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

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2005

Ms. Collins (for herself, Mr. Carper, Mr. Voinovich, Mr. Feingold, Mr. Akaka, Mr. Lieberman, Mr. Coburn, Mr. Chafee, Mr. Dodd, Mr. Coleman, and Mr. Pryor) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 24, 2005

Reported by Ms. Collins, with an amendment

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

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Grant Enhancement Act of 2005".

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) INSULAR AREA.—The term "insular area" means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(2) LARGE HIGH-THREAT STATE FUND.—The term "Large High-Threat State Fund" means the fund containing amounts authorized to be appropriated for States that elect to receive Federal financial assistance through a per capita share of 38.625 percent of the amount appropriated for the State Homeland Security Grant Program.

(3) LOCAL GOVERNMENT.—The term "local government" has the same meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(5) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.
(6) STATE.—The term "State" means each of the several States of the United States and the District of Columbia.

(7) STATE HOMELAND SECURITY GRANT PROGRAM.—The term "State Homeland Security Grant Program" means the program receiving 75 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program.

(8) THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.—The term "Threat-Based Homeland Security Grant Program" means the program authorized under section 6.

(9) URBAN AREA SECURITY INITIATIVE GRANT PROGRAM.—The term "Urban Area Security Initiative Grant Program" means the program receiving 25 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program.

SEC. 3. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR TRADITIONAL FIRST RESPONDER MISSIONS.

(a) IN GENERAL.—This Act shall not be construed to affect any authority to award grants under any Federal grant program listed under subsection (b), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, or public health missions.
(b) Programs Included.—The programs referred to in subsection (a) are the following:


(2) The Emergency Management Performance Grant Program and the Urban Search and Rescue Grant program authorized under—

(A) title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.);

(B) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1047 et seq.); and

(C) the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).


(4) The Public Safety and Community Policing (COPS ON THE BEAT) Grant Program authorized
under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.);


SEC. 4. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 801 the following:

"SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.

"(a) Establishment.—

"(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and other agencies providing assistance for first responder preparedness, as
6

identified by the President, shall establish the Inter-
agency Committee to Coordinate and Streamline
Homeland Security Grant Programs (referred to in
this subtitle as the 'Interagency Committee').

"(2) COMPOSITION.—The Interagency Com-
mittee shall be composed of—

"(A) a representative of the Department;
"(B) a representative of the Department of
Health and Human Services;
"(C) a representative of the Department of
Transportation;
"(D) a representative of the Department of
Justice;
"(E) a representative of the Environmental
Protection Agency; and
"(F) a representative of any other depart-
ment or agency determined to be necessary by
the President:

"(3) RESPONSIBILITIES.—The Interagency
Committee shall—

"(A) report on findings to the Information
Clearinghouse established under section 801(d);
"(B) consult with State and local govern-
ments and emergency response providers re-
regarding their homeland security needs and capabilities;

"(C) advise the Secretary on the development of performance measures for homeland security grant programs and the national strategy for homeland security;

"(D) compile a list of homeland security assistance programs;

"(E) not later than 1 year after the effective date of the Homeland Security Grant Enhancement Act of 2005—

"(i) develop a proposal to coordinate, to the maximum extent practicable, the planning, reporting, application, and other guidance documents contained in homeland security assistance programs to eliminate all redundant and duplicative requirements; and

"(ii) submit the proposal developed under clause (i) to Congress and the President.

"(b) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee, which shall include—

"(1) scheduling meetings;
(2) preparing agenda;
(3) maintaining minutes and records; and
(4) producing reports.

(e) CHAIRPERSON.—The Secretary shall designate a chairperson of the Interagency Committee.

(d) MEETINGS.—The Interagency Committee shall meet—

(1) at the call of the Secretary; or
(2) not less frequently than once every month:"

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

"Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs:"

SEC. 5. STREAMLINING FEDERAL HOMELAND SECURITY GRANTS.

(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS.—Section 801(a) of the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is amended to read as follows:

"(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office for State and Local Government Coordination and Preparedness,
which shall oversee and coordinate departmental programs for, and relationships with, State and local governments:

“(2) EXECUTIVE DIRECTOR.—The Office established under paragraph (1) shall be headed by the Executive Director of State and Local Government Coordination and Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate.”.

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

(1) by redesignating section 430 as section 803 and transferring that section to the end of subtitle A of title VIII, as amended by section 4; and

(2) in section 803, as redesignated by paragraph (1)—

(A) in subsection (a), by striking “the Directorate of Border and Transportation Security” and inserting “the Office for State and Local Government Coordination and Preparedness”;

(B) in subsection (b), by striking “who shall be appointed by the President” and all that follows and inserting “who shall report di-
rectly to the Executive Director of State and
Local Government Coordination and Prepared-
ness;’’;
(C) in subsection (e)—
(i) in paragraph (7)—
(I) by striking ‘‘other’’ and in-
serting ‘‘the’’;
(II) by striking ‘‘consistent with
the mission and functions of the Di-
rectorate’’; and
(III) by striking ‘‘and’’ at the
end; and
(ii) in paragraph (8)—
(I) by inserting ‘‘carrying out’’
before ‘‘those elements’’; and
(II) by striking ‘‘and’’ at the end;
(iii) in paragraph (9), by striking the
period at the end and inserting ‘‘; and’’;
and
(iv) by adding at the end the fol-
lowing:
‘‘(10) managing the Homeland Security Infor-
mation Clearinghouse established under section
801(d).’’;
(D) by redesignating subsection (d) as subsection (e); and

(E) by inserting after subsection (e) the following:

"(d) TRAINING AND EXERCISES OFFICE WITHIN THE OFFICE FOR DOMESTIC PREPAREDNESS.—

"(1) IN GENERAL.—The Secretary shall create within the Office for Domestic Preparedness an internal office that shall be the proponent for all national domestic preparedness, training, education, and exercises within the Office for State and Local Government Coordination.

"(2) OFFICE HEAD.—The Secretary shall select an individual with recognized expertise in first-responder training and exercises to head the office, and such person shall report directly to the Director of the Office of Domestic Preparedness.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—


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

(2) by amending the item relating to section 801 to read as follows:

"Sec. 801. Office of State and Local Government Coordination and Preparedness."
(3) by inserting after the item relating to section 802, as added by this Act, the following:

"Sec. 803. Office for Domestic Preparedness."

(d) Establishment of Homeland Security Information Clearinghouse.—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361), as amended by subsection (a), is further amended by adding at the end the following:

"(d) Homeland Security Information Clearinghouse.—

"(1) Establishment.—There is established within the Office for State and Local Government Coordination a Homeland Security Information Clearinghouse (referred to in this section as the ‘Clearinghouse’), which shall assist States, local governments, and first responders in accordance with paragraphs (2) through (5).

"(2) Homeland Security Grant Information.—The Clearinghouse shall create a new website or enhance an existing website, establish a toll-free number, and produce a single publication that each contain information regarding the homeland security grant programs identified under section 802(a)(4).

"(3) Technical Assistance.—The Clearinghouse, in consultation with the Interagency Com-"
mittee established under section 802, shall provide information regarding—

"(A) technical assistance provided by any Federal agency to States and local governments to conduct threat analyses and vulnerability assessments; and

"(B) templates for conducting threat analyses and vulnerability assessments.

"(4) BEST PRACTICES.—The Clearinghouse shall work with States, local governments, emergency response providers and the National Domestic Preparedness Consortium, and private organizations to gather, validate, and disseminate information regarding successful State and local homeland security programs and practices.

