise the applicable
4 State emergency preparedness plan approved by the Sec-
5 retary under this subsection, subject to approval of the
6 revision by the Secretary.

7 “(f) CONSISTENCY WITH STATE PLANS.—The Sec-
8 retary shall ensure that each covered grant is used to sup-
9 plement and support, in a consistent and coordinated
10 manner, any applicable State emergency preparedness
11 plan.

12 **“SEC. 1805. RISK-BASED EVALUATION AND**
13 **PRIORITIZATION.**

14 “(a) PRIORITIZATION OF GRANT APPLICATIONS.—

15 “(1) FACTORS TO BE CONSIDERED.—

16 “(A) EVALUATION AND PRIORITIZATION
17 REQUIRED.—The Secretary shall evaluate and
18 annually prioritize all pending applications for
19 covered grants based upon the degree to which
20 each application would, by achieving, maintain-
21 ing, or enhancing the essential capabilities of
22 the applicants on a nationwide basis, lessen the
23 threat to, vulnerability of, and consequences for
24 persons (including persons who are part of

1 transient commuting and tourist populations)
2 and critical infrastructure.

3 “(B) USE OF CURRENT RISK ASSESS-
4 MENT.—Such evaluation and prioritization shall
5 be based upon the most current risk assessment
6 of the threats of terrorism against the United
7 States available from the Directorate for Infor-
8 mation Analysis and Infrastructure Protection.

9 “(C) COORDINATION.—The Secretary shall
10 coordinate with State, local, regional, and tribal
11 officials in establishing criteria for evaluating
12 and prioritizing applications for covered grants.

13 “(2) CRITICAL INFRASTRUCTURE SECTORS.—In
14 evaluating and prioritizing grant applications under
15 this section, the Secretary shall consider natural and
16 manmade threats to each of the following critical in-
17 frastructure sectors in all areas of the United
18 States, urban and rural:

19 “(A) Agriculture and food.

20 “(B) Banking and finance.

21 “(C) Chemical industries.

22 “(D) The defense industrial base.

23 “(E) Emergency services.

24 “(F) Energy.

25 “(G) Government facilities.

1 “(H) Postal and shipping.

2 “(I) Public health and health care.

3 “(J) Information technology.

4 “(K) Telecommunications.

5 “(L) Transportation systems.

6 “(M) Water.

7 “(N) Dams.

8 “(O) Commercial facilities.

9 “(P) National monuments and icons.

10 “(3) CONSIDERATION OF ADDITIONAL FAC-
11 TORS.—The Secretary shall take into account any
12 other specific threat to a population (including a
13 transient commuting or tourist population) or crit-
14 ical infrastructure sector that the Secretary has de-
15 termined to exist. In evaluating the threat to a pop-
16 ulation or critical infrastructure sector, the Board
17 shall give greater weight to threats of terrorism
18 based upon their specificity and credibility, including
19 any pattern of repetition.

20 “(4) MINIMUM AMOUNTS.—After evaluating
21 and prioritizing State grant applications under para-
22 graph (1), the Secretary shall ensure that, for each
23 fiscal year—

24 “(A) except as provided in subparagraph

25 (B), each State, other than the Virgin Islands,

1 American Samoa, Guam, and the Northern
2 Mariana Islands, that has an approved State
3 emergency preparedness plan receives not less
4 than 0.25 percent of the total amount of funds
5 available for covered grants for that fiscal year
6 to be used to implement the homeland security
7 plan of that State in accordance with the
8 prioritization of needs under section
9 1804(a)(4);

10 “(B) each State, other than the Virgin Is-
11 lands, American Samoa, Guam, and the North-
12 ern Mariana Islands, that has an approved
13 State emergency preparedness plan and that
14 meets an additional high-risk qualifying cri-
15 terion under paragraph (6) receives not less
16 than 0.45 percent of the total amount of funds
17 available for covered grants for that fiscal year
18 to be used to implement the homeland security
19 plan of that State in accordance with the
20 prioritization of needs under section
21 1804(a)(4);

22 “(C) each of the Virgin Islands, American
23 Samoa, Guam, and the Northern Mariana Is-
24 lands receives not less than 0.08 percent of the
25 total amount of the funds available for covered

