

REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

DECEMBER 1, 2009.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 3980]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

Purpose and Summary	Page 2
Background and Need for Legislation	2
Hearings	2
Committee Consideration	2
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority, Entitlement Authority, and Tax Expenditures	3
Congressional Budget Office Estimate	3
Statement of General Performance Goals and Objectives	4
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	4
Federal Mandates Statement	4
Advisory Committee Statement	4
Constitutional Authority Statement	5
Applicability to Legislative Branch	5
Section-by-Section Analysis of the Legislation	5
Changes in Existing Law Made by the Bill, as Reported	6
Committee Correspondence	8

PURPOSE AND SUMMARY

The purpose of H.R. 3980 is to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109–295), and the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act, P.L. 110–53) require the Federal Emergency Management Agency (FEMA) to develop performance metrics for its homeland security grant programs. These performance metrics are used by FEMA to identify national preparedness levels and gaps, and assess the capabilities built and sustained at the State and local levels with federal homeland security funds. Since FEMA is still unable to determine the Nation’s overall preparedness or how homeland security grants have built the necessary capabilities to prepare for, protect against, and respond to an act of terrorism, H.R. 3980 is needed to make these determinations.

HEARINGS

No hearings were held on H.R. 3980, however, the Committee held oversight hearings.

On October 27, 2009, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Preparedness: What has \$29 billion in homeland security grants bought and how do we know?” The Subcommittee received testimony from Hon. Timothy Manning, Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security; Ms. Kathy Crandall, Director, Office of Homeland Security & Justice Programs, Franklin County, Ohio; and Mr. David Maxwell, Director, Arkansas Department of Emergency Management.

The hearing revealed that FEMA’s efforts to implement the PKEMRA and 9/11 Act performance metrics-related requirements remain fragmented and poorly integrated. As a result, Mr. Cuellar introduced H.R. 3980 on November 2, 2009.

COMMITTEE CONSIDERATION

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3980 on November 3, 2009, and forwarded the measure to the Full Committee for consideration with a favorable recommendation, by voice vote.

H.R. 3980, to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes, was ordered to be reported to the House with a favorable recommendation by voice vote.

The Committee adopted the measure, without amendment, by unanimous consent.

The Committee met on November 17, 2009, to consider H.R. 3980, and ordered the measure to be reported to the House with

a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The Committee adopted the measure, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 3980.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3980, the Identifying Redundancies and Developing Performance Metrics Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

NOVEMBER 19, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3980—Redundancy Elimination and Enhanced Performance for Preparedness Grants Act

CBO estimates that implementing H.R. 3980 would have no significant cost over the next five years. Enacting this legislation would not affect direct spending or revenues.

H.R. 3980 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The bill would direct the Federal Emergency Management Agency (FEMA) to develop plans to eliminate redundant rules, regulations, and requirements related to reporting by grant recipients of the State Homeland Security Grant Program, the Urban Area Security Initiative funding, and other programs identified by the agency. FEMA also would be required to submit plans for developing and improving performance metrics and a general assessment of the goals and performance of these programs. Reports would be submitted to the Congress no later than 120 days after enactment and every two years thereafter.

Based on the costs of similar administrative requirements, CBO estimates that implementing H.R. 3980 would have a negligible impact on federal spending; any additional spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3980 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

H.R. 3980 would direct FEMA to work with State and local stakeholders to identify and eliminate redundant grant reporting requirements. FEMA will also develop a strategy, with timelines, for establishing performance metrics for its homeland security grants. FEMA is also directed to complete a program assessment of its homeland security grants in order to improve the agency's performance, productivity, and accountability to the taxpayers. The plan required by H.R. 3980 must be submitted to the appropriate committees of Congress as defined in Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601). The plan must be submitted within 120 days following the enactment of the bill. FEMA is also required to submit biannual updates in order for Congress to maintain proper oversight.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section states that this act may be cited as “The Redundancy Elimination and Enhanced Performance for Preparedness Grants Act”.

Section 2. Identification of Reporting Redundancies and Development of Performance Metrics for Homeland Security Preparedness Grant Programs

This section amends Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 *et seq.*) by adding a new section 2034, Identification of Reporting Redundancies and Development of Performance Metrics.

