

PROMOTING RESILIENCE AND EFFICIENCY IN PREPARING FOR ATTACKS AND RESPONDING TO EMERGENCIES ACT

MARCH 16, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 3583]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3583) to reform and improve the Federal Emergency Management Agency, the Office of Emergency Communications, and the Office of Health Affairs of the Department of Homeland Security, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Promoting Resilience and Efficiency in Preparing for Attacks and Responding to Emergencies Act” or the “PRE-PARE Act”.

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

Sec. 1. Short title; table of contents.

**TITLE I—GRANTS, TRAINING, EXERCISES, AND COORDINATION**

Sec. 101. Memoranda of understanding.  
Sec. 102. Period of performance.  
Sec. 103. Operation Stonegarden.  
Sec. 104. Grants metrics.  
Sec. 105. Grant management best practices.  
Sec. 106. Administration and coordination of grants.  
Sec. 107. Funding prohibition.  
Sec. 108. Law enforcement terrorism prevention.  
Sec. 109. Allowable uses.  
Sec. 110. Maintenance of grant investments.  
Sec. 111. National Domestic Preparedness Consortium.  
Sec. 112. Rural Domestic Preparedness Consortium.  
Sec. 113. Emergency support functions.  
Sec. 114. Review of National Incident Management System.  
Sec. 115. Approval of certain equipment.  
Sec. 116. Remedial action management program.

**TITLE II—COMMUNICATIONS**

Sec. 201. Office of Emergency Communications.  
Sec. 202. Responsibilities of Office of Emergency Communications Director.  
Sec. 203. Annual reporting on activities of the Office of Emergency Communications.  
Sec. 204. National Emergency Communications Plan.  
Sec. 205. Technical edits.  
Sec. 206. Public Safety Broadband Network.  
Sec. 207. Department of Homeland Security social media improvement.  
Sec. 208. Statewide interoperability coordinators.  
Sec. 209. Communications training.

**TITLE III—MEDICAL PREPAREDNESS**

Sec. 301. Pre-event anthrax vaccination program for emergency response providers.  
Sec. 302. Chief Medical Officer.  
Sec. 303. Medical Countermeasures Program.

**TITLE IV—MANAGEMENT**

Sec. 401. Mission support.  
Sec. 402. Systems modernization.  
Sec. 403. Strategic human capital plan.  
Sec. 404. Activities related to children.

## **TITLE I—GRANTS, TRAINING, EXERCISES, AND COORDINATION**

**SEC. 101. MEMORANDA OF UNDERSTANDING.**

(a) **IN GENERAL.**—Subtitle B of title XX of the Homeland Security Act of 2002 (6 U.S.C. 611 et seq.) is amended by adding at the end the following new section:

**“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DEPARTMENTAL COMPONENTS AND OFFICES.**

“The Administrator shall enter into memoranda of understanding with the heads of the following departmental components and offices delineating the roles and responsibilities of such components and offices regarding the policy and guidance for grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004 of this Act, and section 70107 of title 46, United States Code, as appropriate:

- “(1) The Commissioner of U.S. Customs and Border Protection.
- “(2) The Administrator of the Transportation Security Administration.
- “(3) The Commandant of the Coast Guard.
- “(4) The Under Secretary for Intelligence and Analysis.
- “(5) The Director of the Office of Emergency Communications.
- “(6) The Assistant Secretary for State and Local Law Enforcement.
- “(7) The Countering Violent Extremism Coordinator.
- “(8) The Officer for Civil Rights and Civil Liberties.

“(9) The heads of other components or offices of the Department, as determined by the Secretary.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2023 the following new item:

“Sec. 2024. Memoranda of understanding with departmental components and offices.”

**SEC. 102. PERIOD OF PERFORMANCE.**

(a) URBAN AREA SECURITY INITIATIVE.—Section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

“(e) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”

(b) STATE HOMELAND SECURITY GRANT PROGRAM.—Section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following the new subsection:

“(f) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”

(c) PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANT PROGRAM.—Section 1406 of the Implementing Recommendations of the 9/11 Commission Act (6 U.S.C. 1135; Public Law 110–53) is amended by—

(1) redesignating subsection (m) as subsection (n); and

(2) inserting after subsection (l) the following new subsection:

“(m) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”

(d) PORT SECURITY GRANT PROGRAM.—Section 70107 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(n) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”

(e) TRIBAL SECURITY GRANT PROGRAM.—Section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606) is amended by—

(1) redesignating subsections (h) through (k) subsections (i) through (l), respectively; and

(2) inserting after subsection (g) the following new subsection:

“(h) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”

**SEC. 103. OPERATION STONEGARDEN.**

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

**“SEC. 2009. OPERATION STONEGARDEN.**

“(a) ESTABLISHMENT.—There is established in the Department a program to be known as ‘Operation Stonegarden’. Under such program, the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State Administrative Agency, to enhance border security in accordance with this section.

“(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

“(1) be located in—

“(A) a State bordering either Canada or Mexico; or

“(B) a State or territory with a maritime border; and

“(2) be involved in an active, ongoing U.S. Customs and Border Protection operation coordinated through a sector office.

“(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following:

“(1) Equipment, including maintenance and sustainment costs.

“(2) Personnel, including overtime and backfill, in support of enhanced border law enforcement activities.

“(3) Any activity permitted for Operation Stonegarden under the Department of Homeland Security’s Fiscal Year 2015 Homeland Security Grant Program Notice of Funding Opportunity.

“(4) Any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$110,000,000 for each of fiscal years 2016 through 2020 for grants under this section.

“(e) REPORT.—The Administrator shall annually submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure of grants made under this section by each grant recipient.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

“(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following new item:

“Sec. 2009. Operation Stonegarden.”.

**SEC. 104. GRANTS METRICS.**

(a) IN GENERAL.—To determine the extent to which grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 603 and 604) have closed capability gaps identified in State Preparedness Reports required under subsection (c) of section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109–295) and Threat and Hazard Identification and Risk Assessments from each State and high-risk urban area, the Administrator of the Federal Emergency Management Agency shall conduct and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of information provided in such Reports and Assessments.

(b) ASSESSMENT REQUIREMENTS.—The assessment required under subsection (a) shall include a comparison of successive State Preparedness Reports and Threat and Hazard Identification and Risk Assessments from each State and high-risk urban area.

**SEC. 105. GRANT MANAGEMENT BEST PRACTICES.**

The Administrator of the Federal Emergency Management Agency shall include in the annual Notice of Funding Opportunity relating to grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) an appendix that includes a summary of findings identified by the Office of the Inspector General of the Department of Homeland Security in audits of such grants and methods to address areas identified for improvement and innovative practices instituted by grant recipients.

**SEC. 106. ADMINISTRATION AND COORDINATION OF GRANTS.**

(a) IN GENERAL.—Paragraphs (1) and (2) of subsection (b) of section 2021 of the Homeland Security Act of 2002 (6 U.S.C. 611) are amended to read as follows:

“(1) IN GENERAL.—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a State planning committee or urban area working group to assist in preparation and revision of the State, regional, or local homeland security plan or the threat and hazard identification and risk assessment, as the case may be, and to assist in determining effective funding priorities for grants under such sections 2003 and 2004.