"(5) USE OF FEDERAL FUNDS.—The Clearinghouse shall compile information regarding equipment, training, and other services purchased with Federal funds provided under the homeland security grant programs identified under section 802(a)(4), and make such information, and information regarding voluntary standards of training, equipment, and exercises, available to States, local governments, and first responders.
“(6) OTHER INFORMATION.—The Clearinghouse shall provide States, local governments, and first responders with any other information that the Secretary determines necessary.”

SEC. 6. THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to States and local governments to enhance homeland security.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded under subsection (a)—

(A) shall be used to address homeland security matters related to acts of terrorism or major disasters and related capacity building; and

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

(2) ALLOWABLE USES.—Grants awarded under subsection (a) may be used to—

(A) develop State plans or risk assessments (including the development of the homeland security plan) to respond to terrorist attacks and strengthen all hazards emergency
planning and community wide plans for responding to terrorist or all hazards emergency events that are coordinated with the capacities of applicable Federal, State, and local governments, first responders, and State and local government health agencies;

(B) develop State, regional, or local mutual aid agreements;

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

(D) conduct exercises to strengthen emergency preparedness of State and local first responders including law enforcement, firefighting personnel, and emergency medical service workers, and other emergency responders identified in a State homeland security plan;

(E) pay for overtime expenses relating to—

   (i) training activities consistent with the goals outlined in a State homeland security plan;

   (ii) as determined by the Secretary; activities relating to an increase in the
threat level under the Homeland Security Advisory System; and

(iii) any other activity relating to the State Homeland Security Strategy, and approved by the Secretary;

(F) promote training regarding homeland security preparedness including—

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

(ii) training in the use of equipment, including detection, monitoring, and decontamination equipment, and personal protective gear; and

(G) conduct any activity permitted under the Law Enforcement Terrorism Prevention Grant Program.

(3) PROHIBITED USES.—

(A) CONSTRUCTION.—Grants awarded under subsection (a) may not be used to construct buildings or other physical facilities, except those described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) and approved by the Secretary in the homeland security plan.
certified under subsection (d), or to acquire land.

(B) COST SHARING.—Grant funds provided under this section shall not be used for any State or local government cost sharing contribution request under this section.

(c) APPLICATION.—

(1) SUBMISSION.—A State may apply for a grant under this section by submitting to the Secretary an application at such time, and in such manner, and containing such information the Secretary may reasonably require.

(2) REVISIONS.—A State may revise a homeland security plan certified under subsection (d) at the time an application is submitted under paragraph (1) after receiving approval from the Secretary.

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

(4) RELEASE OF FUNDS.—The Secretary shall release grant funds to States with approved plans after the approval of an application submitted under this subsection.
(d) Homeland Security Plan.—

(1) In general.—An application submitted under subsection (c) shall include a certification that the State has prepared a 3-year State homeland security plan (referred to in this subsection as the "plan") to respond to terrorist attacks and strengthen all hazards emergency planning that has been approved by the Secretary.

(2) Contents.—The plan shall contain measurable goals and objectives that—

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

(B) provide for interoperable communications;

(C) provide for local coordination of response and recovery efforts, including procedures for effective incident command in conformance with the National Incident Management System;

(D) ensure that first responders and other emergency personnel have adequate training and appropriate equipment for the threats that may occur;
(E) provide for improved coordination and collaboration among police, fire, and public health authorities at State and local levels;

(F) coordinate emergency response and public health plans;

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

(H) promote regional coordination among contiguous local governments;

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

(J) promote orderly evacuation procedures when necessary;

(K) ensure support from the public health community for measures needed to prevent, detect and treat bioterrorism, and radiological and chemical incidents;

(L) increase the number of local jurisdictions participating in local and statewide exercises;

(M) meet preparedness goals as determined by the Secretary; and

(N) include a report from the relevant advisory committee established under paragraph (3)(D) that documents the areas of support,
disagreement, or recommended changes to the plan before its submission to the Secretary.

(3) DEVELOPMENT PROCESS.—

(A) In general.—In preparing the plan under this section, a State shall—

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

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

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

(B) COORDINATION WITH LOCAL PLANNING ACTIVITIES.—The coordination under sub-
paragraph (A)(iii) shall contain input from local stakeholders, including—

(i) local officials, including representatives of rural, high-population, and high-threat jurisdictions;

(ii) first responders and emergency response providers; and

(iii) private sector companies, such as railroads and chemical manufacturers.
(C) Scope of planning.—Each State preparing a plan under this section shall, in conjunction with the local stakeholders under subparagraph (B), address all the information requested by the Secretary, and complete a comprehensive assessment of—

(i) risk, including a—

(I) vulnerability assessment;

(II) threat assessment; and

(III) public health assessment, in coordination with the State bioterrorism plan; and

(ii) capabilities and needs, including—

(I) an evaluation of current preparedness, mitigation, and response capabilities based on such assessment mechanisms as shall be determined by the Secretary;

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

(III) an assessment of the shortfall between the capabilities described under subclause (I) and the required
capabilities described under subclause (II).

(D) ADVISORY COMMITTEE.—

(i) IN GENERAL.—Each State preparing a plan under this section shall establish an advisory committee to receive comments from the public and the local stakeholders identified under subparagraph (B).

(ii) COMPOSITION.—The Advisory Committee shall include local officials, local first responders, and emergency response providers that are representative of the counties, cities, and towns within the State, and which shall include representatives of rural, high-population, and high-threat jurisdictions.

(4) PLAN APPROVAL.—The Secretary shall approve a plan upon finding that the plan meets the requirements of—

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

(B) the interim performance measurements under subsection (g)(1), or the national performance standards under subsection (g)(2); and
(C) any other criteria the Secretary determines necessary to the approval of a State plan.

(5) Review of advisory committee report.—The Secretary shall review the recommendations of the advisory committee report incorporated into a plan under subsection (d)(2)(N), including any dissenting views submitted by advisory committee members, to ensure cooperation and coordination between local and State jurisdictions in planning the use of grant funds under this section.

(e) Tentative Allocation.—

(1) Urban area security initiative grant program.—

(A) In general.—The Secretary shall allocate 25 percent of the funds appropriated under the Threat-Based Homeland Security Grant Program for discretionary grants to be provided directly to local governments, including multistate entities established by a compact between 2 or more States, in high threat areas, as determined by the Secretary based on the criteria under subparagraph (B).

(B) Criteria.—The Secretary shall ensure that each local government receiving a grant under this paragraph—
(i) has a large population or high population density;

(ii) has a high degree of threat, risk, and vulnerability related to critical infrastructure or not less than 1 key asset identified by the Secretary or State homeland security plan;

(iii) has an international border with Canada or Mexico, or coastline bordering international waters of Canada, Mexico, or bordering the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico; or

(iv) are subject to other threat factors specified in writing by the Secretary.

(C) CONSISTENCY.—Any grant awarded under this paragraph shall be used to supplement and support, in a consistent and coordinated manner, those activities and objectives described under subsection (b) or a State homeland security plan.

(D) COORDINATION.—The Secretary shall ensure that any grants made under this paragraph encourage multiple contiguous units of local government and mutual aid partners to coordinate any homeland security activities.
(2) State homeland security grant program.—

(A) States.—Each State whose application is approved under subsection (c) shall receive, for each fiscal year, the greater of—

(i) 0.75 percent of the amounts appropriated for the State Homeland Security Grant Program; or

(ii) the State’s per capita share, as defined by the 2002 census population estimate, of 38.625 percent of the State Homeland Security Grant Program.

