To improve the allocation of grants through the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2005

Mrs. Feinstein (for herself, Mr. Cornyn, Mr. Lautenberg, Mrs. Hutchison, Mrs. Boxer, Mr. Corzine, Mr. Schumer, Mrs. Clinton, Mr. Nelson of Florida, and Mr. Kennedy) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve the allocation of grants through the Department of Homeland Security, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Funding Our Risks With Appropriate Resource Disbursement Act of 2005” or the “Homeland Security FORWARD Funding Act of 2005”.

(b) Table of Contents.—The table of contents for this Act is as follows:
SEC. 2. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

“TITLE XVIII—RISK-BASED FUNDING FOR HOMELAND SECURITY

“SEC. 1801. RISK-BASED FUNDING FOR HOMELAND SECURITY.

“(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

“(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:
“(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

“(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

“(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

“(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

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

“(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.


“(d) Effect on Covered Grants.—Nothing in this Act shall be construed to require the elimination of a covered grant program.”.

(b) Covered Grant Eligibility and Criteria.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

“SEC. 1802. COVERED GRANT ELIGIBILITY AND CRITERIA.

“(a) Grant Eligibility.—

“(1) In general.—

“(A) General eligibility.—Except as provided in subparagraphs (B) and (C), any
State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

“(B) Urban Area Security Initiative.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

“(C) State Homeland Security Grant Program.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

“(2) Other Grant Applicants.—

“(A) In General.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 1801(a).

“(B) Consideration.—Such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

“(3) Certification of Regions.—
“(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

“(i) the geographic area meets the criteria under section 1807(10)(B) and (C);

and

“(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

“(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding subparagraphs (B) and (C) of section 1807(10), a geographic area that, on or before the date of enactment of the Homeland Security FORWARD Funding Act of 2005, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.
“(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 1803.

“(c) STATE HOMELAND SECURITY PLANS.—

“(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

“(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

“(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

“(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

“(D) describes how the State intends—

“(i) to address such needs at the city, county, regional, tribal, State, and inter-state level, including a precise description of any regional structure the State has established for the purpose of organizing
homeland security preparedness activities funded by covered grants;

“(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

“(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

“(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

“(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

“(2) Approval by Secretary.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

“(d) Consistency With State Plans.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated
manner, the applicable State homeland security plan or
plans.

“(e) Application for Grant.—

“(1) In general.—Except as otherwise pro-
vided in this subsection, any State, region, directly
eligible tribe, or operator of an airport, port, or simi-
lar facility may apply for a covered grant by submit-
ting to the Secretary an application at such time, in
such manner, and containing such information as is
required under this subsection, or as the Secretary
may reasonably require.

“(2) Deadlines for Applications and
awards.—All applications for covered grants shall
be submitted at such time as the Secretary may rea-
sonably require for the fiscal year for which they are
submitted. The Secretary shall award covered grants
pursuant to all approved applications for such fiscal
year as soon as practicable, but not later than
March 1 of such year.

“(3) Availability of funds.—All funds
awarded by the Secretary under covered grants in a
fiscal year shall be available for obligation through
the end of the subsequent fiscal year.
“(4) Minimum contents of application.—

The Secretary shall require that each applicant include in its application, at a minimum—

“(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

“(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

“(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

“(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;
“(E) if the applicant is a region—

“(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

“(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

“(iii) a designation of a specific individual to serve as regional liaison; and

“(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

“(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

“(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

“(5) Regional applications.—
“(A) Relationship to state applications.—A regional application—

“(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

“(ii) shall supplement and avoid duplication with such State application; and

“(iii) shall address the unique regional aspects of such region’s terrorism preparedness needs beyond those provided for in the application of such State or States.

“(B) Opportunity for state review and comment.—

“(i) In general.—To ensure coordination with an application submitted by a State or States, an applicant that is a region shall submit its application to each State within the boundaries of which any part of such region is located for review. Before awarding any covered grant to a region, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such region is located to comment to the Secretary on the consistency of the region’s application with the
State’s homeland security plan. Any such
comments and the underlying regional ap-
plication shall be submitted to the Sec-
retary concurrently with the submission of
the State and regional applications.