“(2) COMPOSITION.—The State planning committees and urban area working groups referred to in paragraph (1) shall include at least one representative from each of the following significant stakeholders:

“(A) Local or tribal government officials.

“(B) Emergency response providers, including representatives of the fire service, law enforcement, emergency medical services, and emergency managers.

“(C) Public health officials and other appropriate medical practitioners.

“(D) Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education.

“(E) State and regional interoperable communications coordinators, as appropriate.

“(F) State and major urban area fusion centers, as appropriate.”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 2021(b) (6 U.S.C. 611) is amended by inserting “or urban area working group, as the case may be,” after “create a planning committee”.

**SEC. 107. FUNDING PROHIBITION.**

The Secretary of Homeland Security may not implement the National Preparedness Grant Program or any successor grant program unless the Secretary receives prior authorization from Congress permitting such implementation.

**SEC. 108. LAW ENFORCEMENT TERRORISM PREVENTION.**

(a) **LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.**—Subsection (a) of section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended—

(1) in paragraph (1)—

(A) by inserting “States and high-risk urban areas use” after “that”; and  
(B) by striking “is used”; and

(2) in paragraph (2), by amending subparagraph (I) to read as follows:

“(I) activities as determined appropriate by the Administrator, in coordination with the Assistant Secretary for State and Local Law Enforcement within the Office of Policy of the Department, through outreach to relevant stakeholder organizations.”.

(b) **OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.**—Subsection (b)(4) of section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended—

(1) in subparagraph (B), by inserting “, including through consultation with such agencies regarding Department programs that may impact such agencies” before the semicolon; and

(2) in subparagraph (D), by striking “ensure” and inserting “certify”.

**SEC. 109. ALLOWABLE USES.**

Subsection (a) of section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in the matter preceding paragraph (1), by inserting “including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))),” after “plans,”;

(2) by redesignating paragraphs (6) through (13) as paragraphs (7) through (14), respectively;

(3) by inserting after paragraph (5) the following new paragraph:

“(6) enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, including the development and maintenance of an initial pharmaceutical stockpile, including medical kits and diagnostics sufficient to protect first responders, their families, immediate victims, and vulnerable populations from a chemical or biological event;” and

(4) in subsection (b)(3)(B), by striking “(a)(10)” and inserting “(a)(11)”.

**SEC. 110. MAINTENANCE OF GRANT INVESTMENTS.**

Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended by adding at the end the following new subsection:

“(g) **MAINTENANCE OF EQUIPMENT.**—Any applicant for a grant under section 2003 or 2004 seeking to use funds to purchase equipment, including pursuant to paragraphs (3), (4), (5), or (9) of subsection (a) of this section, shall by the time of the receipt of such grant develop a plan for the maintenance of such equipment over its life-cycle that includes information identifying which entity is responsible for such maintenance.”.

**SEC. 111. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.**

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act (6 U.S.C. 1102) is amended—

(1) in subsection (d), by amending paragraphs (1) and (2) to read as follows:

“(1) for the Center for Domestic Preparedness, \$65,000,000 for each of fiscal years 2016 and 2017; and

“(2) for the remaining Members of the National Domestic Preparedness Consortium, \$98,000,000 for each of fiscal years 2016 and 2017.”; and

(2) in subsection (e), in the matter preceding paragraph (1), by striking “2007” and inserting “2015”.

**SEC. 112. RURAL DOMESTIC PREPAREDNESS CONSORTIUM.**

(a) **IN GENERAL.**—The Secretary of Homeland Security is authorized to establish a Rural Domestic Preparedness Consortium within the Department of Homeland Security consisting of universities and nonprofit organizations qualified to provide training to emergency response providers from rural communities.

(b) **DUTIES.**—The Rural Domestic Preparedness Consortium authorized under subsection (a) shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers from rural communities, provide on-site and mobile training, and facilitate the delivery of training by the training partners of the Department of Homeland Security.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Of amounts appropriated for Continuing Training Grants of the Department of Homeland Security, \$5,000,000 is authorized to be used for the Rural Domestic Preparedness Consortium authorized under subsection (a).

**SEC. 113. EMERGENCY SUPPORT FUNCTIONS.**

(a) **UPDATE.**—Paragraph (13) of section 504(a) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is amended by inserting “, periodically updating (but not less often than once every five years),” after “administering”.

(b) **EMERGENCY SUPPORT FUNCTIONS.**—Section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109–295) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

“(d) **COORDINATION.**—The President, acting through the Administrator, shall develop and provide to Federal departments and agencies with coordinating, primary, or supporting responsibilities under the National Response Framework performance metrics to ensure readiness to execute responsibilities under the emergency support functions of such Framework.”.

**SEC. 114. REVIEW OF NATIONAL INCIDENT MANAGEMENT SYSTEM.**

Paragraph (2) of section 509(b) of the Homeland Security Act of 2002 (6 U.S.C. 319(b)) is amended, in the matter preceding subparagraph (A), by inserting “, but not less often than once every five years,” after “periodically”.

**SEC. 115. APPROVAL OF CERTAIN EQUIPMENT.**

Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609), as amended by section 110, is further amended by adding at the end the following new subsection:

“(h) **REVIEW PROCESS.**—The Administrator shall develop and implement a uniform process for reviewing applications to use grants provided under section 2003 or 2004 to purchase equipment or systems not included on the Authorized Equipment List maintained by the Administrator.”.

**SEC. 116. REMEDIAL ACTION MANAGEMENT PROGRAM.**

Section 650 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 750; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109–295) is amended to read as follows:

**“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

“(a) **IN GENERAL.**—The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

“(1) analyze training, exercises, and real world events to identify lessons learned, corrective actions, and best practices;

“(2) generate and disseminate, as appropriate, the lessons learned, corrective actions, and best practices referred to in paragraph (1); and

“(3) conduct remedial action tracking and long term trend analysis.

“(b) **FEDERAL CORRECTIVE ACTIONS.**—The Administrator, in coordination with the heads of appropriate Federal departments and agencies, shall utilize the program established in subsection (a) to collect information on corrective actions identified by such Federal departments and agencies during exercises and the response to natural disasters, acts of terrorism, and other man-made disasters, and shall, not later than one year after the date of the enactment of this section and annually thereafter for each of the next four years, submit to Congress a report on the status of such corrective actions.

“(c) **DISSEMINATION OF AFTER ACTION REPORTS.**—The Administrator shall provide electronically, to the maximum extent practicable, to Congress and Federal, State, local, tribal, and private sector officials after-action reports and information on lessons learned and best practices from responses to acts of terrorism, natural disasters, capstone exercises conducted under the national exercise program under section 648(b), and other emergencies or exercises.”.

## TITLE II—COMMUNICATIONS

**SEC. 201. OFFICE OF EMERGENCY COMMUNICATIONS.**

The Secretary of Homeland Security may not change the location or reporting structure of the Office of Emergency Communications of the Department of Home-

land Security unless the Secretary receives prior authorization from the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate permitting such change.