1 grants for that fiscal year to be used to imple-
2 ment an approved homeland security plan in ac-
3 cordance with the prioritization of needs under
4 section 1804(a)(4); and

5 “(D) directly eligible tribes collectively re-
6 ceive not less than 0.08 percent of the total
7 amount of funds available for covered grants
8 for that fiscal year to be used to address the
9 needs identified in the applications of such
10 tribes, consistent with the homeland security
11 plan of each State within the boundaries of
12 which any part of the tribal land of any such
13 tribe is located, except that this clause shall not
14 apply with respect to funds available for a fiscal
15 year if the Secretary receives less than 5 appli-
16 cations for such fiscal year from such tribes
17 under section 1803(c)(5) or does not approve at
18 least one such application.

19 “(5) ADDITIONAL HIGH-RISK QUALIFYING CRI-
20 TERIA.—For purposes of paragraph (5)(B), an addi-
21 tional high-risk qualifying criterion is either of the
22 following:

23 “(A) Having a significant international
24 land border.

1 essential capabilities for terrorism preparedness estab-
2 lished by the Secretary.

3 “(c) REIMBURSEMENT OF COSTS.—

4 “(1) STIPENDS FOR VOLUNTEER TRAINING.—A
5 covered grant may be used to provide a reasonable
6 stipend to paid-on-call or volunteer emergency re-
7 sponse providers who are not otherwise compensated
8 for travel to or participation in training covered by
9 this section. Any such reimbursement shall not be
10 considered compensation for purposes of rendering
11 such a emergency response provider an employee
12 under the Fair Labor Standards Act of 1938 (29
13 U.S.C. 201 et seq.).

14 “(2) PERFORMANCE OF FEDERAL DUTIES.—An
15 applicant for a covered grant may petition the Sec-
16 retary for the reimbursement of the cost of any ac-
17 tivity relating to prevention (including detection) of,
18 preparedness for, response to, or recovery from acts
19 of terrorism that is a Federal duty that is usually
20 performed by a Federal agency and that is being
21 performed by a State or local government under an
22 agreement with a Federal agency.

23 “(d) ASSISTANCE REQUIREMENT.—The Secretary
24 may not require that equipment paid for, wholly or in part,
25 with funds provided through a covered grant be made

1 available by the grant recipient to another State, region,
2 or locality for the purpose of responding to an emergency
3 in that State, region, or locality, unless the Secretary pays
4 the costs directly attributable to transporting and oper-
5 ating such equipment during such response.

6 “(e) FLEXIBILITY IN UNSPENT HOMELAND SECU-
7 RITY GRANT FUNDS.—Upon request by the recipient of
8 a covered grant, the Secretary may authorize that recipi-
9 ent to use grant funds for purposes authorized under this
10 section that are not specified in the recipient’s grant
11 agreement, if the Secretary determines that the use of
12 grant funds for such purposes is in the interest of home-
13 land security.

14 “(f) STATE, REGIONAL, AND TRIBAL RESPONSIBIL-
15 ITIES.—

16 “(1) AVAILABILITY OF FUNDS AND RE-
17 SOURCES.—By not later than the end of the 45-day
18 period beginning on the date a recipient of a covered
19 grant that is a State receives covered grant funds,
20 the Secretary shall require such recipient to obligate
21 or otherwise make available to local governments,
22 emergency response providers, and other local
23 groups, to the extent required under the State emer-
24 gency preparedness plan or plans specified in the ap-
25 plication for the grant—

1 “(A) not less than 80 percent of the
2 amount of the grant; and

3 “(B) resources purchased with the grant
4 funds having a value equal to at least 80 per-
5 cent of the amount of the grant.

6 “(2) COST SHARING.—

7 “(A) COST SHARING REQUIREMENT.—The
8 Federal share of the costs of any activity car-
9 ried out using a covered grant made to a State,
10 region, or directly eligible tribe that is awarded
11 after the date that is two years after the date
12 of the enactment of this section shall not exceed
13 75 percent.