(B) Insular areas.—Each insular area shall receive, for each fiscal year, the greater of—

(i) 0.075 percent of the amounts appropriated for the State Homeland Security Grant Program; or

(ii) the insular area’s per capita share, as defined by the 2002 census population estimate, of 38.625 percent of the State Homeland Security Grant Program.

(3) Secondary distribution.—After the distribution of funds under paragraph (2), the Secretary shall, from the remaining funds for the State
Homeland Security Grant Program and 10.8 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program pursuant to subsection (j)(1), distribute amounts to each State that—

(A) has a substantial percentage of its population residing in Metropolitan Statistical Areas, as defined by the Office of Management and Budget;

(B) has a high degree of threat, risk, and vulnerability related to critical infrastructure or not less than 1 key asset identified by the Secretary or State homeland security plan;

(C) has an international border with Canada or Mexico, or coastline bordering international waters of Canada, Mexico, or bordering the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico; or

(D) are subject to other threat factors specified in writing by the Secretary.

(4) Distribution of funds.—If the amounts tentatively allocated under paragraphs (1) through (3) equal the sum of the amounts appropriated pursuant to subsection (j), the Secretary shall distribute
the appropriated amounts based on the tentative allo-

cation.

(5) Proportional Reduction.—If the
amount appropriated for the Large High-Threat
State Fund pursuant to subsection (j)(2) is less
than 10.8 percent of the amount appropriated for
the Threat-Based Homeland Security Grant Pro-
gram pursuant to subsection (j)(1), the Secretary
shall proportionately reduce the amounts tentatively
allocated under paragraphs (1) through (3) so that
the amount distributed is equal to the sum of the
amounts appropriated for such programs.

(6) Funding for Local Entities and First
Responders.—The Secretary shall require recipi-
ents of the State Homeland Security Grant to pro-
vide local governments and first responders, con-
sistent with the applicable State homeland security
plan, with not less than 80 percent of the grant
funds, the resources purchased with such grant
funds, or a combination thereof, not later than 60
days after receiving grant funding.

(7) Supplement Not Supplant.—Amounts
appropriated for grants under this subsection shall
be used to supplement and not supplant other State
and local public funds obligated for the purposes provided under this Act.

(8) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

(A) IN GENERAL.—The Secretary shall designate not more than 25 percent of the amounts allocated through the State Homeland Security Grant Program to be used for the Law Enforcement Terrorism Prevention Program to provide grants to law enforcement agencies to enhance capabilities for terrorism prevention.

(B) USE OF FUNDS.—Grants awarded under this paragraph may be used for—

(i) information sharing to preempt terrorist attacks;

(ii) target hardening to reduce the vulnerability of selected high value targets;

(iii) threat recognition to recognize the potential or development of a threat;

(iv) intervention activities to interdict terrorists before they can execute a threat;

(v) interoperable communication systems;
(vi) overtime expenses related to the State Homeland Security Strategy approved by the Secretary; and

(vii) any other terrorism prevention activity authorized by the Secretary.

(f) Report on Homeland Security Spending.—

Each recipient of a grant under this section shall annually submit a report to the Secretary that contains—

(1) an accounting of the amount of State and local funds spent on homeland security activities under the applicable State homeland security plan; and

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

(g) Accountability.—

(1) Interim Performance Measures.—

(A) In General.—Before establishing performance standards under paragraph (2), the Secretary shall assist each State in establishing interim performance measures based upon—

(i) the goals and objectives under subsection (d)(2); and

(ii) any other factors determined by the Secretary.
(B) ANNUAL REPORT.—Before establishing performance measures under paragraph (2), each State with an approved State plan shall submit to the Secretary a report detailing the progress the State has made in meeting the interim performance measures established under subparagraph (A).

(2) NATIONAL PERFORMANCE STANDARDS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall set national performance standards based in part on the goals and objectives under subsection (d)(2) and any other factors the Secretary determines relevant.

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

(C) ANNUAL REPORT.—After the establishment of performance standards under subparagraph (A), each State with an approved State homeland security plan shall submit to the Secretary a report on the progress the State has made in meeting such standards.

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

(4) Audit.—Grant recipients that expend
$500,000 or more in Federal funds during any fiscal
year shall submit to the Secretary an organization
wide financial and compliance audit report in con-
formance with the requirements of chapter 75 of
title 31, United States Code.

(h) Remedies for Non-Compliance.—

(1) In General.—If the Secretary finds, after
reasonable notice and an opportunity for a hearing,
that a recipient of a grant under this section has
failed to substantially comply with any provision of
this section, the Secretary shall—

(A) terminate any payment of grant funds
to be made to the recipient under this section;

(B) reduce the amount of payment of
grant funds to the recipient by an amount equal
to the amount of grants funds that were not ex-
pended by the recipient in accordance with this
section; or
(C) limit the use of grant funds received under this section to programs, projects, or activities not affected by the failure to comply.

(2) DURATION OF PENALTY.—The Secretary shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this section.

(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this section, including failing to provide local governments with grant funds or resources purchased with grant funds in a timely fashion, a local government entitled to receive such grant funds or resources may petition the Secretary, at such time and in such manner as determined by the Secretary, to request that grant funds or resources be provided directly to the local government.

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

(1) findings relating to the performance standards established under subsection (g); and

(2) the status of preparedness goals and objectives;
(3) an evaluation of how States and local governments are meeting preparedness goals and objectives;

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

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

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

(j) Authorization of Appropriations.—

(1) Threat-based homeland security grant program.—There are authorized to be appropriated such sums as are necessary to carry out this section:

(2) Large high-threat state fund.—There are authorized to be appropriated 10.8 percent of the funds appropriated in any fiscal year pursuant to paragraph (1), which shall be used to carry out the Large High-Threat State Fund.

SEC. 7. ELIMINATING HOMELAND SECURITY FRAUD, WASTE, AND ABUSE.

(a) Annual General Accounting Office Audit and Report.—

(1) Audit.—The Comptroller General of the United States shall conduct an annual audit of the Threat Based Homeland Security Grant Program
(2) REPORT.—The Comptroller General of the United States shall provide a report to Congress on the results of the audit conducted under paragraph (1), which includes—

(A) an analysis of whether the grant recipients allocated funding consistent with the State homeland security plan and the guidelines established by the Department of Homeland Security; and

(B) the amount of funding devoted to overtime and administrative expenses.

(b) REVIEWS OF THREAT-BASED HOMELAND SECURITY FUNDING.—The Secretary, through the appropriate agency, shall conduct periodic reviews of grants made through the Threat Based Homeland Security Grant Program to ensure that recipients allocate funds consistent with the guidelines established by the Department of Homeland Security.

(c) REMEDIES FOR NON-COMPLIANCE.—If the Secretary determines, after reasonable notice and an opportunity for a hearing, that a recipient of a Threat Based Homeland Security Grant has failed to substantially comply with any regulations or guidelines issued by the Department regarding eligible expenditures, the Secretary shall—
(1) terminate any payment of grant funds scheduled to be made to the recipient;

(2) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grant funds that were not expended by the recipient in accordance with such guidelines; or

(3) limit the use of grant funds received under the Threat Based Homeland Security Grant Program to programs, projects, or activities not affected by the failure to comply:

(d) DURATION OF PENALTY.—The Secretary shall apply an appropriate penalty under subsection (c) until such time as the Secretary determines that the grant recipient is in full compliance with the guidelines established by the Department of Homeland Security.

SEC. 8. FLEXIBILITY IN UNSPENT HOMELAND SECURITY FUNDS.