**SEC. 202. RESPONSIBILITIES OF OFFICE OF EMERGENCY COMMUNICATIONS DIRECTOR.**

Subsection (c) of section 1801 of the Homeland Security Act of 2002 (6 U.S.C. 571) is amended—

- (1) by striking paragraph (3);
- (2) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively;
- (3) in paragraph (8), as so redesignated, by striking “, in cooperation with the National Communications System,”;
- (4) in paragraph (9), as so redesignated, by striking “the Homeland Security Council,”;
- (5) in paragraph (11), as so redesignated, by striking “Assistant Secretary for Grants and Training” and inserting “Assistant Administrator of the Grant Programs Directorate of the Federal Emergency Management Agency”;
- (6) in paragraph (13), as so redesignated, by striking “and” at the end;
- (7) in paragraph (14), as so redesignated, by striking the period at the end and inserting a semicolon; and
- (8) by adding after paragraph (14), as so redesignated, the following new paragraphs:
  - “(15) administer the Government Emergency Telecommunications Service (GETS) and Wireless Priority Service (WPS) programs, or successor programs; and
  - “(16) assess the impact of emerging technologies on interoperable emergency communications.”.

**SEC. 203. ANNUAL REPORTING ON ACTIVITIES OF THE OFFICE OF EMERGENCY COMMUNICATIONS.**

Subsection (f) of section 1801 of the Homeland Security Act of 2002 (6 U.S.C. 571) is amended to read as follows:

“(f) ANNUAL REPORTING OF OFFICE ACTIVITIES.—The Director of the Office of Emergency Communications shall, not later than one year after the date of the enactment of this subsection and annually thereafter for each of the next four years, report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the activities and programs of the Office, including specific information on efforts to carry out paragraphs (4), (5), and (6) of subsection (c).”.

**SEC. 204. NATIONAL EMERGENCY COMMUNICATIONS PLAN.**

Section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572) is amended—

- (1) in subsection (a), in the matter preceding paragraph (1)—
  - (A) by striking “, and in cooperation with the Department of National Communications System (as appropriate),”; and
  - (B) by inserting “, but not less than once every five years,” after “periodically”; and
- (2) in subsection (c)—
  - (A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively; and
  - (B) by inserting after paragraph (2) the following new paragraph:
 

“(3) consider the impact of emerging technologies on the attainment of interoperable emergency communications;”.

**SEC. 205. TECHNICAL EDITS.**

Title XVIII of the Homeland Security Act of 2002 is amended—

- (1) in subsection (d) of section 1801 (6 U.S.C. 571) by—
  - (A) striking paragraph (2); and
  - (B) redesignating paragraph (3) as paragraph (2); and
- (2) in paragraph (1) of section 1804(b) (6 U.S.C. 574(b)), in the matter preceding subparagraph (A), by striking “Assistant Secretary for Grants and Planning” and inserting “Assistant Administrator of the Grant Programs Directorate of the Federal Emergency Management Agency”.

**SEC. 206. PUBLIC SAFETY BROADBAND NETWORK.**

The Undersecretary of the National Protection and Programs Directorate of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the Department of Homeland Security’s responsibilities related to the development of the nationwide Public Safety Broadband Network authorized in section 6202 of the Middle Class Tax Re-

lief and Job Creation Act of 2012 (47 U.S.C. 1422; Public Law 112–96), including information on efforts by the Department to work with the First Responder Network Authority of the Department of Commerce to identify and address cyber risks that could impact the near term or long term availability and operations of such network and recommendations to mitigate such risks.

**SEC. 207. DEPARTMENT OF HOMELAND SECURITY SOCIAL MEDIA IMPROVEMENT.**

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

**“SEC. 318. SOCIAL MEDIA WORKING GROUP.**

“(a) ESTABLISHMENT.—The Secretary shall establish within the Department a social media working group (in this section referred to as the ‘Group’).

“(b) PURPOSE.—In order to enhance the dissemination of information through social media technologies between the Department and appropriate stakeholders and to improve use of social media technologies in support of preparedness, response, and recovery, the Group shall identify, and provide guidance and best practices to the emergency preparedness and response community on the use of social media technologies before, during, and after acts of terrorism, natural disasters, and other emergencies.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—Membership of the Group shall be composed of a cross section of subject matter experts from Federal, State, local, tribal, territorial, and nongovernmental organization practitioners, including representatives from the following entities:

“(A) The Office of Public Affairs of the Department.

“(B) The Office of the Chief Information Officer of the Department.

“(C) The Privacy Office of the Department.

“(D) The Federal Emergency Management Agency.

“(E) The Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

“(F) The American Red Cross.

“(G) The United States Forest Service.

“(H) The Centers for Disease Control and Prevention.

“(I) The United States Geological Survey.

“(J) The National Oceanic and Atmospheric Administration.

“(2) CHAIRPERSON, CO-CHAIRPERSON.—

“(A) CHAIRPERSON.—The Secretary shall serve as the chairperson of the Group.

“(B) CO-CHAIRPERSON.—The chairperson shall designate, on a rotating basis, a representative from a State or local government who is a member of the Group to serve as the co-chairperson of the Group.

“(3) ADDITIONAL MEMBERS.—The chairperson shall appoint, on a rotating basis, qualified individuals to the Group. The total number of such additional members shall—

“(A) be equal to or greater than the total number of regular members under paragraph (1); and

“(B) include—

“(i) not fewer than three representatives from the private sector; and

“(ii) representatives from—

“(I) State, local, tribal, and territorial entities, including from—

“(aa) law enforcement;

“(bb) fire services;

“(cc) emergency medical services;

“(dd) emergency management; and

“(ee) public health entities;

“(II) universities and academia; and

“(III) nonprofit disaster relief organizations.

“(4) TERM LIMITS.—The chairperson shall establish term limits for individuals appointed to the Group under paragraph (3).

“(d) CONSULTATION WITH NON-MEMBERS.—To the extent practicable, the Group shall work with entities in the public and private sectors to carry out subsection (b).

“(e) MEETINGS.—

“(1) INITIAL MEETING.—Not later than 90 days after the date of the enactment of this section, the Group shall hold its initial meeting.

“(2) SUBSEQUENT MEETINGS.—After the initial meeting under paragraph (1), the Group shall meet—

“(A) at the call of the chairperson; and

“(B) not less frequently than twice each year.

“(3) VIRTUAL MEETINGS.—Each meeting of the Group may be held virtually.

“(f) **REPORTS.**—During each year in which the Group meets, the Group shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the following:

“(1) A review and analysis of current and emerging social media technologies being used to support preparedness, response, and recovery activities related to acts of terrorism, natural disasters, and other emergencies.

“(2) A review of best practices and lessons learned on the use of social media technologies during the response to acts of terrorism, natural disasters, and other emergencies that occurred during the period covered by the report at issue.

“(3) Recommendations to improve the Department’s use of social media technologies for emergency management purposes.

“(4) Recommendations to improve public awareness of the type of information disseminated through social media technologies, and how to access such information, during acts of terrorism, natural disasters, and other emergencies.

“(5) A review of available training for Federal, State, local, tribal, and territorial officials on the use of social media technologies in response to acts of terrorism, natural disasters, and other emergencies.

“(6) A review of coordination efforts with the private sector to discuss and resolve legal, operational, technical, privacy, and security concerns.

“(g) **DURATION OF GROUP.**—

“(1) **IN GENERAL.**—The Group shall terminate on the date that is five years after the date of the enactment of this section unless the chairperson renews the Group for a successive five-year period before the date on which the Group would otherwise terminate by submitting to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the continued existence of the Group is necessary to fulfill the purpose described in subsection (b).