“(ii) Final authority.—The Sec-
retary shall have final authority to deter-
mine the consistency of any application of
a region with the applicable State home-
land security plan or plans, and to approve
any application of such region. The Sec-
retary shall notify each State within the
boundaries of which any part of such re-
gion is located of the approval of an appli-
cation by such region.

“(C) Distribution of regional
awards.—If the Secretary approves a regional
application, then the Secretary shall distribute
a regional award to the State or States submit-
ting the applicable regional application under
subparagraph (B), and each such State shall,
not later than the end of the 45-day period be-
ginning on the date after receiving a regional
award, pass through to the region all covered
grant funds or resources purchased with such
funds, except those funds necessary for the
State to carry out its responsibilities with re-
spect to such regional application; Provided
That, in no such case shall the State or States
pass through to the region less than 80 percent
of the regional award.

“(D) Certifications regarding dis-
tribution of grant funds to regions.—
Any State that receives a regional award under
subparagraph (C) shall certify to the Secretary,
by not later than 30 days after the expiration
of the period described in subparagraph (C)
with respect to the grant, that the State has
made available to the region the required funds
and resources in accordance with subparagraph
(C).

“(E) Direct payments to regions.—If
any State fails to pass through a regional
award to a region as required by subparagraph
(C) within 45 days after receiving such award
and does not request or receive an extension of
such period under section 1806(h)(2), the re-
gion may petition the Secretary to receive di-
rectly the portion of the regional award that is
required to be passed through to such region under subparagraph (C).

“(F) REGIONAL LIASIONS.—A regional liason designated under paragraph (4)(E)(iii) shall—

“(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region’s access to covered grants; and

“(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

“(6) TRIBAL APPLICATIONS.—

“(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which
any part of such tribe is located for direct submission to the Department along with the application of such State or States.

“(B) Opportunity for State comment.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe’s application with the State’s homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

“(C) Final authority.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

“(D) Tribal liaison.—A tribal liaison designated under paragraph (4)(G) shall—
“(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe’s access to covered grants; and

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

“(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

“(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

“(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase,
with assistance provided under the grant, new equip-
ment or systems that do not meet or exceed any ap-
plicable national voluntary consensus standards es-
tablished by the Secretary under section 1805(a),
the applicant shall include in the application an ex-
planation of why such equipment or systems will
serve the needs of the applicant better than equip-
ment or systems that meet or exceed such standards.

“(f) Homeland Security Grants Board.—

“(1) Establishment of Board.—The Sec-
retary shall establish a Homeland Security Grants
Board, consisting of—

“(A) the Secretary;

“(B) the Deputy Secretary of Homeland
Security;

“(C) the Under Secretary for Emergency
Preparedness and Response;

“(D) the Under Secretary for Border and
Transportation Security;

“(E) the Under Secretary for Information
Analysis and Infrastructure Protection;

“(F) the Under Secretary for Science and
Technology; and

“(G) the Director of the Office of State
and Local Government Coordination.
“(2) Chairman.—

“(A) In general.—The Secretary shall be the Chairman of the Board.

“(B) Exercise of authorities by deputy secretary.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

“(3) Risk-based ranking of grant applications.—

“(A) Prioritization of grants.—The Board—

“(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

“(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism
based on their specificity and credibility, including any pattern of repetition.

“(B) MINIMUM AMOUNTS.—

“(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 1801(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

“(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 1801(b)(1), for that fiscal year for pur-
poses of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

“(4) Functions of Under Secretaries.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.”.

SEC. 3. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by section 2, is amended by adding at the end the following:

“SEC. 1803. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

“(a) Establishment of Essential Capabilities.—

“(1) In general.—For purposes of covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

“(A) the Task Force on Essential Capabilities established under section 1804;
“(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

“(C) the Secretary of Health and Human Services;

“(D) other appropriate Federal agencies;

“(E) State and local first responder agencies and officials; and

“(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

“(2) DEADLINES.—The Secretary shall—

“(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 1804(b); and

“(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

“(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the
States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

“(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

“(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department’s goals for terrorism preparedness based upon—

“(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

“(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and
“(C) the principles of regional coordination and mutual aid among State and local governments.

“(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

“(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

“(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

“(c) FACTORS TO BE CONSIDERED.—

“(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation’s population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most
current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—

The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

“(A) Agriculture.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Food.