(a) REALLOCATION OF FUNDS.—The Director of the Office for Domestic Preparedness, Department of Homeland Security, shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Laws 105–277 (112 Stat. 2681 et seq.), 106–113 (113 Stat. 1501A–3 et seq.), 106–553 (114 Stat. 2762A–3 et seq.), 107–77 (115 Stat. 78 et seq.), or the Consolidated

•S 21 RS
Appropriations Resolution of 2003 (Public Law 108–7), among the 4 categories of equipment, training, exercises, and planning:

(b) Approval of Reallocation Requests.—The Director shall approve reallocation requests under subsection (a) in accordance with the State plan and any other relevant factors that the Secretary determines to be necessary.

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

SEC. 9. CERTIFICATION RELATIVE TO THE SCREENING OF MUNICIPAL SOLID WASTE TRANSPORTED INTO THE UNITED STATES.

The Secretary shall deny entry into the United States of any commercial motor vehicle (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste unless and until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau of Customs and Border Protection of the Department of Homeland Security to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in such waste are as effective as the methodologies and technologies used by the Bureau to screen
for such materials in other items of commerce entering
into the United States by commercial motor vehicle trans-
port.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Homeland Security
Grant Enhancement Act of 2005”.

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

(a) IN GENERAL.—Title VIII of the Homeland Secu-
rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by insert-
ing after section 801 the following:

“SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE AND
STREAMLINE HOMELAND SECURITY GRANT
PROGRAMS.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, in coordina-
tion with the Attorney General, the Secretary of
Health and Human Services, the Secretary of Trans-
portation, the Administrator of the Environmental
Protection Agency, and other agencies providing as-

tance for emergency response provider prepared-
ness, as identified by the President, shall establish the
Interagency Committee to Coordinate and Streamline
Homeland Security Grant Programs (referred to in this subtitle as the ‘Interagency Committee’).

“(2) COMPOSITION.—The Interagency Committee shall be composed of—

“(A) at least 2 representatives of the Department, including a representative of the United States Fire Administration;

“(B) a representative of the Department of Health and Human Services;

“(C) a representative of the Department of Transportation;

“(D) a representative of the Department of Justice;

“(E) a representative of the Environmental Protection Agency; and

“(F) a representative of any other department or agency determined to be necessary by the President.

“(3) RESPONSIBILITIES.—The Interagency Committee shall—

“(A) provide any findings to the Information Clearinghouse established under section 801(c);

“(B) consult with State and local governments and emergency response providers regard-
ing their homeland security needs and capabili-
ties;

“(C) advise the Secretary on the develop-
ment of performance measures for homeland se-
curity and other first responder assistance pro-
grams;

“(D) compile a list of homeland security
and other first responder assistance programs;

“(E) not later than 1 year after the date of
enactment of the Homeland Security Grant En-
hancement Act of 2005—

“(i) develop a proposal to coordinate,
to the maximum extent practicable, the
planning, reporting, application, and other
guidance documents contained in homeland
security assistance programs to—

“(I) eliminate all redundant and
duplicative requirements;

“(II) ensure accountability of the
programs to the intended purposes of
such programs; and

“(III) coordinate expenditures of
grant funds to avoid duplicative or in-
consistent purchases; and
“(ii) submit the proposal developed under clause (i) to—

“(I) the President;

“(II) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(III) the Committee on Homeland Security of the House of Representatives; and

“(F) otherwise promote the coordination of homeland security grant programs throughout the Federal government.

“(b) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee, which shall include—

“(1) scheduling meetings;

“(2) preparing agenda;

“(3) maintaining minutes and records; and

“(4) producing reports.

“(c) CHAIRPERSON.—The Secretary shall designate a chairperson of the Interagency Committee.

“(d) MEETINGS.—The Interagency Committee shall meet—

“(1) at the call of the Secretary; or

“(2) not less frequently than once every month.”.
(b) Technical and Conforming Amendment.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 801 the following:

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


(a) Director of State and Local Government Coordination and Preparedness.—Section 801(a) of the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is amended to read as follows:

“(a) Establishment.—

“(1) In general.—There is established within the Office of the Secretary the Office for State and Local Government Coordination and Preparedness, which shall oversee and coordinate departmental programs for, and relationships with, State and local governments.

“(2) Executive director.—The Office established under paragraph (1) shall be headed by the Executive Director of State and Local Government Coordination and Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate.”.
(b) Office for Domestic Preparedness.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

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

(2) in section 803, as redesignated by paragraph (1)—

(A) in subsection (a), by striking “the Directorate of Border and Transportation Security” and inserting “the Office for State and Local Government Coordination and Preparedness”;

(B) in subsection (b), by striking “who shall be appointed by the President” and all that follows and inserting “who shall report directly to the Executive Director of State and Local Government Coordination and Preparedness.”; and

(C) in subsection (c)—

(i) in paragraph (7)—

(I) by striking “other” and inserting “the”; and

(II) by striking “consistent with the mission and functions of the Directorate”;


S 21 RS
(ii) in paragraph (8)—

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

(II) by striking “and” at the end;

(iii) in paragraph (9), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(10) managing the Homeland Security Information Clearinghouse established under section 801(c).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by striking the item relating to section 430;

(B) by amending the item relating to section 801 to read as follows:

“Sec. 801. Office of State and Local Government Coordination and Preparedness.”;

and

(C) by inserting after the item relating to section 802, as added by this Act, the following:

“Sec. 803. Office for Domestic Preparedness.”.
(2) **SECTION HEADING.**—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by striking the section heading and inserting the following:

“**SEC. 801. OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS.**”.

(d) **ESTABLISHMENT OF HOMELAND SECURITY INFORMATION CLEARINGHOUSE.**—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361), as amended by subsection (a), is further amended by adding at the end the following:

“(c) **HOMELAND SECURITY INFORMATION CLEARINGHOUSE.**—

“(1) **ESTABLISHMENT.**—There is established within the Office for State and Local Government Coordination and Preparedness a Homeland Security Information Clearinghouse (referred to in this section as the ‘Clearinghouse’), which shall assist States, local governments, and emergency response providers in accordance with paragraphs (2) through (6).

“(2) **HOMELAND SECURITY GRANT INFORMATION.**—The Clearinghouse shall create a new website or enhance an existing website, establish a toll-free number, and produce a single publication that each
contain information regarding the homeland security
grant programs administered by the Department.

“(3) TECHNICAL ASSISTANCE.—The Clearing-
house, in consultation with the Interagency Com-
mittee established under section 802, shall provide in-
formation regarding technical assistance provided by
any Federal agency to States and local governments
relating to homeland security matters, including tem-
plates for conducting threat analyses and vulner-
ability assessments.

“(4) BEST PRACTICES.—The Clearinghouse shall
work with States, local governments, emergency re-
response providers, the National Domestic Preparedness
Consortium, the National Memorial Institute for the
Prevention of Terrorism, and private organizations to
gather, validate, and disseminate information regard-
ing successful State and local homeland security pro-
grams and practices.

“(5) USE OF FEDERAL FUNDS.—The Clearing-
house shall compile information regarding equipment,
training, and other services that can be purchased
with Federal funds provided under homeland security
grant programs and make such information, and in-
formation regarding voluntary standards of training,
equipment, and exercises, available to States, local
governments, and emergency response providers.

“(6) OTHER INFORMATION.—The Clearinghouse
shall provide States, local governments, and emer-
gency response providers with any other information
that the Secretary determines necessary.”.

SEC. 4. ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS
AND THREAT-BASED HOMELAND SECURITY
GRANT PROGRAM.