“(2) **CONTINUED RENEWAL.**—The chairperson may continue to renew the Group for successive five-year periods by submitting a certification in accordance with paragraph (1) before the date on which the Group would otherwise terminate.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 317 the following new item:

“Sec. 318. Social media working group.”.

**SEC. 208. STATEWIDE INTEROPERABILITY COORDINATORS.**

(a) **IN GENERAL.**—Paragraph (2) of section 2004(b) of the Homeland Security Act of 2002 (6 U.S.C. 605(b)) is amended by—

(1) redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) inserting after subparagraph (A) the following new subparagraph:

“(B)(i) certification that the Governor of the State has designated a Statewide Interoperability Coordinator, including identification in such certification of the individual so designated, who shall be responsible for—

“(I) coordinating the daily operations of the State’s interoperability efforts;

“(II) coordinating State interoperability and communications projects and grant applications for such projects;

“(III) establishing and maintaining working groups to develop and implement key interoperability initiatives; and

“(IV) coordinating and updating, as necessary, a Statewide Communications Interoperability Plan that specifies the current status of State efforts to enhance communications interoperability within the State, including progress, modifications, or setbacks, and future goals for communications interoperability among emergency response agencies in the State; or

“(ii) if a Statewide Interoperability Coordinator has not been designated in accordance with clause (i)—

“(I) certification that the State is performing in another manner the functions described in subclauses (I) through (IV) of such clause; and

“(II) identification in such certification of an individual who has been designated by the State as the primary point of contact for performance of such functions;”.

(b) **LIMITATION ON APPLICATION.**—The amendment made by subsection (a) shall not apply with respect to any grant for which an application was submitted under the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) before the date of the enactment of this section.

**SEC. 209. COMMUNICATIONS TRAINING.**

The Under Secretary for Management of the Department of Homeland Security, in coordination with the appropriate component heads, shall develop a mechanism, consistent with the strategy required pursuant to the Department of Homeland Security Interoperable Communications Act (Public Law 114–29), to verify that radio users within the Department receive initial and ongoing training on the use of the radio systems of such components, including interagency radio use protocols.

## **TITLE III—MEDICAL PREPAREDNESS**

**SEC. 301. PRE-EVENT ANTHRAX VACCINATION PROGRAM FOR EMERGENCY RESPONSE PROVIDERS.**

(a) **ANTHRAX PREPAREDNESS.**—

(1) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

**“SEC. 526. ANTHRAX PREPAREDNESS.**

**“(a) PRE-EVENT ANTHRAX VACCINATION PROGRAM FOR EMERGENCY RESPONSE PROVIDERS.**—For the purpose of domestic preparedness for and collective response to terrorism, the Secretary, in coordination with the Secretary of Health and Human Services, shall establish a program to provide anthrax vaccines from the strategic national stockpile under section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) that will be nearing the end of their labeled dates of use at the time such vaccines are to be administered to emergency response providers who are at high risk of exposure to anthrax and who voluntarily consent to such administration, and shall—

“(1) establish any necessary logistical and tracking systems to facilitate making such vaccines so available;

“(2) distribute disclosures regarding associated benefits and risks to end users; and

“(3) conduct outreach to educate emergency response providers about the voluntary program.

**“(b) THREAT ASSESSMENT.**—The Secretary shall—

“(1) support homeland security-focused risk analysis and risk assessments of the threats posed by anthrax from an act of terror;

“(2) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to an anthrax terror attack; and

“(3) share information and provide tailored analytical support on threats posed by anthrax to State, local, and tribal authorities, as well as other national biosecurity and biodefense stakeholders.”

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting at the end of the items relating to title V the following new item:

“Sec. 526. Anthrax preparedness.”

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—In carrying out the pre-event vaccination program authorized in subsection (a) of section 526 of the Homeland Security Act of 2002, as added by subsection (a) of this section, the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, shall carry out a pilot program to provide anthrax vaccines to emergency response providers as so authorized. The duration of the pilot program shall be 24 months from the date the initial vaccines are administered to participants.

(2) **PRELIMINARY REQUIREMENTS.**—Prior to implementing the pilot program under paragraph (1), the Secretary of Homeland Security shall—

(A) establish a communication platform for such pilot program;

(B) establish education and training modules for such pilot program;

(C) conduct economic analysis of such pilot program; and

(D) create a logistical platform for the anthrax vaccine request process under such pilot program.

(3) **LOCATION.**—In carrying out the pilot program under paragraph (1), the Secretary of Homeland Security shall select emergency response providers based in at least two States for participation in such pilot program.

(4) **DISTRIBUTION OF INFORMATION.**—The Secretary of Homeland Security shall provide to each emergency response provider who participates in the pilot program under paragraph (1) disclosures and educational materials regarding the associated benefits and risks of any vaccine provided under such pilot program and of exposure to anthrax.

(5) **REPORT.**—Not later than one year after the date of the enactment of this Act and annually thereafter until one year after the completion of the pilot program under paragraph (1), the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the progress and results of such pilot program, including the percentage of eligible emergency response providers, as determined by each pilot location, that volunteer to participate, the degree to which participants obtain necessary vaccinations, as appropriate, and recommendations to improve initial and recurrent participation in such pilot program. Each such report shall include a discussion of plans to continue such pilot program to provide vaccines to emergency response providers under subsection (a) of section 526 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

(6) **DEADLINE FOR IMPLEMENTATION.**—The Secretary of Homeland Security shall begin implementing the pilot program under paragraph (1) by not later than the date that is one year after the date of the enactment of this Act.

**SEC. 302. CHIEF MEDICAL OFFICER.**

(a) **IN GENERAL.**—Subsection (c) of section 516 of the Homeland Security Act of 2002 (6 U.S.C. 321e) is amended—

(1) in the matter preceding paragraph (1), by inserting “and shall establish medical and human, animal, and occupational health exposure policy, guidance, strategies, and initiatives,” before “including—”;

(2) in paragraph (1), by inserting before the semicolon at the end the following: “; including advice on how to prepare for, protect against, respond to, recover from, and mitigate against the medical effects of terrorist attacks or other high consequence events utilizing chemical, biological, radiological, or nuclear agents or explosives”;

(3) in paragraph (2), by inserting before the semicolon at the end the following: “, including coordinating the Department’s policy, strategy and preparedness for pandemics and emerging infectious diseases”;

(4) in paragraph (5), by inserting “emergency medical services and medical first responder stakeholders,” after “the medical community,”;

(5) in paragraph (6), by striking “and” at the end;

(6) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(7) by adding after paragraph (7) the following new paragraphs:

“(8) ensuring that the workforce of the Department has evidence-based policy, standards, requirements, and metrics for occupational health and operational medicine programs;

“(9) directing and maintaining a coordinated system for medical support for the Department’s operational activities;

“(10) providing oversight of the Department’s medical programs and providers, including—

“(A) reviewing and maintaining verification of the accreditation of the Department’s health provider workforce;

“(B) developing quality assurance and clinical policy, requirements, standards, and metrics for all medical and health activities of the Department;

“(C) providing oversight of medical records systems for employees and individuals in the Department’s care and custody; and

“(D) providing medical direction for emergency medical services activities of the Department; and

“(11) as established under section 527, maintaining a medical countermeasures stockpile and dispensing system, as necessary, to facilitate personnel readiness, and protection for working animals, employees, and individuals in the Department’s care and custody in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic.”.