14 “(B) TRANSITION RULE.—The Federal
15 share of the costs of an activity carried out with
16 a covered grant awarded during the period be-
17 ginning on the date of the enactment of this
18 section and ending on the date that is two years
19 after the date of the enactment of this section
20 shall be 100 percent.

21 “(C) IN-KIND MATCHING.—Each recipient
22 of a covered grant may meet the cost sharing
23 requirement under subparagraph (A) by making
24 in-kind contributions of goods or services that
25 are directly linked with the purpose for which

1 the grant is made, including any necessary per-
2 sonnel overtime, contractor services, administra-
3 tive costs, equipment fuel and maintenance, and
4 rental space.

5 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
6 Any State that receives a covered grant shall certify
7 to the Secretary, by not later than 30 days after the
8 expiration of the period described in paragraph (1)
9 with respect to the grant, that the State has made
10 available for expenditure by local governments,
11 emergency response providers, and other local
12 groups the required amount of grant funds pursuant
13 to paragraph (1).
14

15 “(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in
16 paragraph (2)(a) may be increased by up to 2 per-
17 cent for any State, region, or directly eligible tribe
18 that, not later than 30 days after the end of each
19 fiscal quarter, submits to the Secretary a report on
20 the expenditures of the recipient using covered grant
21 funds during that fiscal quarter. Each such report
22 must include, for each recipient of a covered grant
23 and each local government, emergency response pro-
24

1 vider, or other local group to which covered grant
2 funds are made available under paragraph (1)—

3 “(A) the amount obligated to that recipient
4 in that quarter;

5 “(B) the amount expended by that recipi-
6 ent in that quarter; and

7 “(C) a summary description of the items
8 purchased by the recipient, local government,
9 emergency response provider, or other local
10 group using such amount.

11 “(5) ANNUAL REPORTS ON HOMELAND SECUR-
12 RITY SPENDING.—

13 “(A) IN GENERAL.—The Secretary shall
14 require each recipient of a covered grant to sub-
15 mit an annual report to the Secretary not later
16 than 60 days after the end of each fiscal year.

17 “(B) REGIONS.—The Secretary shall re-
18 quire each such recipient that is a region to
19 submit the annual report required under sub-
20 paragraph (A) to each State of which any part
21 is included in the region at the same time that
22 the recipient submits such report to the Sec-
23 retary under such subparagraph.

24 “(C) DIRECTLY ELIGIBLE TRIBES.—The
25 Secretary shall require each recipient of a cov-

1 ered grant that is a directly eligible tribe to
2 submit the annual report required under sub-
3 paragraph (A) to each State within the bound-
4 aries of which any part of such tribe tribal land
5 is located at the same time that the recipient
6 submits such report to the Secretary under
7 such subparagraph.

8 “(D) CONTENTS OF REPORTS.—Each re-
9 port submitted under this paragraph shall in-
10 clude each of the following:

11 “(i) The amount, ultimate recipients,
12 and dates of receipt of all grant funds dur-
13 ing the preceding fiscal year.

14 “(ii) The amount and the dates of dis-
15 bursements of all such funds expended in
16 compliance with paragraph (1) or pursuant
17 to mutual aid agreements or other sharing
18 arrangements that apply within the State,
19 region, or directly eligible tribe, as applica-
20 ble, during the preceding fiscal year.

21 “(iii) How the funds were utilized by
22 each ultimate recipient or beneficiary dur-
23 ing the preceding fiscal year.

24 “(iv) The extent to which essential ca-
25 pabilities identified in the applicable State

1 emergency preparedness plan or plans were
2 achieved, maintained, or enhanced as the
3 result of the expenditure of grant funds
4 during the preceding fiscal year.

5 “(v) The extent to which essential ca-
6 pabilities identified in the applicable State
7 emergency preparedness plan or plans re-
8 main unmet.

9 “(6) INCLUSION OF RESTRICTED ANNEXES.—A
10 recipient of a covered grant may submit to the Sec-
11 retary an annex to the annual report under para-
12 graph (5) that is subject to appropriate handling re-
13 strictions, if the recipient believes that discussion in
14 the report of unmet needs would reveal sensitive but
15 unclassified information.