(a) IN GENERAL.—The Homeland Security Act of
2002 (6 U.S.C. 101 et seq.) is amended by adding at the
end the following:

“TITLE XVIII—ESSENTIAL CAPA-
BILITIES FOR FIRST RESPONDERS AND THREAT-
BASED HOMELAND SECURITY
GRANT PROGRAM

“SEC. 1801. DEFINITIONS.

“In this title, the following definitions shall apply:

“(1) ELIGIBLE METROPOLITAN REGION.—The
term ‘eligible metropolitan region’ means the fol-
lowing:

“(A) IN GENERAL.—A combination of 2 or
more incorporated municipalities, counties, par-
ishes, or Indian tribes within a metropolitan re-
region that includes the city in that metropolitan region with the largest population. Such eligible metropolitan region may include additional local governments outside the metropolitan region that are likely to be affected by, or be called upon to respond to, a terrorist attack or other catastrophic event within the metropolitan region.

“(B) OTHER COMBINATIONS.—Any other combination of contiguous local governments that are formally certified by the Secretary as an eligible metropolitan region for purposes of this title with the consent of the State or States in which such local governments are located.

“(2) 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 threatened or actual domestic terrorist attacks and other catastrophic events.

“(3) INDIAN TRIBE.—The term ‘Indian tribe’ means an entity described under section 2(10)(B).

“(4) METROPOLITAN REGION.—The term ‘metropolitan region’ means—
“(A) any of the 100 largest metropolitan statistical areas in the United States, as defined by the Office of Management and Budget; or

“(B) any combined statistical area, as defined by the Office of Management and Budget, of which any metropolitan statistical area covered by subparagraph (A) is a part.

“(5) POPULATION.—The term ‘population’ means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

“(6) POPULATION DENSITY.—The term ‘population density’ means population divided by land area in square miles.

“(7) SLIDING SCALE BASELINE ALLOCATION.— The term ‘sliding scale baseline allocation’ means 0.001 multiplied by the sum of—

“(A) the value of a State’s population relative to that of the most populous of the 50 States of the United States, where the population of such States has been normalized to a maximum value of 100; and

“(B) one-fourth of the value of a State’s population density relative to that of the most densely populated of the 50 States of the United
States, where the population density of such States has been normalized to a maximum value of 100.

“(8) Threat-based homeland security grant program.—The term ‘Threat-Based Homeland Security Grant Program’ means the program established under section 1804.

“SEC. 1802. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR TRADITIONAL FIRST RESPONDER MISSIONS.

“(a) In general.—This title shall not be construed to affect any authority to award grants under any Federal grant program listed under subsection (b), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, or public health missions.

“(b) Programs not affected.—The programs referred to in subsection (a) are the following:


“(2) All grant programs authorized under the Robert T. Stafford Disaster Relief and Emergency As-
istance Act (42 U.S.C. 5121 et seq.), including the Emergency Management Performance Grant Program and the Urban Search and Rescue Grant program.


“SEC. 1803. ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS.

“(a) Establishment of Essential Capabilities.—

“(1) In general.—Building upon the national preparedness guidance issued by the Secretary, the
Secretary shall establish clearly defined essential capabilities for State and local governments, in consultation with—

“(A) the Task Force on Essential Capabilities for First Responders established under subsection (d);

“(B) the Under Secretaries for Emergency Preparedness and Response (including representatives of the United States Fire Administration), Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Executive Director of the Office for State and Local Government Coordination and Preparedness;

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

“(D) other appropriate Federal agencies;

“(E) State and local emergency response providers;

“(F) State and local officials; and

“(G) 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 first report under subsection (d)(3); 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 description of the essential capabilities available as appropriate to local governments 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 shall describe specifically 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 preparedness based upon—
“(A) the national preparedness goal, the target capabilities list, and the national preparedness guidance;

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

“(C) the risks faced by different types of communities, including communities of various sizes, geographies, and other distinguishing characteristics; and

“(D) 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 local or regional needs, while reaching nationally determined 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 shall be made within the context of a comprehensive State emergency management system.

“(c) FACTORS TO BE CONSIDERED.—In establishing essential capabilities for different types of communities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to population (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders. 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 and the needs described in the national preparedness guidance and the target capabilities list.

“(d) TASK FORCE ON ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—To assist the Secretary in establishing essential capabilities under subsection (a)(1), the Secretary shall establish an advisory body under section 871(a) not later than 60 days after the date of enactment of this
section, which shall be known as the Task Force on Essential Capabilities for First Responders.

“(B) TERMINATION.—Notwithstanding section 871(b), the Task Force shall terminate 5 years after the date of its establishment, unless the Secretary makes a written determination to extend the Task Force to a specified date, which shall not be more than 5 years after the date on which such determination is made. The Secretary may make any number of subsequent extensions consistent with this subsection.

“(2) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this section, the Task Force shall solicit comment on the establishment of essential capabilities for State and local government preparedness.

“(3) REPORT.—

“(A) IN GENERAL.—Not later than 9 months after the establishment of the Task Force by the Secretary, and every 3 years thereafter, the Task Force shall submit to the Secretary a report on its recommendations for essential capabilities for preparedness for terrorism.

“(B) CONTENTS.—Each report shall—
“(i) provide a thorough assessment of the national preparedness guidance and target capabilities list and recommendations for revisions;

“(ii) 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;

“(iii) 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; and

“(iv) 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.

“(C) COMPREHENSIVENESS.—The Task Force shall ensure that, when recommending essential capabilities for terrorism preparedness, such recommendations are made within the con-
text of a comprehensive State emergency manage-
ment system.

“(4) MEMBERSHIP.—

“(A) IN GENERAL.—The Task Force shall
consist of 25 members appointed by the Sec-
retary, and shall, to the extent practicable, rep-
resent a geographic and substantive cross section
of first responder disciplines from the State and
local government levels, including as appro-
priate—

“(i) members selected from the emer-
gency response field, including fire service
and law enforcement, hazardous materials
response, emergency medical services, and
emergency management personnel;

“(ii) health scientists, emergency and
inpatient medical providers, and public
health professionals, including experts in
emergency health care response to chemical,
biological, radiological, and nuclear ter-
rorism, and experts in providing mental
health care during emergency response oper-
ations;

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

“(iv) State and local officials with expertise in terrorism preparedness and other emergency preparedness.

“(B) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

“(C) EX OFFICIO MEMBERS.—The Secretary shall designate 1 or more officers of the Department to serve as ex officio members of the Task Force. One of the ex officio members from the Department shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.).
“(5) APPLICABILITY OF FEDERAL ADVISORY COM-
MITTEE ACT.—Notwithstanding section 871(a), the
Federal Advisory Committee Act (5 U.S.C. App.), in-
cluding subsections (a), (b), and (d) of section 10 of
the Federal Advisory Committee Act, and section
552b(c) of title 5, United States Code, shall apply to
the Task Force.

“SEC. 1804. THREAT-BASED HOMELAND SECURITY GRANT
PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established the
Threat-Based Homeland Security Grant Program,
which includes—

“(A) formula-based grants for State and
local programs administered by the Office of
State and Local Government Coordination and
Preparedness, including the State Homeland Se-
curity Grant Program, and the Law Enforce-
ment Terrorism Prevention Program under sec-
tion 1014 of the USA PATRIOT ACT (42
U.S.C. 3714);

“(B) discretionary grants for State and
local programs administered by the Office of
State and Local Government Coordination and
Preparedness for use in high-threat, high-density

•S 21 RS
urban areas, including the Urban Area Security
Initiative Program; and

“(C) any successor program to any program
described in subparagraph (A) or (B).

“(2) GRANTS AUTHORIZED.—The Secretary may
award grants to States and eligible metropolitan re-
gions under the Threat-Based Homeland Security
Grant Program to enhance homeland security.