(b) **MEDICAL LIAISONS.**—The Chief Medical Officer of the Department of Homeland Security may provide medical liaisons to the components of the Department to provide subject matter expertise on medical and public health issues and a direct link to the Chief Medical Officer. Such expertise may include the following:

- (1) Providing guidance on health and medical aspects of policy, planning, operations, and workforce health protection.
- (2) Identifying and resolving component medical issues.
- (3) Supporting the development and alignment of medical and health systems.
- (4) Identifying common gaps in medical and health standards, policy, and guidance, and enterprise solutions to bridge such gaps.

**SEC. 303. MEDICAL COUNTERMEASURES PROGRAM.**

(a) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 301 of this Act, is further amended by adding at the end the following new section:

**“SEC. 527. MEDICAL COUNTERMEASURES.**

“(a) **IN GENERAL.**—The Secretary shall establish a medical countermeasures program to facilitate personnel readiness, and protection for working animals, employees, and individuals in the Department’s care and custody, in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic, and to support Department mission continuity.

“(b) **OVERSIGHT.**—The Chief Medical Officer, established under section 516, shall provide programmatic oversight of the medical countermeasures program established pursuant to subsection (a), and shall—

- “(1) develop Department-wide standards for medical countermeasure storage, security, dispensing, and documentation;
- “(2) maintain a stockpile of medical countermeasures, including antibiotics, antivirals, and radiological countermeasures, as appropriate;
- “(3) preposition appropriate medical countermeasures in strategic locations nationwide, based on threat and employee density, in accordance with applicable Federal statutes and regulations;
- “(4) provide oversight and guidance on dispensing of stockpiled medical countermeasures;
- “(5) ensure rapid deployment and dispensing of medical countermeasures in a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic;
- “(6) provide training to Department employees on medical countermeasure dispensing; and
- “(7) support dispensing exercises.

“(c) **MEDICAL COUNTERMEASURES WORKING GROUP.**—The Chief Medical Officer shall establish a medical countermeasures working group comprised of representatives from appropriate components and offices of the Department to ensure that medical countermeasures standards are maintained and guidance is consistent.

“(d) **MEDICAL COUNTERMEASURES MANAGEMENT.**—Not later than 180 days after the date of the enactment of this section, the Chief Medical Officer shall develop and submit to the Secretary an integrated logistics support plan for medical countermeasures, including—

- “(1) a methodology for determining the ideal types and quantities of medical countermeasures to stockpile and how frequently such methodology shall be re-evaluated;
- “(2) a replenishment plan; and
- “(3) inventory tracking, reporting, and reconciliation procedures for existing stockpiles and new medical countermeasure purchases.

“(e) **STOCKPILE ELEMENTS.**—In determining the types and quantities of medical countermeasures to stockpile under subsection (d), the Chief Medical Officer shall utilize, if available—

- “(1) Department chemical, biological, radiological, and nuclear risk assessments; and
- “(2) Centers for Disease Control and Prevention guidance on medical countermeasures.

“(f) **REPORT.**—No later than 180 days after the date of the enactment of this section, the Chief Medical Officer shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on progress in achieving the requirements of this section.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by section 301 of this Act, is further amended by inserting at the end of the items relating to title V the following new item:

“Sec. 527. Medical countermeasures.”.

## TITLE IV—MANAGEMENT

### SEC. 401. MISSION SUPPORT.

(a) **ESTABLISHMENT.**—The Administrator of the Federal Emergency Management Agency shall designate an individual to serve as the chief management official and principal advisor to the Administrator on matters related to the management of the Federal Emergency Management Agency, including management integration in support of emergency management operations and programs.

(b) **MISSION AND RESPONSIBILITIES.**—The Administrator of the Federal Emergency Management Agency, acting through the official designated pursuant to subsection (a), shall be responsible for the management and administration of the Federal Emergency Management Agency, including with respect to the following:

- (1) Procurement.
- (2) Human resources and personnel.
- (3) Information technology and communications systems.
- (4) Real property investment and planning, facilities, accountable personal property (including fleet and other material resources), records and disclosure, privacy, safety and health, and sustainability and environmental management.
- (5) Security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources.
- (6) Any other management duties that the Administrator may designate.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

- (1) a review of financial, human capital, information technology, real property planning, and acquisition management of headquarters and all regional offices of the Federal Emergency Management Agency; and
- (2) a strategy for capturing financial, human capital, information technology, real property planning, and acquisition data.

### SEC. 402. SYSTEMS MODERNIZATION.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Federal Emergency Management Agency's efforts to modernize its grants and financial information technology systems, including the following:

- (1) A summary of all previous efforts to modernize such systems.
- (2) An assessment of long term cost savings and efficiencies gained through such modernization effort.
- (3) A capability needs assessment.
- (4) Estimated quarterly costs.
- (5) Estimated acquisition life cycle dates, including acquisition decision events.

### SEC. 403. STRATEGIC HUMAN CAPITAL PLAN.

Subsection (c) of section 10102 of title 5, United States Code, is amended by striking “2007” and inserting “2016”.

### SEC. 404. ACTIVITIES RELATED TO CHILDREN.

Paragraph (2) of section 503(b) of the Homeland Security Act of 2002 (6 U.S.C. 313(b)) is amended—

- (1) in subparagraph (G), by striking “and” at the end;
- (2) in subparagraph (H), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new subparagraph:
 

“(I) integrate the needs of children into the Agency’s activities to prepare for, protect against, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters, including by appointing a technical expert to coordinate such activities, as necessary.”.

## PURPOSE AND SUMMARY

The purpose of H.R. 3583 is to reform and improve the Federal Emergency Management Agency, the Office of Emergency Commu-

nications, and the Office of Health Affairs of the Department of Homeland Security, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Promoting Resilience and Efficiency in Preparing for Attacks and Responding to Emergencies (PREPARE) Act seeks to enhance accountability at the Federal Emergency Management Agency, Office of Emergency Communications, and Office of Health Affairs at the Department of Homeland Security. Part of the Committee's authorization process, the PREPARE Act builds efficiencies and increases coordination for preparedness improvements, while providing greater accountability for taxpayers.

#### HEARINGS

While the Committee on Homeland Security did not hold a legislative hearing, the legislation was informed by a number of hearings, briefings, and meetings held by the Subcommittee on Emergency Preparedness, Response, and Communications in the 112th, 113th, and 114th Congresses.

In the 112th and 113th Congresses, the Subcommittee held numerous hearings on the Federal Emergency Management Agency's management and administration of homeland security grant programs. On March 19, 2013, the Subcommittee held a hearing entitled, "Homeland Security Grants: Measuring Our Investments." On March 20, 2012, the Subcommittee held a hearing entitled, "Ensuring the Transparency, Efficiency, and Effectiveness of Homeland Security Grants." The Subcommittee continued its series of hearings on grants with Part II of that hearing, Ensuring the Transparency, Efficiency, and Effectiveness of Homeland Security Grants (Part II): Stakeholder Perspectives on April 26, 2012. These hearings, along with countless meetings with stakeholders and FEMA officials, informed the grants provisions in this bill.