“(H) Government.

“(I) Postal and shipping.

“(J) Public health.

“(K) Information and telecommunications networks.

“(L) Transportation.

“(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed
as an order of priority for consideration of the importance of such sectors.

“(3) Types of threat.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

“(A) Biological threats.
“(B) Nuclear threats.
“(C) Radiological threats.
“(D) Incendiary threats.
“(E) Chemical threats.
“(F) Explosives.
“(G) Suicide bombers.
“(H) Cyber threats.
“(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) Consideration of additional factors.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into ac-
count any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

“SEC. 1804. TASK FORCE ON ESSENTIAL CAPABILITIES.

“(a) Establishment.—To assist the Secretary in establishing essential capabilities under section 1803(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

“(b) Report.—

“(1) In general.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

“(2) Contents.—The report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;
“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

“(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

“(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the
extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

“(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—
“(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

“(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

“(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

“(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political
parties, an equal number of elected officials
shall be selected from each such party.

“(2) Coordination with the Department
of Health and Human Services.—In the selec-
tion of members of the Task Force who are health
professionals, including emergency medical profes-
sionals, the Secretary shall coordinate the selection
with the Secretary of Health and Human Services.

“(3) Ex Officio Members.—The Secretary
and the Secretary of Health and Human Services
shall each designate 1 or more officers of their re-
spective Departments to serve as ex officio members
of the Task Force. One of the ex officio members
from the Department of Homeland Security shall be
the designated officer of the Federal Government for
purposes of subsection (e) of section 10 of the Fed-

“(d) Applicability of Federal Advisory Com-
mittee Act.—Notwithstanding section 871(a), the Fed-
eral Advisory Committee Act (5 U.S.C. App.), including
subsections (a), (b), and (d) of section 10 of such Act,
and section 552b(e) of title 5, United States Code, shall
apply to the Task Force.
SEC. 1805. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

“(a) Equipment Standards.—

“(1) In general.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1802(e)(7). Such standards—

“(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

“(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

“(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and
“(D) shall cover all appropriate uses of the equipment.

“(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

“(A) Thermal imaging equipment.

“(B) Radiation detection and analysis equipment.

“(C) Biological detection and analysis equipment.

“(D) Chemical detection and analysis equipment.

“(E) Decontamination and sterilization equipment.

“(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

“(G) Respiratory protection equipment.

“(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

“(I) Explosive mitigation devices and explosive detection and analysis equipment.

“(J) Containment vessels.
“(K) Contaminant-resistant vehicles.

“(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

“(b) TRAINING STANDARDS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

“(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and
“(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

“(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

“(A) Regional planning.

“(B) Joint exercises.

“(C) Intelligence collection, analysis, and sharing.

“(D) Emergency notification of affected populations.

“(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

“(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

“(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.
“(c) Consultation With Standards Organizations.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

“(1) the National Institute of Standards and Technology;

“(2) the National Fire Protection Association;

“(3) the National Association of County and City Health Officials;

“(4) the Association of State and Territorial Health Officials;

“(5) the American National Standards Institute;

“(6) the National Institute of Justice;

“(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

“(8) the National Public Health Performance Standards Program;

“(9) the National Institute for Occupational Safety and Health;

“(10) ASTM International;

“(11) the International Safety Equipment Association;
“(12) the Emergency Management Accreditation Program;

“(13) the National Domestic Preparedness Consortium; and

“(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

“(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.”.

SEC. 4. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 2 and 3, is amended by adding at the end the following:
"SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

"(a) IN GENERAL.—A covered grant may be used for—

"(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

"(2) exercises to strengthen terrorism preparedness and response;

"(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

"(4) developing or updating response plans;

"(5) establishing or enhancing mechanisms for sharing terrorism threat information;

"(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

"(7) additional personnel costs resulting from—

"(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert
level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

“(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

“(A) $1,000,000 per project; or

“(B) such greater amount as may be approved by the Secretary, which may not exceed
10 percent of the total amount of the covered grant;

“(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

“(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

“(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

“(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and
“(15) other appropriate activities as determined by the Secretary.