The section requires that the Federal Emergency Management Agency (FEMA) Administrator submit a report to Congress on a plan for the State Homeland Security Grant Program and the Urban Areas Security Initiative. The report must be submitted to Congress not later than 120 days after the date of enactment of the Act and by October 1 every two years thereafter. The report must include the following: Identify redundant reporting requirements, rules and regulations for grant recipients and a plan for eliminating such redundancies; a plan for developing and improving the performance metrics required under Section 2022 (a) (4) of the Homeland Security Act of 2002; a detailed assessment of each grant program, that must be developed in coordination with State, local, tribal and territorial governments. The assessment must contain: the program’s purpose, objectives and performance goals; an assessment of the quality of the program’s performance metrics; a summary of the program’s strengths and weaknesses and how they contribute to the programs’ successes and failures; a description of any current trends, developments and emerging conditions that may warrant a change of mission for the program; an identification of best practices in the program that resulted in positive outcomes; recommendations for program modification that will improve the program; a summary of key results of the program assessment; and an assessment of the quality of customer-service given to recipients of the program.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle B—Grants Administration

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Sec. 2023. Identification of reporting redundancies and development of performance metrics.

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TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle B—Grants Administration

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SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

(a) *IN GENERAL.*—The Administrator shall, for grants under sections 2003 and 2004 and any other grants specified by the Administrator, submit a report to the congressional homeland security committees by not later than 120 days after the date of the enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, and by October 1st every 2 years thereafter, that—

(1) identifies redundant rules, regulations, and requirements for reporting by recipients of such grants, and includes a plan for eliminating such identified redundancies and requirements;

(2) includes a plan for developing and improving the performance metrics required under section 2022(a)(4) for such grants; and

(3) includes an assessment of each program under which such grants are awarded.

(b) *PLAN REQUIREMENTS.*—Each plan under subsection (a)—

(1) shall be developed in coordination with State, local, tribal, and territorial governments; and

(2) shall include a proposed timeline for actions to implement the plan.

(c) **PROGRAM ASSESSMENT REQUIREMENTS.**—Each program assessment under subsection (a)(3) shall include—

(1) a brief summary of the program purposes, objectives, and performance goals, and of the key findings of the assessment;

(2) an assessment of the quality of the program's performance metrics, and the extent to which necessary performance data are collected;

(3) a summary of how the program's strengths and weaknesses are impeding or contributing to its failures or successes, including reasons for any substantial variation from the targeted level of performance of the program;

(4) a description of the extent to which any trends, developments, or emerging conditions affect the need to change the mission of the program or the way that the program is being carried out;

(5) an identification of the best practices used in the program for allocating resources in an efficient and effective manner that resulted in positive outcomes and the key reasons why such practices resulted in positive outcomes;

(6) recommendations for program modifications to improve the results that the program achieves;

(7) a summary of key results of the program assessment that support maximizing the amount of funds appropriated for the program; and

(8) an assessment of the quality of customer service offered to recipients of funds under the program and a strategy for improving such service.

(d) **CONGRESSIONAL HOMELAND SECURITY COMMITTEES DEFINED.**—In this section the term “congressional homeland security committees” means the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

COMMITTEE CORRESPONDENCE



U.S. House of Representatives
Committee on Transportation and Infrastructure

James R. Oberstar
 Chairman

Washington, DC 20515

John R. Mica
 Ranking Republican Member

December 1, 2009

David Heynsfeldt, Chief of Staff
 Ward W. McCarragher, Chief Counsel

James W. Cunniff, Republics Chief of Staff

The Honorable Bennie G. Thompson
 Chairman
 Committee on Homeland Security
 176 Ford House Office Building
 Washington, D.C. 20515

Dear Chairman Thompson:

I write to you regarding H.R. 3980, the "Redundancy Elimination and Enhanced Performance for Preparedness Grants Act".

H.R. 3980 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3980.

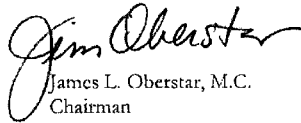
Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 3980 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 3980 and in the *Congressional Record* during consideration of the measure in the House.

The Honorable Bennie G. Thompson
Page 2

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,



James L. Oberstar, M.C.
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable John L. Mica, Ranking Member
The Honorable Peter T. King, Ranking Member, Committee on Homeland Security
The Honorable John Sullivan, Parliamentarian

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN



PETER T. KING, NEW YORK
RANKING MEMBER

One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

December 1, 2009

The Honorable James L. Oberstar
Chairman
Committee on Transportation and
Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Oberstar:

Thank you for your letter regarding H.R. 3980, the "Redundancy Elimination and Enhanced Performance for Preparedness Grants Act," introduced by Congressman Henry Cuellar on November 2, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that the Committee on Transportation and Infrastructure has a jurisdictional interest in certain provisions of H.R. 3980. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill over which your Committee has a jurisdictional interest and I agree to support such a request.

I will ensure that this exchange of letters is included in the legislative report on H.R. 3980 and in the *Congressional Record* during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Peter T. King, Ranking Member
The Honorable John Sullivan, Parliamentarian