16 “(7) PROVISION OF REPORTS TO APPROPRIATE
17 DEPARTMENT OFFICIALS.—The Secretary shall en-
18 sure that each annual report under paragraph (5) is
19 provided to the Under Secretary for Emergency Pre-
20 paredness and Response and the Director of the Of-
21 fice for Domestic Preparedness.

22 “(g) INCENTIVES FOR EFFICIENT ADMINISTRATION
23 OF HOMELAND SECURITY GRANTS.—

24 “(1) PENALTIES FOR DELAY IN PASSING
25 THROUGH LOCAL SHARE.—If a recipient of a cov-

1 ered grant that is a State fails to distribute funds
2 to local governments, emergency response providers,
3 and other local groups, as required under subsection
4 (f)(1), during the period specified under that sub-
5 section, the Secretary may—

6 “(A) reduce the amount of the grant by
7 the amount required to be distributed under
8 subsection (f)(1);

9 “(B) terminate the award of grant funds
10 to the recipient and transfer the amount re-
11 quired to be distributed under subsection (f)(1)
12 directly to the local emergency response pro-
13 viders local governments, and other local groups
14 that were intended to receive funding under
15 that grant; or

16 “(C) impose additional restrictions or bur-
17 dens on the recipient’s use of funds under the
18 grant, which may include—

19 “(i) prohibiting use of such funds to
20 pay the grant recipient’s grant-related
21 overtime or other expenses;

22 “(ii) requiring the grant recipient to
23 distribute to local government beneficiaries
24 all or a portion of grant funds that are not

1 required to be distributed under subsection
2 (f)(1); or

3 “(iii) for each day that the grant re-
4 cipient fails to distribute funds or re-
5 sources in accordance with subsection
6 (f)(1), reducing grant payments to the
7 grant recipient from the portion of grant
8 funds that is not required to be distributed
9 under that subsection, except that the total
10 amount of such reduction may not exceed
11 20 percent of the total amount of the
12 grant.

13 “(2) EXTENSION OF PERIOD.—The Governor of
14 a State may request in writing that the Secretary
15 extend the 45-day period under section
16 1803(e)(4)(C)(ii) or subsection (f)(1) for an addi-
17 tional 15-day period. The Secretary may approve
18 such a request, and may extend such period for one
19 or more additional 15-day periods, if the Secretary
20 determines that the resulting delay will not have a
21 significant detrimental impact on terrorism pre-
22 paredness efforts.

23 “(3) PROVISION OF NONLOCAL SHARE TO
24 LOCAL GOVERNMENT.—

1 “(A) IN GENERAL.—The Secretary may
2 pay to a local government, emergency response
3 provider, or other local group for which funds
4 are required to be obligated or made available
5 under subsection (f)(1), at the request of such
6 government, provider, or group, a portion of the
7 amount of a covered grant awarded to a State
8 that is required to obligate or make available
9 such funds, if—

10 “(i) the local government, emergency
11 response provider, or other local group cer-
12 tifies to the Secretary that it will use the
13 amount paid to expedite planned enhance-
14 ments to the emergency preparedness of
15 the government, provider, or group, as de-
16 scribed in any applicable State emergency
17 preparedness plan or plans;

18 “(ii) the State has failed to distribute
19 funds or resources in accordance with sub-
20 section (f)(1); and

21 “(iii) the local government, emergency
22 response provider, or other local group
23 complies with subparagraphs (B) and (C).

24 “(B) SHOWING REQUIRED.—Before dis-
25 tributing funds to a local government, emer-

1 gency response provider, or other local group
2 under this paragraph, the Secretary shall re-
3 quire the local government, provider, or group
4 to demonstrate that—

5 “(i) the local government, emergency
6 response provider, or other local group is
7 identified explicitly as an ultimate recipient
8 or intended beneficiary in the approved
9 grant application of the State that has
10 failed to distribute funds to such local gov-
11 ernment, provider, or group;

12 “(ii) that State included as part of the
13 application for the grant submitted by the
14 State a statement that the local govern-
15 ment, emergency response provider, or
16 other local group was intended to receive a
17 severable portion of the overall grant for a
18 specific purpose that is identified in the
19 grant application;

20 “(iii) the local government, emergency
21 response provider, or other local group pe-
22 titioned that State for the funds or re-
23 sources after the expiration of the period
24 during which the funds or resources were
25 required to be distributed to the local gov-

1 ernment, provider, or group under sub-
2 section (f)(1); and

3 “(iv) the local government, emergency
4 response provider, or other local group did
5 not receive the portion of the grant made
6 to that State that was designated in the
7 State grant application as being for the
8 use or benefit of that local government,
9 emergency response provider, or other local
10 group.