“(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

“(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

“(2) to construct buildings or other physical facilities, except for—

“(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

“(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 1802(c);

“(3) to acquire land; or

“(4) for any State or local government cost-sharing contribution.

“(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if
such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 1803.

“(d) Reimbursement of Costs.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(e) Assistance Requirement.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

“(f) Flexibility in Unspent Homeland Security Grant Funds.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary deter-
mines that such transfer is in the interests of homeland security.

“(g) State, Regional, and Tribal Responsibilities.—

“(1) Pass-through.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) Certifications regarding distribution of grant funds to local governments.— Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first
responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

“(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each such report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

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

“(B) the amount expended by that recipient in that quarter; and

“(C) a summary description of the items purchased by such recipient with such amount.

“(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of
such tribe is located. Each report shall include the following:

“(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

“(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

“(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

“(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

“(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.
“(5) Inclusion of restricted annexes.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

“(6) Provision of reports.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

“(h) Incentives to efficient administration of homeland security grants.—

“(1) Penalties for delay in passing through local share.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

“(A) reduce grant payments to the grant recipient from the portion of grant funds that
is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient’s use of funds under the grant, which may include—

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

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except
that the total amount of such reduction
may not exceed 20 percent of the total
amount of the grant.

“(2) Extension of period.—The Governor of
a State may request in writing that the Secretary
extend the 45-day period under section
1802(e)(5)(E) or paragraph (1) for an additional
15-day period. The Secretary may approve such a
request, and may extend such period for additional
15-day periods, if the Secretary determines that the
resulting delay in providing grant funding to the
local government entities that will receive funding
under the grant will not have a significant detri-
mental impact on such entities’ terrorism prepared-
ness efforts.

“(3) Provision of non-local share to
local government.—

“(A) In general.—The Secretary may
upon request by a local government pay to the
local government a portion of the amount of a
covered grant awarded to a State in which the
local government is located, if—

“(i) the local government will use the
amount paid to expedite planned enhance-
ments to its terrorism preparedness as de-
scribed in any applicable State homeland security plan or plans;

“(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

“(iii) the local government complies with subparagraph (B).

“(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

“(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

“(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

“(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.
“(C) Effect of Payment.—Payment of
grant funds to a local government under this
paragraph—

“(i) shall not affect any payment to
another local government under this para-
graph; and

“(ii) shall not prejudice consideration
of a request for payment under this para-
graph that is submitted by another local
government.

“(D) Deadline for Action by Sec-
retary.—The Secretary shall approve or dis-
approve each request for payment under this
paragraph by not later than 15 days after the
date the request is received by the Department.

“(i) Reports to Congress.—The Secretary shall
submit an annual report to Congress by December 31 of
each year—

“(1) describing in detail the amount of Federal
funds provided as covered grants that were directed
to each State, region, and directly eligible tribe in
the preceding fiscal year;

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

“(3) describing—
“(A) the Nation’s progress in achieving, maintaining, and enhancing the essential capabilities established under section 1803(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

“(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 1803(a).”.

(b) Sense of Congress Regarding Interoperable Communications.—

(1) Finding.—Congress finds that—

(A) many emergency response providers (as defined under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act) working in the same jurisdiction or in different jurisdictions cannot effectively and efficiently communicate with one another;

and

(B) their inability to do so threatens the public’s safety and may result in unnecessary loss of lives and property.

(2) Sense of Congress.—It is the sense of Congress that interoperable emergency communications systems and radios should continue to be de-
ployed as soon as practicable for use by the emergency response provider community, and that upgraded and new digital communications systems and new digital radios must meet prevailing national voluntary consensus standards for interoperability.

(c) Sense of Congress Regarding Citizen Corps Councils.—

(1) Finding.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) Sense of Congress.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(d) Required Coordination.—The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major dis-
asters and emergencies among the divisions of the Depart-
ment of Homeland Security, including the Directorate of
Emergency Preparedness and Response and the Office for
State and Local Government Coordination and Prepared-
ness.