“(3) RELATIONSHIP TO OTHER LAWS.—The
Threat-Based Homeland Security Grant Program
shall be deemed to satisfy the requirements of section
1014 of the USA PATRIOT ACT (42 U.S.C. 3714).
The allocation of grants authorized under this section
shall be governed by the terms of this section and not
by any other provision of law.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Grants awarded under this
section—

“(A) shall be used to address homeland secu-
rity matters related to acts of terrorism or cata-
strophic events, related capacity building, or oth-
erwise addressing shortfalls in essential capabili-
ties; and
“(B) shall not be used to supplant ongoing emergency response expenses or general protective measures.

“(2) ALLOWABLE USES.—Grants awarded under this section may be used to achieve essential capabilities through—

“(A) developing State or regional plans or risk assessments (including the development of the homeland security plan under subsection (e)) to respond to terrorist attacks or other catastrophic events and community wide plans for responding to terrorist or catastrophic events that are coordinated with the capacities of applicable Federal, State, and local governments, emergency response providers, and State and local government health agencies;

“(B) developing State, regional, or local mutual aid agreements;

“(C) purchasing, upgrading, storing, or maintaining equipment based on State and local needs as identified under a State homeland security plan, consistent with essential capability needs;

“(D) conducting exercises to strengthen emergency preparedness of State and local first
responders including law enforcement, fire-fighting personnel, and emergency medical service workers, and other emergency responders identified in a State homeland security plan;

“(E) paying for expenses relating to—

“(i) overtime regarding training activities consistent with the goals outlined in a State homeland security plan; and

“(ii) as determined by the Secretary, overtime activities relating to an increase in the threat level under the Homeland Security Advisory System;

“(F) promoting training relating to homeland security preparedness including—

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

“(ii) training in the use of equipment, including detection, monitoring, and decontamination equipment, and personal protective gear;

“(G) conducting any activity permitted under the Law Enforcement Terrorism Prevention Grant Program under section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714); and
“(H) any other activity relating to achieving essential capabilities approved by the Secretary.

“(3) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities, except those described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) and approved by the Secretary in the homeland security plan certified under subsection (e), or to acquire land.

“(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this section proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 1807(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

“(d) APPLICATION.—

“(1) STATES.—

“(A) SUBMISSION.—A State may apply for a grant under this section by submitting to the Secretary an application detailing how requested funds would be used to achieve essential capabili-
ties and containing such other information the Secretary may reasonably require.

“(B) REVISIONS.—A State may revise a homeland security plan certified under subsection (e) at the time an application is submitted under subparagraph (A) after receiving approval from the Secretary.

“(C) APPROVAL.—The Secretary shall not award a grant under this section unless—

“(i) the State submitting the application has previously submitted a homeland security plan meeting the requirements of subsection (e); and

“(ii) the Secretary finds that the report submitted by the recipient under subsection (g) demonstrates satisfactory progress toward achieving essential capabilities.

“(D) RELEASE OF FUNDS.—The Secretary shall release grant funds to States with approved plans after the approval of an application submitted under this paragraph.

“(2) ELIGIBLE METROPOLITAN REGIONS.—

“(A) SUBMISSION.—An eligible metropolitan region may apply for a grant under this section by submitting an application through the
Governor of each State within which any part of
the relevant metropolitan region is located.

“(B) CONTENTS.—An application under
this paragraph shall include—

“(i) a description of how requested
funds would be used to achieve essential ca-
pabilities;

“(ii) an explanation of how the pro-
posed use of funds would be consistent with
the homeland security plans of all relevant
States;

“(iii) a geographic description of the
eligible metropolitan region, including a list
of all local governments participating in the
application;

“(iv) an explanation of how the appli-
cant intends to expend funds under the
grant, to administer such funds, and to al-
locate such funds among the participating
local governments;

“(v) if not all of the incorporated mu-
nicipalities, counties, parishes, or Indian
tribes in a metropolitan region are partici-
pating in the application, or if additional
local governments outside the metropolitan
region are participating, an explanation of why the eligible metropolitan region, as constituted, is an appropriate unit to receive grants to prevent, prepare for, and respond to acts of terrorism and other catastrophic events; and

“(vi) such other information the Secretary may reasonably require.

“(C) STATE REVIEW AND SUBMISSION.—

“(i) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan region applying for a grant under this paragraph shall submit its application to each State within which any part of the eligible metropolitan region is located for review before submission of such application to the Secretary.

“(ii) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan region, each such State shall transmit the application to the Secretary.

“(iii) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional application is inconsistent with
the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

“(I) notify the Secretary, in writing, of that fact; and

“(II) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

“(e) HOMELAND SECURITY PLAN.—

“(1) IN GENERAL.—A State applying for a grant under this section shall have a 3-year State homeland security plan (referred to in this subsection as the ‘plan’) to respond to terrorist attacks and other catastrophic events that has been approved by the Secretary.

“(2) CONTENTS.—The plan shall contain—

“(A) a 3-year strategy to—

“(i) ensure that the funds allocated to local governments are used exclusively to meet the needs and capabilities described under paragraph (3)(C);

“(ii) provide for interoperable communications;
“(iii) provide for local coordination of response and recovery efforts, including procedures for effective incident command in conformance with the National Incident Management System;

“(iv) ensure that first responders and other emergency personnel have adequate training and appropriate equipment for the threats that may occur;

“(v) provide for improved coordination and collaboration among law enforcement, fire, and public health authorities at Federal, State, local, and tribal government levels;

“(vi) coordinate emergency response and public health plans;

“(vii) mitigate risks to critical infrastructure that may be vulnerable to terrorist attacks;

“(viii) promote regional coordination among contiguous local governments;

“(ix) identify necessary protective measures by private owners of critical infrastructure;
“(x) promote orderly evacuation procedures when necessary;

“(xi) ensure support from the public health community for measures needed to prevent, detect, and treat bioterrorism, and radiological and chemical incidents;

“(xii) increase the number of local jurisdictions participating in local and statewide exercises; and

“(xiii) meet preparedness goals as determined by the Secretary;

“(B) objective measures for assessing the extent to which the goals and objectives set forth in paragraph (A) have been achieved;

“(C) priorities for the allocation of funding to local governments based on the risk, capabilities, and needs described under paragraph (3)(C); and

“(D) a report from the relevant advisory committee established under paragraph (3)(D) that documents the areas of support, disagreement, or recommended changes to the plan before its submission to the Secretary.

“(3) Development process.—
“, (A) IN GENERAL.—In preparing the plan under this section, a State shall—

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

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

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

“(B) COORDINATION WITH LOCAL PLANNING ACTIVITIES.—The coordination under subparagraph (A)(iii) shall contain input from local stakeholders, including—

“(i) local officials, including representatives of rural, high-population, and high-threat jurisdictions and of Indian tribes;

“(ii) emergency response providers; and

“(iii) private sector companies that own or operate critical infrastructure.

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

“(i) risk, including a—

“(I) vulnerability and consequence assessment;

“(II) threat assessment; and

“(III) public health assessment, in coordination with the State bioterrorism plan; and

“(ii) capabilities and needs, consistent with the essential capabilities established by the Secretary, including—

“(I) an evaluation of current preparedness, mitigation, and response capabilities based on such assessment mechanisms as shall be determined by the Secretary;

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

“(III) an assessment of the shortfall between the capabilities described under subclause (I) and the required capabilities described under subclause (II).
“(D) ADVISORY COMMITTEE.—

“(i) In general.—Each State preparing a plan under this section shall establish an advisory committee to receive comments from the public and the local stakeholders identified under subparagraph (B).