11 “(C) EFFECT OF PAYMENT.—Payment of
12 grant funds to a local government, emergency
13 response provider, or other local group under
14 this paragraph—

15 “(i) shall not affect any payment to
16 another local government, emergency re-
17 sponse provider, or other local group under
18 this paragraph; and

19 “(ii) shall not prejudice consideration
20 of a request for payment under this para-
21 graph that is submitted by another local
22 government, emergency response provider,
23 or other local group.

24 “(D) DEADLINE FOR ACTION BY SEC-
25 RETARY.—The Secretary shall approve or dis-

1 approve each request for payment under this
2 paragraph by not later than 15 days after the
3 date the request is received by the Department.

4 “(h) REPORTS TO CONGRESS.—Not later than Janu-
5 ary 31 of each year, the Secretary shall submit to Con-
6 gress a report on homeland security grants during the pre-
7 ceding fiscal year. Each such report shall contain, with
8 respect to such fiscal year—

9 “(1) a detailed description of the amount of
10 Federal funds provided as covered grants that were
11 awarded to each State, region, and directly eligible
12 tribe;

13 “(2) information on the use of such grant funds
14 by grantees; and

15 “(3) a description of the national progress
16 made in achieving, maintaining, and enhancing the
17 essential capabilities established by the Secretary as
18 a result of the expenditure of covered grant funds;
19 and

20 “(4) an estimate of the amount of funds re-
21 quired to fulfill such capabilities nationwide.

22 **“SEC. 1807. EMERGENCY MANAGEMENT PERFORMANCE**
23 **GRANTS PROGRAM.**

24 “(a) ESTABLISHMENT.—The Secretary shall estab-
25 lish the Emergency Management Performance Grants

1 Program. Under the program, the Secretary shall make
2 grants to States for emergency management performance
3 in accordance with this section.

4 “(b) USE OF FUNDS.—A recipient of a grant under
5 this section shall use the grant for emergency prepared-
6 ness, planning, training and administration through fund-
7 ing costs of—

8 “(1) training sessions to ensure accurate com-
9 pletion of the needs assessment;

10 “(2) hiring of full or part-time staff, contrac-
11 tors, or consultants to assist with the collection of
12 the needs assessment data and updating of the State
13 strategic plan;

14 “(3) travel expenses;

15 “(4) meeting-related expenses;

16 “(5) implementing and managing programs for
17 equipment acquisition, training and exercises;

18 “(6) conducting local or regional strategy imple-
19 mentation meetings;

20 “(7) hiring of full or part-time staff, contrac-
21 tors, or consultants to assist with the implementa-
22 tion and administration of a State homeland security
23 strategic plan; or

24 “(8) the acquisition of authorized office equip-
25 ment.

1 “(c) TECHNICAL ASSISTANCE FOR DEVELOPMENT
2 OF PLANS AND PROGRAMS.—

3 “(1) PROVISION OF TECHNICAL ASSISTANCE.—

4 The Secretary, acting through a regional representa-
5 tive of the Department, shall provide technical as-
6 sistance—

7 “(A) to States for the purpose of devel-
8 oping comprehensive plans and practicable pro-
9 grams for preparation against all-hazards disas-
10 ters, including hazard reduction, avoidance, and
11 mitigation;

12 “(B) to individuals, businesses, and State,
13 tribal, and local governments to which a State
14 has provided grant funds in accordance with
15 section 1805 for preparation and response fol-
16 lowing such disasters; and

17 “(C) to such State and local governments
18 to plan for recovery of damaged or destroyed
19 public and private facilities.