(e) COORDINATION OF INDUSTRY EFFORTS.—Sec-

tion 102(f) of the Homeland Security Act of 2002 (Public
Law 107–296; 6 U.S.C. 112(f)) is amended by striking
“and” after the semicolon at the end of paragraph (6),
by striking the period at the end of paragraph (7) and
inserting “; and”, and by adding at the end the following:
“(8) coordinating industry efforts, with respect
to functions of the Department of Homeland Secu-
rity, to identify private sector resources and capabili-
ties that could be effective in supplementing Federal,
State, and local government agency efforts to pre-
vent or respond to a terrorist attack.”.

(f) STUDY REGARDING NATIONWIDE EMERGENCY
NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary of Homeland Secu-
rity, in consultation with the heads of other appro-
priate Federal agencies and representatives of pro-
viders and participants in the telecommunications
industry, shall conduct a study to determine whether
it is cost effective, efficient, and feasible to establish
and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(g) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a
study of the feasibility and desirability of modifying
the definition of “National Capital Region” applicable under section 882 of the Homeland Security Act
of 2002 to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including rec-
of the Homeland Security Act of 2002) as the Secretary considers appropriate.

SEC. 5. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);
(2) by redesignating subsection (c) as subsection (d); and
(3) by inserting after subsection (b) the following:

“(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title 18 of the Homeland Security Act of 2002.”.

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 1802; and

(B) In section 1802(f)(3)(A)(i), the phrase “by achieving, maintaining, or enhancing the
essential capabilities of the applicants on a nationwide basis,”.

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 1806(g)(4); and

(B) Section 1806(i)(3).

(c) DEFINITIONS.—

(1) TITLE XVIII.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 2, 3, and 4, is amended by adding at the end the following:

“SEC. 1807. DEFINITIONS.

“In this title:

“(1) BOARD.—The term ‘Board’ means the Homeland Security Grants Board established under section 1802(f).

“(2) CONSEQUENCE.—The term ‘consequence’ means the assessment of the effect of a completed attack.
“(3) COVERED GRANT.—The term ‘covered grant’ means any grant to which this title applies under section 1801(b).

“(4) DIRECTLY ELIGIBLE TRIBE.—The term ‘directly eligible tribe’ means any Indian tribe or consortium of Indian tribes that—

“(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

“(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

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

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

“(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or
“(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

“(5) Elevations in the threat alert level.—The term ‘elevations in the threat alert level’ means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

“(6) Emergency preparedness.—The term ‘emergency preparedness’ shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

“(7) Essential capabilities.—The term ‘essential capabilities’ means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.
“(8) FIRST RESPONDER.—The term ‘first responder’ shall have the same meaning as the term ‘emergency response provider’ under section 2.

“(9) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(10) REGION.—The term ‘region’ means any geographic area—

“(A) certified by the Secretary under section 1802(a)(3); 

“(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and 

“(C) that, for purposes of an application for a covered grant—
“(i) is represented by 1 or more local
governments or governmental agencies
within such geographic area; and
“(ii) is established by law or by agree-
ment of 2 or more such local governments
or governmental agencies, such as through
a mutual aid agreement.

“(11) RISK-BASED FUNDING.—The term ‘risk-
based funding’ means the allocation of funds based
on an assessment of threat, vulnerability, and con-
sequence.

“(12) TASK FORCE.—The term ‘Task Force’
means the Task Force on Essential Capabilities es-
tablished under section 1804.

“(13) THREAT.—The term ‘threat’ means the
assessment of the plans, intentions, and capability of
an adversary to implement an identified attack sce-
nario.

“(14) VULNERABILITY.—The term ‘vulner-
ability’ means the degree to which a facility is avail-
able or accessible to an attack, including the degree
to which the facility is inherently secure or has been
hardened against such an attack.”.

(2) DEFINITION OF EMERGENCY RESPONSE
PROVIDERS.—Paragraph (6) of section 2 of the
Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking “includes” and all that follows and inserting “includes Federal, State, and local governmental and non-governmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.”.

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

“TITLE XVIII—RISK-BASED FUNDING FOR HOMELAND SECURITY

“Sec. 1801. Risk-based funding for homeland security.
“Sec. 1802. Covered grant eligibility and criteria.
“Sec. 1803. Essential capabilities for homeland security.
“Sec. 1804. Task Force on Essential Capabilities.
“Sec. 1805. National standards for first responder equipment and training.
“Sec. 1806. Use of funds and accountability requirements.
“Sec. 1807. Definitions.”.