“(ii) Composition.—

“(I) In general.—The Advisory Committee shall include—

“(aa) local officials; and

“(bb) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

“(II) Geographic representation.—The members of the Advisory Committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State, including representatives of rural, high-population, and high-threat jurisdictions.
“(4) PLAN APPROVAL.—The Secretary shall approve a plan upon finding that the plan meets the requirements of—

“(A) paragraphs (2) and (3); and

“(B) any other criteria the Secretary determines necessary to the approval of a State plan.

“(5) REVIEW OF ADVISORY COMMITTEE REPORT.—The Secretary shall review the recommendations of the advisory committee report incorporated into a plan under subsection (e)(2)(D), including any dissenting views submitted by advisory committee members, to ensure cooperation and coordination between State and local government jurisdictions in planning for the use of grant funds under this section.

“(f) ALLOCATION.—

“(1) SLIDING SCALE BASELINE DISTRIBUTION.—

“(A) STATES.—Each State whose application is approved under subsection (d) shall receive, for each fiscal year, the greater of—

“(i) 0.55 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program; or

“(ii) the State’s sliding scale baseline allocation of 28.62 percent of the amounts
appropriated for the Threat-Based Homeland Security Grant Program.

“(B) OTHER ENTITIES.—Notwithstanding subparagraph (A)—

“(i) the District of Columbia shall receive for each fiscal year 0.55 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program;

“(ii) the Commonwealth of Puerto Rico shall receive for each fiscal year 0.35 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program;

“(iii) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands shall each receive 0.055 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program; and

“(iv) no possession of the United States shall receive a baseline distribution under subparagraph (A).

“(2) URBAN AREA SECURITY INITIATIVE DISTRIBUTION.—
“(A) IN GENERAL.—After the distribution under paragraph (1), the Secretary may allocate up to 50 percent of the funds remaining to provide grants to eligible metropolitan regions.

“(B) CRITERIA.—

“(i) IN GENERAL.—The Secretary shall allocate the grants under this paragraph to assist eligible metropolitan regions to achieve essential capabilities to effectively prevent, prepare for, and respond to acts of terrorism or other catastrophic events.

“(ii) PRIORITIZATION.—In prioritizing among the applications of eligible metropolitan regions for such funds, the Secretary shall consider the relative threat, vulnerability, and consequences faced by an eligible metropolitan region from a terrorist attack, including consideration of—

“(I) whether there has been a prior terrorist attack in the eligible metropolitan region;

“(II) whether any part of the eligible metropolitan region has ever had a higher threat level under the Homeland Security Advisory System than
the threat level for the United States as a whole;

“(III) the population of the eligible metropolitan region, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration a locality that otherwise faces significant threats, vulnerabilities, or consequences from acts of terrorism;

“(IV) the population density of the eligible metropolitan region;

“(V) the degree of threat, vulnerability, and consequence to the eligible metropolitan region related to critical infrastructure or key assets identified by the Secretary or State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

“(VI) whether the eligible metropolitan region is at or near an international border;
“(VII) whether the eligible metropolitan region has a coastline bordering ocean or international waters;

“(VIII) threats, vulnerabilities, and consequences faced by the eligible metropolitan region related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

“(IX) the extent to which the eligible metropolitan region has unmet essential capabilities;

“(X) the extent to which the application of the eligible metropolitan region includes all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan region; and

“(XI) such other factors as are specified in writing by the Secretary.

“(C) DISTRIBUTION OF AWARDS TO METROPOLITAN REGIONS.—

“(i) In general.—If the Secretary approves the application of an eligible met-
ropolitan region for a grant under this sec-
tion, the Secretary shall distribute the re-
gional grant funds to the State or States in
which the eligible metropolitan region is lo-
cated.

“(ii) STATE DISTRIBUTION OF
FUNDS.—Each State shall provide the eligi-
ble metropolitan region not less than 80
percent of the grant funds. Any funds re-
tained by a State shall be expended on
items or services approved by the Secretary
and that benefit the eligible metropolitan re-

“(iii) MULTISTATE REGIONS.—If parts
of an eligible metropolitan region awarded
a grant are located in 2 or more States, the
Secretary shall distribute to each such State
a portion of the grant funds in proportion
to that State’s share of the population of the
eligible metropolitan region, unless the Gov-
ernors of each State (or in the case of the
District of Columbia, the Mayor) agree oth-

“(3) THREAT-BASED DISTRIBUTION TO

STATES.—
“(A) IN GENERAL.—After the distribution of funds under paragraphs (1) and (2), the Secretary shall, from the remaining funds for the Threat-Based Homeland Security Grant Program, distribute amounts to each State to assist that State in achieving essential capabilities to effectively prevent, prepare for, and respond to acts of terrorism and other catastrophic events.

“(B) PRIORITIZATION.—In prioritizing among State applications for such funds, the Secretary shall—

“(i) consider the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

“(I) whether there has been a prior terrorist attack in a metropolitan region that is wholly or partly in the State, or in the State itself;

“(II) whether any part of the State has ever had a higher threat level under the Homeland Security Advisory System than the threat level for the United States as a whole;
“(III) the percent of a State’s population residing in metropolitan statistical areas, as defined by the Office of Management and Budget;

“(IV) the degree of threat, vulnerability, and consequence related to critical infrastructure or key assets identified by the Secretary or State homeland security plan;

“(V) whether the State has an international border;

“(VI) whether the State has a coastline bordering ocean or international waters;

“(VII) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the need to respond to terrorist attacks arising in adjacent States;

“(VIII) the extent to which the State has unmet essential capabilities; and
“(IX) such other factors as are specified in writing by the Secretary; and

“(ii) balance the goal of ensuring that the essential capabilities of the highest-risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of essential capabilities, are achieved nationwide.

“(4) FUNDING FOR LOCAL GOVERNMENTS AND FIRST RESPONDERS.—

“(A) IN GENERAL.—The Secretary shall require recipients of the sliding scale baseline distribution and the threat-based distribution to States to make available to local governments and emergency response providers, consistent with the applicable State homeland security plan, not less than 80 percent of the grant funds, the resources purchased with such grant funds, or a combination thereof, not later than 60 days after receiving grant funding.

“(B) INDIAN TRIBES.—States shall be responsible for allocating Federal resources to tribal communities in order to help those tribal communities achieve essential capabilities. Indian
tribes shall be eligible for funding directly from
the States, and shall not be required to seek
funding from any local government.

“(C) EXCEPTION.—Subparagraph (A) shall
not apply to the District of Columbia, the Com-
monwealth of Puerto Rico, American Samoa, the
Commonwealth of the Northern Mariana Islands,
Guam, and the Virgin Islands.

“(5) SUPPLEMENT NOT SUPPLANT.—Amounts
appropriated for grants under this subsection shall be
used to supplement and not supplant other State and
local government public funds obligated for the pur-
poses provided under this title.

