

Calendar No. 1052

110TH CONGRESS
2D SESSION**H. R. 6098**

IN THE SENATE OF THE UNITED STATES

JULY 30, 2008

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, with an amendment

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

To amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Personnel Reimburse-
5 ment for Intelligence Cooperation and Enhancement of
6 Homeland Security Act” or the “PRICE of Homeland Se-
7 curity Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) After the terrorist attacks on September 11,
4 2001, State, local, and tribal governments redoubled
5 their efforts to combat terrorism and expended tre-
6 mendous energy and financial resources to help the
7 Federal Government fight the terrorist threat.

8 (2) States and localities have formed fusion
9 centers, hired intelligence analysts, and contributed
10 a significant amount of resources to the expansion
11 of Federal homeland security efforts.

12 (3) These actions, in conjunction with the ef-
13 forts of the Federal Government and private indus-
14 try, have materially contributed to the common de-
15 fense of this Nation and have helped keep our home-
16 land secure.

17 (4) The National Strategy for Information
18 Sharing issued by the President in October 2007
19 plainly states that “The Federal Government may
20 need to provide financial and technical assistance, as
21 well as human resource support, to these fusion cen-
22 ters if they are to achieve and sustain a baseline
23 level of capability. The objective is to assist State
24 and local governments in the establishment and the
25 sustained operation of these fusion centers. A sus-
26 tained Federal partnership with State and major

1 urban area fusion centers is critical to the safety of
2 our Nation, and therefore a national priority.”.

3 (5) The Federal Government has endeavored to
4 support these State efforts through the State Home-
5 land Security Grant Program and other methods of
6 Federal assistance but have placed restrictions on
7 the use of these funds that make long-term planning
8 for fusion centers unmanageable.

9 (6) It is vital to the security of our homeland
10 that States and localities are able to continue to re-
11 ceive funding for the participation of State and local
12 analysts in fusion centers and in their State and
13 local efforts to combat terrorism and terrorist-re-
14 lated activities.

15 **SEC. 3. GRANT ELIGIBILITY FOR ANALYSTS.**

16 Section 2008(a) of the Homeland Security Act of
17 2002 (6 U.S.C. 609(a)) is amended—

18 (1) in the matter preceding paragraph (1) by
19 striking “Grants” and all that follows through
20 “plans, through” and inserting the following: “The
21 Administrator shall permit grant recipients under
22 section 2003 or 2004 to use grant funds to achieve
23 and sustain target capabilities related to preventing,
24 preparing for, protecting against, and responding to
25 acts of terrorism, consistent with a State homeland

1 security plan and relevant local, tribal, and regional
 2 homeland security plans, through”; and
 3 (2) in paragraph (10) by inserting the following
 4 after “analysts”: “regardless of whether such ana-
 5 lysts are current or new full-time employees or con-
 6 tract employees and such funding shall be made
 7 available without time limitations placed on the pe-
 8 riod of time that such analyst can serve under
 9 awarded grants.”.

10 **SEC. 4. USE OF FUNDS FOR PERSONNEL AND OPER-**
 11 **ATIONAL COSTS.**

12 Section 2008(b)(2) of the Homeland Security Act of
 13 2002 (6 U.S.C. 609(b)(2)) is amended by striking so
 14 much as precedes subparagraph (B) and inserting the fol-
 15 lowing:

16 “(2) PERSONNEL AND OPERATIONAL COSTS.—
 17 “(A) IN GENERAL.—The recipient of a
 18 grant under section 2003 or 2004 may, at the
 19 recipient’s discretion, use up to 50 percent of
 20 the amount of the grant awarded for any fiscal
 21 year to pay for personnel and operational costs,
 22 including overtime and backfill costs, in support
 23 of the uses authorized under subsection (a).”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Personnel Reimburse-*
 3 *ment for Intelligence Cooperation and Enhancement of*
 4 *Homeland Security Act of 2008” or the “PRICE of Home-*
 5 *land Security Act”.*

6 **SEC. 2. CLARIFICATION ON USE OF FUNDS.**

7 *Section 2008 of the Homeland Security Act of 2002*
 8 *(6 U.S.C. 609) is amended—*

9 *(1) in subsection (a)—*

10 *(A) in the matter preceding paragraph (1),*
 11 *by striking “Grants” and all that follows*
 12 *through “used” and inserting the following: “The*
 13 *Administrator shall permit the recipient of a*
 14 *grant under section 2003 or 2004 to use grant*
 15 *funds”; and*

16 *(B) in paragraph (10), by inserting “, re-*
 17 *gardless of whether such analysts are current or*
 18 *new full-time employees or contract employees”*
 19 *after “analysts”; and*

20 *(2) in subsection (b)—*

21 *(A) by redesignating paragraphs (3) and*
 22 *(4) as paragraphs (4) and (5), respectively; and*

23 *(B) by inserting after paragraph (2) the fol-*
 24 *lowing:*

25 *“(3) LIMITATIONS ON DISCRETION.—*

1 “(A) *IN GENERAL.*—With respect to the use
2 of amounts awarded to a grant recipient under
3 section 2003 or 2004 for personnel costs in ac-
4 cordance with paragraph (2) of this subsection,
5 the Administrator may not—

6 “(i) impose a limit on the amount of
7 the award that may be used to pay for per-
8 sonnel, or personnel-related, costs that is
9 higher or lower than the percent limit im-
10 posed in paragraph (2)(A); or

11 “(ii) impose any additional limitation
12 on the portion of the funds of a recipient
13 that may be used for a specific type, pur-
14 pose, or category of personnel, or personnel-
15 related, costs.

16 “(B) *ANALYSTS.*—If amounts awarded to a
17 grant recipient under section 2003 or 2004 are
18 used for paying salary or benefits of a qualified
19 intelligence analyst under subsection (a)(10), the
20 Administrator shall make such amounts avail-
21 able without time limitations placed on the pe-
22 riod of time that the analyst can serve under the
23 grant.”.

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