20 “(2) ADVISORY GROUP.—Each regional rep-
21 resentative of the Department shall bring together a
22 group of high level officials, representing multiple
23 disciplines from the State, regional, and local levels
24 to—

1 “(A) establish expectations and priorities
2 for exercise activities;

3 “(B) discuss how the State will implement
4 its emergency preparedness plan; and

5 “(C) define how corrective actions flowing
6 from exercises will be addressed and tracked.

7 “(d) GRANTS PROGRAM FOR DEVELOPMENT OF
8 EMERGENCY PREPAREDNESS PLANS AND PROGRAMS.—

9 “(1) AUTHORITY.—Upon application by a State
10 (including, for purposes of this subsection, an au-
11 thority created by an interstate compact), the Sec-
12 retary may make a grant to the State to be used for
13 the development of a State emergency preparedness
14 plan, program, or capability for disaster prepared-
15 ness and prevention under section 1804.

16 “(2) AMOUNT OF GRANT.—A grant under this
17 subsection for a fiscal year shall be in an amount
18 not less than 0.25 percent of the total amount of all
19 grants awarded under the Emergency Management
20 Performance Grants Program for that fiscal year.

21 “(3) ELIGIBILITY.—To be eligible for a grant
22 under this section, a State shall certify to the Sec-
23 retary that the State has designated or created an
24 agency to plan and administer a State emergency
25 preparedness plan.

1 “(4) AWARD OF GRANTS.—The Secretary may
2 make a grant to a State for necessary and essential
3 State and local emergency management personnel
4 and administrative expenses associated with the de-
5 velopment of the State emergency preparedness
6 plan.

7 “(e) GRANTS FOR IMPROVEMENT, MAINTENANCE,
8 AND UPDATING OF STATE PLANS.—The Secretary may
9 make grants to States for improving, maintaining, and up-
10 dating State emergency preparedness plans under section
11 1804. In addition to the allowable uses of funds under
12 subsection (b), a State may use such a grant for the pur-
13 pose of evaluating natural hazards and developing the pro-
14 grams and actions required to mitigate such hazards.

15 “(f) UTILIZATION OF SERVICES OF OTHER AGEN-
16 CIES.—In carrying out the program under this section, the
17 Secretary shall utilize the services of all appropriate Fed-
18 eral agencies, including the following services:

19 “(1) The preparation of disaster preparedness
20 plans for mitigation, warning, emergency operations,
21 evacuation, temporary housing, medical treatment
22 and quarantine, rehabilitation, and recovery.

23 “(2) Training and exercises.

24 “(3) Post-disaster critiques and evaluations.

25 “(4) The annual review of programs.

1 “(5) The coordination of Federal, State, and
2 local preparedness programs.

3 “(6) The application of science and technology.

4 “(7) Research.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to carry out this section—

7 “(1) \$700,000,000 for each fiscal years 2007
8 through 2009; and

9 “(2) such sums as may be necessary for each
10 subsequent fiscal year.

11 “(h) PRIORITIZATION OF GRANTS.—In addition to
12 the requirements under 1805(a), in prioritizing grants to
13 States under this section, the Secretary shall take into
14 consideration—

15 “(1) the criticality of the areas in each State
16 that may be affected by all-hazards disasters with
17 respect to the development of the total emergency
18 preparedness readiness of the Nation;

19 “(2) the relative state of development of emer-
20 gency preparedness readiness of each State;

21 “(3) the population of each State; and

22 “(4) such other factors as the Secretary shall
23 prescribe.

24 “(i) REALLOCATION.—If the recipient of a grant
25 under this Section does not expend the full amount of the

1 grant before the last day of the fiscal year for which the
2 grant is made, and such recipient does not apply to the
3 Secretary for an extension under section 1806(g)(2) or
4 otherwise receive permission from the Secretary to retain
5 the grant funds after the last day of that fiscal year, such
6 recipient shall reimburse the Secretary for the amount of
7 the unused grant funds.

8 “(j) RESTRICTION ON USE OF FUNDS.—Except as
9 provided in section 1806(e), grant funds awarded under
10 this section may only be expended for a purpose described
11 in this section.

12 “(k) SUBMISSION OF PLAN.—If a State fails to sub-
13 mit a plan under section 1804 within 90 days of the avail-
14 ability of funds, the Secretary may reallocate the grant
15 funds allocated to that State, or any portion of such funds,
16 among the other States that received grants for that fiscal
17 year in such amounts as the Secretary determines best
18 assure the adequate development of the emergency pre-
19 paredness capability of the Nation.