The Communications title of the legislation was informed by meetings with Department officials and stakeholders, in addition to the Subcommittee's November 18, 2014 hearing, "Interoperable Communications: Assessing Progress Since 9/11."

The Subcommittee has held numerous hearings in the 112th, 113th, and 114th Congresses on medical preparedness, the threat of chemical and biological terrorism, and the need for robust medical countermeasures programs, including:

- Agents of Opportunity: Responding to the Threat of Chemical Terrorism. March 19, 2015
- Strategic Perspectives on the Bioterrorism Threat. April 22, 2015
- Bioterrorism: Assessing the Threat. February 11, 2014
- BioWatch: Lessons Learned and the Path Forward. June 10, 2014
- Ebola in the Homeland: The Importance of Effective International, Federal, State, and Local Coordination. October 10, 2014
- Taking Measure of Countermeasures (Part I): A Review of Government and Industry Efforts to Protect the Homeland Through Accelerated Research, Development, and Acquisi-

tion of Chemical, Biological, Radiological, and Nuclear Medical Countermeasures. April 13, 2011

- Taking Measure of Countermeasures (Part II): A Review of Efforts to Protect the Homeland Through Distribution and Dispensing of CBRN Medical Countermeasures.” May 12, 2011
- Taking Measure of Countermeasures (Part III): Protecting the Protectors

These hearings, along with meetings with Department officials and stakeholders, informed the Medical Preparedness title of the PREPARE Act.

Over the course of the 114th Congress, the Subcommittee has held a number of meetings with management officials from the Federal Emergency Management Agency. These meetings informed the Management title of the bill.

#### COMMITTEE CONSIDERATION

The Committee met on September 30, 2015, to consider H.R. 3583, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An en bloc amendment offered by MR. PAYNE (#1); was AGREED TO by voice vote.

Consisting of the following amendments:

Page 14, beginning line 7, insert a new section entitled “Sec. 110. Maintenance of Grant Investments.”

Page 16, line 14, insert a new section entitled “Sec. 113. Approval of Certain Equipment.”

Page 30, line 10, after “receive” insert “initial and ongoing”.

Page 35, line 6, insert the following (and redesignate subsequent paragraphs accordingly): (2) in paragraph (1), by inserting before the semicolon at the end the following: “, including advice on how to prepare for, protect against, respond to, recover from, and mitigate against the medical effects of terrorist attacks or other high consequent events utilizing chemical, biological, radiological, or nuclear agents or explosives”.

In title IV, add at the end a new section entitled “Sec. 404. Activities Related to Children.”

An en bloc amendment offered by MR. THOMPSON of Mississippi (#2); was AGREED TO by voice vote.

Consisting of the following amendments:

Page 4, line 7, insert the following (and redesignate subsequent paragraphs accordingly): “(8) The Officer for Civil Rights and Civil Liberties.”

Page 16, line 14, insert a new section entitled “Sec. 113. Review of National Incident Management System.”

#### 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. 3583.

## 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. 3583, the Promoting Resilience and Efficiency in Preparing for Attacks and Responding to Emergencies 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.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, December 1, 2015.*

Hon. MICHAEL MCCAUL,  
*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. 3583, the PREPARE Act.

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

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 3583—PREPARE Act*

Summary: H.R. 3583 would specifically authorize the appropriation of \$901 million over the 2016–2020 period for several programs administered by the Federal Emergency Management Agency (FEMA) in the Department of Homeland Security (DHS). CBO estimates that the bill also would authorize the appropriation of \$6 million over the 2016–2020 period for other FEMA and DHS activities.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3583 would cost \$505 million over the 2016–2020 period. The remaining amounts would be spent in the years after 2020. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

CBO estimates that enacting H.R. 3583 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2016.

H.R. 3583 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3583 is shown in the following table. The costs

of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level .....	281	279	116	116	116	907
Estimated Outlays .....	22	62	106	146	169	505

Note: Components may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the necessary amounts will be appropriated near the start of each fiscal year and that outlays will follow the historical rate of spending for those and similar activities.

H.R. 3583 would specifically authorize the appropriation of:

- \$110 million annually over the 2016–2020 period for Operation Stonegarden, through which FEMA would make grants to state, local, and tribal law enforcement agencies to enhance border security;
- \$163 million annually over the 2016–2017 period for the National Domestic Preparedness Consortium within FEMA, which provides training to state, local, and tribal emergency response providers; and
- \$5 million annually for the Rural Domestic Preparedness Consolidation program to provide training to emergency response providers for rural communities.

In total, CBO estimates that implementing those provisions would cost \$499 million, assuming appropriation of the authorized amounts.

H.R. 3583 also would direct DHS, in consultation with the Department of Health and Human Services (HHS), to provide anthrax vaccines from the Strategic National Stockpile to first responders who volunteer to receive them. The bill would direct DHS to provide educational outreach for the program and to establish a pilot program in at least two states to begin providing the vaccine. Based on information provided by DHS and HHS, CBO estimates that implementing this provision would cost about \$4 million over the 2016–2020 period (nearly \$1 million per year).

In addition, H.R. 3583 would require FEMA and other DHS offices to prepare several reports and provide training relating to emergency response issues. Based on the cost of similar undertakings, CBO estimates that those activities would cost about \$2 million in 2016.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 3583 contains no intergovernmental or private-sector mandates as defined in UMRA. State, local, and tribal governments would benefit from federal assistance for border security. Any costs to those entities would be incurred voluntarily as a condition of receiving federal assistance.

Previous CBO estimates: CBO has prepared three estimates for bills that are similar to provisions of H.R. 3583. In particular:

- On May 13, 2015, CBO transmitted a cost estimate for H.R. 623, the DHS Social Media Improvement Act of 2015, as

ordered reported by the Senate Committee on Homeland Security and Government Affairs on May 6, 2015;

- On May 28, 2015, CBO transmitted a cost estimate for H.R. 2206, the State Wide Interoperable Communications Enhancement Act, as ordered reported by the House Committee on Homeland Security on May 20, 2015; and

- On June 24, 2015, CBO transmitted a cost estimate for H.R. 1300, the First Responder Anthrax Preparedness Act, as ordered reported by the House Committee on Homeland Security on May 20, 2015.

Each of those bills contains provisions that are substantively similar to provisions of H.R. 3583 and in all cases our estimates of the budgetary effects are the same.

Estimate prepared by: Federal costs: Mark Grabowicz; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Logan Smith.

Estimate approved by: H. Samuel Papenfuss, 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. 3583 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 3583 seeks to reform and improve the Federal Emergency Management Agency, Office of Emergency Communications, and the Office of Health Affairs of the Department of Homeland Security. To that end, the bill requires FEMA to develop metrics for the State Homeland Security Grant Program and Urban Area Security Initiative; share information on grants management best practices; provide guidance to Emergency Support Function lead agencies to ensure readiness; develop a remedial action management program; appoint a chief management official; develop a strategic human capital plan, and report on efforts to modernize its grants and financial information technology systems. The bill requires the Office of Emergency Communications to annually report on its activities and periodically update the National Emergency Communications Plan. H.R. 3583 authorizes the Department's medical countermeasures program to facilitate personnel readiness, and protection for working animals, employees, and individuals in the Department's care and custody.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 3583 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### 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.

## PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 3583 does not preempt any State, local, or Tribal law.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 3583 would require no directed rule makings.

## ADVISORY COMMITTEE STATEMENT

In compliance with section 5(b) of the Federal Advisory Committee Act, requiring the report of any Committee establishing, or authorizing the establishment of any advisory committee to include a statement as to whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee.

H.R. 3583 authorizes within the Department a social media working group to identify, and provide guidance and best practices to the emergency preparedness and response community on the use of social media technologies before, during, and after acts of terrorism, natural disasters, and other emergencies.

Membership of the Group shall be composed of a cross section of subject matter experts from Federal, State, local, tribal, territorial, and nongovernmental organization practitioners, including representatives from the following entities:

- (A) The Office of Public Affairs of the Department.
- (B) The Office of the Chief Information Officer of the Department.
- (C) The Privacy Office of the Department.
- (D) The Federal Emergency Management Agency.
- (E) The Office of Disability Integration and Coordination of the Federal Emergency Management Agency.
- (F) The American Red Cross.
- (G) The United States Forest Service.
- (H) The Centers for Disease Control and Prevention.
- (I) The United States Geological Survey.
- (J) The National Oceanic and Atmospheric Administration.

In addition to the Members listed above, the bill requires the Secretary, as the working Group's chairperson, to appoint, on a rotating basis, qualified individuals to the Group, including not fewer than three representatives from the private sector and representatives from state, local, tribal, and territorial entities; university and academia; and nonprofit disaster relief organizations.

The bill authorizes the Group for five years. The Secretary may extend the term of the Group for additional five-year terms upon certification to Congress that the continuation of the group is necessary.

#### 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 provides that bill may be cited as the “Promoting Resilience and Efficiency in Preparing for Attacks and Responding to Emergencies Act”.

#### TITLE I—GRANTS, TRAINING, EXERCISES, AND COORDINATION

##### *Sec. 101. Memoranda of Understanding.*

This section requires the Administrator of the Federal Emergency Management Agency (FEMA) to enter into memoranda of understanding with subject matter experts from other Department of Homeland Security (DHS) components and offices to ensure subject matter experts are involved in policy decisions relating to the State Homeland Security Grant Program, Urban Area Security Initiative, Port Security Grant Program, and Transit Security Grant Program.

##### *Sec. 102. Period of Performance.*

This section sets the period of performance for the State Homeland Security Grant Program, Urban Area Security Initiative, Port Security Grant Program, Transit Security Grant Program, and Tribal Security Grant Program at 36 months.

In an effort to reduce the amount of unexpended grant funds on the books, in February 2012, FEMA reduced the period of performance for a number of grant programs to 24 months while simultaneously reducing the prevalence of extensions of the period of performance, which had become common practice. The Committee is supportive of FEMA’s efforts to ensure the expeditious expenditure of grant funds. However, the Committee shared the concern of grant recipients that a 24-month period of performance did not provide sufficient time to complete projects, particularly at the sub-grantee level.

It appears that the enforcement of the period of performance through the denial of most extension requests, rather than a reduction of the period of performance, was the catalyst for reducing unspent balances. The Committee supports FEMA’s decision to revert to a 36-month period of performance for grants programs and this section codifies that timeframe and encourages the continued enforcement of that deadline.

*Sec. 103. Operation Stonegarden.*

This section authorizes the Operation Stonegarden border security grant program at \$110,000,000. This provision is nearly identical to a provision approved by the Committee in January 2015 in the Secure Our Borders First Act of 2015.

*Sec. 104. Grants Metrics.*

This section requires FEMA to use information provided by States and high-risk urban areas in their Threat and Hazard Identification and Risk Assessments and State Preparedness Reports to determine the extent to which State Homeland Security Grant Program and Urban Area Security Initiative funds have been used effectively to close capability gaps.

*Sec. 105. Grant Management Best Practices.*

This section requires FEMA to share information on methods to address areas identified for improvement in grants audits conducted by the Department's Office of Inspector General and innovative practices with recipients of State Homeland Security Grant Program and Urban Area Security Initiative funds as part of yearly grant guidance.

The Committee believes that grant recipients can greatly benefit from the sharing of information on management best practices, corrective actions, and other innovative practices. They could also benefit from access to information on projects conducted by other jurisdictions. The Committee has received testimony from first responders advocating for the development of a searchable database of grant projects funded through the State Homeland Security Grant Program and Urban Area Security Initiative at which grantees could look when developing projects. The Committee supports FEMA's efforts to collect more project level data in grant applications, but acknowledges that such a database may not be within FEMA's capabilities at this time. However, as FEMA gains greater insight into individual projects, there may be merit in the development of a mechanism for grant applicants to learn about successful projects in another jurisdiction.

*Sec. 106. Administration and Coordination of Grants.*

This section further delineates the stakeholders, such as public health officials and fusion centers, as appropriate, which states and high-risk urban areas should include in statutorily required grants planning committees.

*Sec. 107. Funding Prohibition.*

This section prohibits the Secretary of Homeland Security from implementing the National Preparedness Grant Program unless the Secretary receives prior authorization from Congress.

*Sec. 108. Law Enforcement Terrorism Prevention.*

This section seeks to ensure that the 25 percent set aside for law enforcement terrorism prevention activities required under the State Homeland Security Grant Program and Urban Area Security Initiative is met by requiring the Assistant Secretary for State and Local Law Enforcement to work with the FEMA Administrator to certify that the grants are appropriately focused on law enforce-

ment terrorism prevention activities. This section also requires the Assistant Secretary of State and Local Law Enforcement to coordinate with State, local, and tribal law enforcement partners on Department policies and programs that may impact such partners.

*Sec. 109. Allowable Uses.*

This section consolidates two allowable uses bills that have been introduced by former Committee on Homeland Security Members. This section authorizes State Homeland Security Grant Program and Urban Area Security Initiative funds to be used to (1) work in conjunction with a National Laboratory, and (2) enhance medical preparedness. Both provisions have previously passed the House.

*Sec. 110. Maintenance of Grant Investments.*

This section requires grant applicants to develop a plan for the maintenance of equipment purchased using State Homeland Security Grant Program or Urban Area Security Initiative funds.

*Sec. 111. National Domestic Preparedness Consortium.*

This section reauthorizes the National Domestic Preparedness Consortium, which was originally authorized in the Implementing Recommendations of the 9/11 Commission Act of 2007. The section authorizes \$65 million for the Center for Domestic Preparedness for Fiscal Years 2016 and 2017 and the \$98 million for the remaining members of the National Domestic Preparedness Consortium for Fiscal Years 2016 and 2017, amounts equal to the current appropriated levels.

*Sec. 112. Rural Domestic Preparedness Consortium.*

This section authorizes \$5 million out of the amount appropriated for the Continuing Training Grants to be used for the Rural Domestic Preparedness Consortium.

*Sec. 113. Emergency Support Functions.*

This section requires the FEMA Administrator to periodically update the National Response Framework. Additionally, based on findings from a recent Government Accountability Office (GAO) report, this section requires the President, through the Administrator, to develop and provide to relevant federal agencies and departments, metrics to ensure readiness to execute responsibilities under the National Response Framework's Emergency Support Functions.