“(6) LAW ENFORCEMENT TERRORISM PREVEN-
TION PROGRAM.—

“(A) IN GENERAL.—The Secretary shall
designate not more than 25 percent of the
amounts authorized under this section to be used
for the Law Enforcement Terrorism Prevention
Program under section 1014 of the USA PA-
TRIOT ACT (42 U.S.C. 3714) to provide grants
to law enforcement agencies to enhance capabili-
ties for terrorism prevention.
“(B) USE OF FUNDS.—Notwithstanding subsection (b), grants awarded under this paragraph may be used for—

“(i) information sharing to preempt terrorist attacks;

“(ii) target hardening to reduce the vulnerability of selected high value targets;

“(iii) threat recognition to recognize the potential or development of a threat;

“(iv) intervention activities to interdict terrorists before they can execute a threat;

“(v) interoperable communication systems;

“(vi) overtime expenses related to the homeland security plan approved by the Secretary, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement; and

“(vii) any other terrorism prevention activity authorized by the Secretary.
“(g) REPORT ON HOMELAND SECURITY SPENDING.—
Each recipient of a grant under this section shall annually submit a report to the Secretary that contains—

“(1) an accounting of the amount of State and local government funds spent on homeland security activities under the applicable State homeland security plan;

“(2) information regarding the use of grant funds by the State and by units of local government as required by the Secretary; and

“(3) progress of the recipient and subgrantees in achieving essential capabilities.

“(h) ACCOUNTABILITY.—

“(1) GOVERNMENT ACCOUNTABILITY OFFICE ACCESS TO INFORMATION.—Each recipient of a grant under this section and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this section.

“(2) AUDIT.—Grant recipients that expend $500,000 or more in Federal funds during any fiscal year shall submit to the Secretary an organization wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.
“(i) Remedies for Non-Compliance.—

“(1) In general.—If the Secretary finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this section has failed to substantially comply with any provision of this section, or with any regulations or guidelines of the Department regarding eligible expenditures, the Secretary shall—

“(A) terminate any payment of grant funds to be made to the recipient under this section;

“(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this section; or

“(C) limit the use of grant funds received under this section to programs, projects, or activities not affected by the failure to comply.

“(2) Duration of penalty.—The Secretary shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this section or with applicable guidelines or regulations of the Department.
“(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this section or with applicable guidelines or regulations of the Department, including failing to provide local governments with grant funds or resources purchased with grant funds in a timely fashion, a local government entitled to receive such grant funds or resources may petition the Secretary, at such time and in such manner as determined by the Secretary, to request that grant funds or resources be provided directly to the local government.

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

“(1) the status of preparedness goals and objectives;

“(2) an evaluation of how States and local governments are making progress in achieving essential capabilities;

“(3) the total amount of resources provided to the States;

“(4) the total amount of resources provided to local governments and metropolitan regions; and

“(5) an accounting of how these resources were expended.
“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) $2,925,000,000 for fiscal year 2006;
“(2) $2,925,000,000 for fiscal year 2007; and
“(3) such sums as are necessary for each fiscal year thereafter.

“SEC. 1805. ELIMINATING HOMELAND SECURITY FRAUD, WASTE, AND ABUSE.

“(a) ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE AUDIT AND REPORT.—

“(1) AUDIT.—The Comptroller General of the United States shall conduct an annual audit of the Threat-Based Homeland Security Grant Program.

“(2) REPORT.—The Comptroller General of the United States shall provide a report to Congress on the results of the audit conducted under paragraph (1), which includes—

“(A) an analysis of whether the grant recipients allocated funding consistent with the State homeland security plan and the guidelines established by the Department; and
“(B) the amount of funding devoted to overtime and administrative expenses.
“(b) Reviews of Threat-Based Homeland Security Funding.—The Secretary shall conduct periodic reviews of grants made through the Threat Based Homeland Security Grant Program to ensure that recipients allocate funds consistent with the guidelines established by the Department.

“SEC. 1806. FLEXIBILITY IN UNSPENT HOMELAND SECURITY FUNDS.

“(a) Reallocation of Funds.—The Director of the Office for Domestic Preparedness shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Laws 105–277 (112 Stat. 2681 et seq.), 106–113 (113 Stat. 1501A–3 et seq.), 106–553 (114 Stat. 2762A–3 et seq.), 107–77 (115 Stat. 78 et seq.), or the Consolidated Appropriations Resolution of 2003 (Public Law 108–7), among the 4 categories of equipment, training, exercises, and planning.

“(b) Approval of Reallocation Requests.—The Director shall approve reallocation requests under subsection (a) in accordance with the State homeland security plan and any other relevant factors that the Secretary determines to be necessary.

“(c) Limitation.—A waiver under this section shall not affect the obligation of a State to make available 80
percent of the amount appropriated for equipment to units of local government.

“SEC. 1807. 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 (including a representative of the United States Fire Administration) and the Executive Director of the Office for State and Local Government Coordination and Preparedness, shall 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 1804(c).

“(2) STANDARDS.—Standards under this subsection shall—

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

“(B) take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;
“(C) be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

“(D) cover all appropriate uses of the equipment.

“(b) Training Standards.—

“(1) In general.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology (including a representative of the United States Fire Administration) and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable.

“(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 American National Standards Institute;
“(4) the National Institute of Justice;
“(5) the National Institute for Occupational Safety and Health; and
“(6) 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. 1808. CERTIFICATION RELATIVE TO THE SCREENING OF MUNICIPAL SOLID WASTE TRANSPORTED INTO THE UNITED STATES.

“(a) DEFINITION.—In this section, the term ‘municipal solid waste’ includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).
“(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Bureau of
Customs and Border Protection shall submit a report to Congress that—

“(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport; and

“(2) if the methodologies and technologies used to screen solid waste are less effective than those used to screen other commercial items, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of solid waste, including the need for additional screening technologies.

“(c) Impact on Commercial Motor Vehicles.—If the Bureau of Customs and Border Protection fails to fully implement the actions described in subsection (b)(2) before the earlier of 6 months after the date on which the report is due under subsection (b) or 6 months after the date on which such report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste until the Secretary
certifies to Congress that the methodologies and technologies
used by the Bureau to screen for and detect the presence
of chemical, nuclear, biological, and radiological weapons
in such waste are as effective as the methodologies and tech-
nologies used by the Bureau to screen for such materials
in other items of commerce entering into the United States
by commercial motor vehicle transport.”.

(b) FIRE SERVICES.—Section 2(6) of the Homeland
Security Act of 2002 (6 U.S.C. 101(6)) is amended by in-
serting “(including fire services)” after “local emergency
public safety”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The
table of contents in section 1(b) of the Homeland Security
Act of 2002 (6 U.S.C. 101 note) is amended by adding at
the end the following:

“TITLE XVIII—ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS
AND THREAT-BASED HOMELAND SECURITY GRANT PROGRAM

“Sec. 1801. Definitions.
“Sec. 1802. Preservation of pre-9/11 grant programs for traditional first re-
sponder missions.
“Sec. 1803. Essential capabilities for first responders.
“Sec. 1804. Threat-Based Homeland Security Grant Program.
“Sec. 1805. Eliminating homeland security fraud, waste, and abuse.
“Sec. 1806. Flexibility in unspent homeland security funds.
“Sec. 1807. National standards for first responder equipment and training.
“Sec. 1808. Certification relative to the screening of municipal solid waste
transported into the United States.”.

SEC. 5. COMMUNICATION SYSTEM GRANTS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in
the Department of Homeland Security an Inter-
national Border Community Interoperable Communications Demonstration Project (referred to in this section as “demonstration projects”).

(2) Minimum number of communities.—The Secretary of Homeland Security shall select no fewer than 6 communities to participate in a demonstration project.

(3) Location of communities.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) Program Requirements.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers, as defined in the Homeland Security Act of 2002;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and
(B) with similar agencies in Canada or Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with one another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall distribute funds under this section to each community participating in a demonstration project under this section through the State or States in which each community is located.
(2) OTHER PARTICIPANTS.—A State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary of Homeland Security not later than 60 days after receiving funds.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008 to carry out this section.

(e) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary of Homeland Security shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.
A BILL

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

MAY 24, 2005

Reported with an amendment