20 **“SEC. 1808. STATE HOMELAND SECURITY GRANT PROGRAM.**

21 “(a) ESTABLISHMENT.—The Secretary shall estab-
22 lish the State Homeland Security Grant Program to make
23 grants to States to fund State homeland security material
24 expenses related to all-hazards disaster response and re-

1 covery efforts as described in Federally approved State
2 emergency preparedness plans under section 1804.

3 “(b) STATE ALLOCATION OF FUNDS.—A State that
4 receives a grant under this section, shall allocate grant
5 funds in accordance with the approved emergency pre-
6 paredness plan of that State and obligate such funds to
7 municipalities local governments, emergency response pro-
8 viders, and other local groups in accordance with this sec-
9 tion and section 1805 not later than 45 days after the
10 date on which the State receives the grant.

11 “(c) USE OF EQUIPMENT ACQUISITION FUNDS.—A
12 recipient of a grant under the State Homeland Security
13 Grant Program shall use the grant to enhance the capa-
14 bilities of State and local emergency response providers
15 through the acquisition of—

16 “(1) personal protective equipment;

17 “(2) explosive device mitigation and remedi-
18 ation equipment;

19 “(3) chemical, biological, radiological, nuclear
20 and explosive search and rescue equipment, incident
21 response vehicles, logistical support, and reference
22 materials;

23 “(4) interoperable communications equipment;

24 “(5) detection equipment;

25 “(6) decontamination equipment;

1 “(7) physical security enhancement equipment;

2 “(8) terrorism incident prevention equipment;

3 “(9) medical supplies and limited types of phar-
4 maceuticals; or

5 “(10) other equipment as determined by the
6 Secretary.

7 “(d) ALLOCATION OF FUNDS.—For each fiscal year,
8 the Secretary shall make a grant under this section to
9 each State that submits an application in an amount equal
10 to not less than 0.025 percent of the total amount award-
11 ed under the State Homeland Security Grant Program for
12 that fiscal year.

13 “(e) PRIORITIZATION OF GRANTS.—In prioritizing
14 grants to States under this section, the Secretary shall
15 consider—

16 “(1) the criticality of the areas in each State
17 that may be affected by all-hazards disasters;

18 “(2) the risk, vulnerability, threat, and unmet
19 capabilities of each State (as determined by the Sec-
20 retary); and

21 “(3) such other factors as the Secretary shall
22 prescribe.

23 “(f) RESTRICTION ON USE OF FUNDS.—Except as
24 provided in section 1806(e), an amount awarded or allo-

1 cated to a State under this section may only be expended
2 for a purpose described in this section.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section—

5 “(1) \$633,000,000 for each fiscal years 2007
6 through 2009; and

7 “(2) such sums as may be necessary for each
8 subsequent fiscal year.

9 **“SEC. 1809. METROPOLITAN MEDICAL RESPONSE SYSTEM**
10 **(MMRS) GRANT PROGRAM.**

11 “(a) The Secretary is authorized to establish a grant
12 program to assist highly populated jurisdictions (as deter-
13 mined by the Secretary) to achieve enhanced capabilities
14 necessary to meet medical logistical challenges posed by
15 mass casualty event, including, but not limited to emer-
16 gency medical quarantine and evacuation.

17 “(b) Metropolitan Medical Response System grants
18 are authorized to assist highly populated areas (as deter-
19 mined by the Secretary) in funding the cost of—

20 “(1) developing medical response plans, which
21 include input from medical volunteers, public and
22 private health care professionals, first responders,
23 emergency managers, and are consistent with feder-
24 ally-approved State emergency preparedness plans
25 under section 1806;

1 “(2) conduct training and exercises;

2 “(3) acquire pharmaceuticals; and

3 “(4) personal protective equipment.

4 “(c) MMRS teams shall obtain pharmaceuticals suffi-
5 cient to provide care for at least 1,000 victims of a chem-
6 ical incident and for 10,000 victims for the first 48 hours
7 of response to a biological event.

8 “(d) MMRS teams shall create local hospital and
9 healthcare system plans that ensure surge capacity to ac-
10 commodate 500 critically ill patients.

11 “(e) There is authorized to be appropriated for this
12 section—

13 “(1) \$60,000,000 for each fiscal years 2007
14 through 2009; and

15 “(2) such sums as may be necessary for each
16 subsequent fiscal year.

17 “(f) Upon application by local government entities,
18 the Secretary is authorized to make grants, not to be less
19 than \$250,000 in the aggregate to such jurisdiction (or
20 0.8% of the program total).

21 “(g) Regulations governing allocations to Jurisdic-
22 tions shall give due regard to—

23 “(1) the criticality of the target and support
24 areas and the areas which may be affected by all-
25 hazards disasters;

1 section shall use the grant to enhance emergency response
2 provider capabilities in that urban area security initiative
3 jurisdiction through funding the acquisition of—

4 “(1) personal protective equipment;

5 “(2) explosive device mitigation and remedi-
6 ation equipment;

7 “(3) chemical, biological, radiological, nuclear
8 and explosive search and rescue equipment, incident
9 response vehicles, logistical support, and reference
10 materials;

11 “(4) interoperable communications equipment;

12 “(5) detection equipment;

13 “(6) decontamination equipment;

14 “(7) physical security enhancement equipment;

15 “(8) terrorism incident prevention equipment;

16 “(9) medical supplies and limited types of phar-
17 maceuticals; or

18 “(10) other equipment as determined by the
19 Secretary.

20 “(d) ALLOCATION OF FUNDS.—For each fiscal year,
21 the Secretary shall make a grant to each eligible urban
22 area security initiative jurisdiction in an amount equal to
23 not less than the greater of—

24 “(1) \$209,500; or

1 “(2) 0.025 percent of the total amount of all
2 grants made under the program for that fiscal year.

3 “(e) PRIORITIZATION OF GRANTS.—In prioritizing
4 grants awarded under this section, the Secretary shall con-
5 sider—

6 “(1) the criticality of the areas in each eligible
7 urban area security initiative jurisdiction that may
8 be affected by an all-hazard disaster;

9 “(2) the risk, vulnerability, threat, and unmet
10 capabilities of each eligible urban area security ini-
11 tiative jurisdiction (as determined by the Secretary);
12 and

13 “(3) such other factors as the Secretary shall
14 prescribe.

15 “(f) RESTRICTION ON USE OF FUNDS.—Except as
16 provided in section 1806(e), the recipient of a grant under
17 this section shall use the grant solely for a purpose de-
18 scribed in this section.

19 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section—

21 “(1) \$838,000,000 for each fiscal years 2007
22 through 2009; and

23 “(2) such sums as may be necessary for each
24 subsequent fiscal year.

1 **“SEC. 1811. OVERSIGHT.**

2 “The Secretary shall establish in the Office for Do-
 3 mestic Preparedness an Office of the Comptroller to over-
 4 see the grants distribution process and the financial man-
 5 agement of the Office for Domestic Preparedness.”.

6 **SEC. 4. CLERICAL AMENDMENT.**

7 The table of contents in section 1(b) of such Act is
 8 amended by adding at the end the following:

“TITLE XVIII—FUNDING EMERGENCY PLANNING AND RESPONSE

“Sec. 1801. Definitions.

“Sec. 1802. Preparedness first.

“Sec. 1803. Covered grant eligibility and criteria.

“Sec. 1804. State emergency preparedness plans.

“Sec. 1805. Risk-based evaluation and prioritization.

“Sec. 1806. Prohibited uses of covered grant funds and accountability require-
 ments.

“Sec. 1807. Emergency Management Performance Grants Program.

“Sec. 1808. State Homeland Security Grant Program.

“Sec. 1809. Metropolitan Medical Response System (MMRS) Grant Program.

“Sec. 1810. Urban Area Security Initiative Grant Program.

“Sec. 1811. Oversight.”.

9 **SEC. 5. REPEAL OF SUPERSEDED PROVISION.**

10 Section 1014 of the USA PATRIOT ACT (Public
 11 Law 107–56) is repealed.

○