*Sec 114. Review of National Incident Management System.*

This section requires the FEMA Administrator to review the National Incident Management System (NIMS) periodically, but not less often than once every five years.

*Sec. 115. Approval of Certain Equipment.*

This section requires the FEMA Administrator to develop and implement a process for reviewing grant applications to purchase equipment or systems not on the Authorized Equipment List.

*Sec. 116. Remedial Action Management Program.*

Like the previous section, this provision is based on findings from a recent GAO report. The section requires the FEMA Administrator to establish a program to identify and track lessons learned, corrective actions, and best practices from training, exercises and real world incidents. The section also requires the FEMA Administrator to electronically share after-action reports and information on lessons learned and best practices from responses to acts of terrorism, natural disasters, and other exercises or emergencies with Congress and relevant Federal, state, local, tribal, and private sector officials.

TITLE II—COMMUNICATIONS

*Sec. 201. Office of Emergency Communications.*

This section restricts the Secretary of Homeland Security's ability to change the location or reporting structure of the Office of Emergency Communications without prior authorization from the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs.

*Sec. 202. Responsibilities of Office of Emergency Communications Director.*

This section makes technical corrections to the responsibilities of the Director of the Office of Emergency Communications and codifies additional responsibilities.

*Sec. 203. Annual Reporting on Activities of the Office of Emergency Communications.*

This amendment requires the Director of the Office of Emergency Communications to submit an annual report, for the next five years, to the Committee on Homeland Security and Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the activities and programs of the Office of Emergency Communications.

*Sec. 204. National Emergency Communications Plan.*

This section requires the Office of Emergency Communications to update the National Emergency Communications Plan at least once every five years and consider the impact of emerging technologies on the attainment of interoperable communications as part of that update.

*Sec. 205. Technical Edits.*

This section makes technical corrections to the Communications Title of the Homeland Security Act.

*Sec. 206. Public Safety Broadband Network.*

This section requires the Under Secretary of the Department of Homeland Security's National Protection and Programs Directorate to submit information to the Committee on Homeland Security and Committee on Energy and Commerce of the House of Representatives and Committee on Homeland Security and Governmental Af-

fairs of the Senate on the Department of Homeland Security's responsibilities related to the development of the nationwide Public Safety Broadband Network, including information on efforts by the Department to work with the First Responder Network Authority to identify and address cyber risks that could impact the near or long term availability and operations of the network and recommendations to mitigate such risks.

*Sec. 207. DHS Social Media Working Group Improvement Act.*

This section amends the Homeland Security Act of 2002 to authorize and enhance the Department's Virtual Social Media Working Group (the Group), chaired by the Secretary or his or her designee, to ensure information sharing between the Department and appropriate stakeholders regarding the use of social media before, during, and after a terrorist attack or other emergency. This section is similar to legislation introduced by Congresswoman Susan Brooks and passed by the House.

*Sec. 208. Statewide Interoperability Coordinators.*

This section amends section 2004 of the Homeland Security Act (the authorizing statute for the State Homeland Security Grant Program (SHSGP)) to require a governor to certify, as part of his or her application for State Homeland Security Grant Program funds, that he or she has designated a Statewide Interoperability Coordinator (SWIC), or, if a SWIC has not been designated, that the State is performing in another manner the functions of a SWIC, including an identification of the person designated by the State as the primary point of contact for these activities. This section is identical to legislation introduced by Congressman Payne and passed by the House.

*Sec. 209. Communications Training.*

Based on the findings of a recent GAO report, this section requires the Under Secretary for Management, in coordination with appropriate component heads, to develop a mechanism to verify that radio users at the Department of Homeland Security receive relevant radio training.

TITLE III—MEDICAL PREPAREDNESS

*Sec. 301. Anthrax Vaccination Pilot Program.*

This section amends Title V of the Homeland Security Act of 2002 to authorize the establishment of an anthrax vaccination program, with an associated pilot, to provide surplus anthrax vaccines from the Strategic National Stockpile to emergency response providers on a voluntary basis. This section is nearly identical to legislation introduced by Congressman King and passed by the House.

The Committee directs the Department to pilot the voluntary vaccination program in at least two States, but does not intend to limit the Department's ability to pilot the effort in more than two States or geographic locations. Additionally, if warranted, the Department may expand the effort to emergency response providers in additional geographic locations before the end of the pilot period.

*Sec. 302. Chief Medical Officer.*

This section codifies the current responsibilities of the Department's Chief Medical Officer, including coordinating the Department's policy, strategy, and preparedness for terrorist attacks and high consequence events using chemical, biological, radiological, or nuclear agents or explosives, pandemic influenza and emerging infectious diseases; ensuring the workforce has standards, policies, and metrics for occupational safety and health; and providing medical liaisons to the Department's components.

*Sec. 303. Medical Countermeasures Program.*

This section authorizes the Department of Homeland Security's medical countermeasures program to protect the DHS workforce, working animals, and individuals in the Department's care and custody from the effects of chemical, biological, radiological, and nuclear agents, and to ensure mission continuity.

The Committee is concerned with findings from an August 2014 DHS Inspector General review of the Department's medical countermeasure program, *DHS Has Not Effectively Managed Pandemic Personal Protective Equipment and Antiviral Medical Countermeasures* (OIG-14-129). As a result, the section addresses the Inspector General recommendations related to medical countermeasure quantity determination; stockpile replenishment; inventory tracking; and cross-component standards for storage, security, dispensing and documentation.

## TITLE IV—MANAGEMENT

*Sec. 401. Mission Support.*

This section requires the FEMA Administrator to designate an individual to serve as the chief management official and principal advisor to the FEMA Administrator on matters related to the management of FEMA.

The Committee is supportive of FEMA's efforts to strengthen and improve its management through the Mission Support Bureau and authorizes the designation of a chief management official and principal advisor to the FEMA Administrator on issues related to the five management business lines: human resources, procurement, information technology, real property, and security. The Committee believes the role of a chief management is essential to the efficient functioning of the agency. The Committee believes FEMA must develop and implement management controls to ensure appropriate oversight of Agency management functions. The Committee was concerned to learn about the findings of the DHS Office of Inspector General report, *OIG-14-151 FEMA's Logistic Supply Chain Management System Many Not Be Effective During a Catastrophic Disaster*. According to the report, FEMA spent \$247 million over nine years to implement the Logistics Supply Chain Management System that cannot interface with partners' logistics management systems or provide real-time visibility over all supplies shipped. The program office responsible for the system did not analyze alternatives to determine how best to close the gap in FEMA's logistics capability; did not report life cycle cost increases to the component acquisition executives; and did not formally report program

breaches as required. Section 401 requires FEMA's designated management official to be responsible for enforcing management and administrative policies across the Agency.

The Committee intends for the review of the five management business lines to identify management controls, costs, number of associated systems, associated capability gaps, and areas of duplication both at FEMA headquarters and the ten regional offices. Further, this review must include a strategy that demonstrates how the designated management official captures reliable, interoperable, and measurable data on all management and administrative activities. The strategy should address any problems identified in the review.

*Sec. 402. Systems Modernization.*

This section requires the FEMA Administrator to report to Congress on plans to modernize its grants and financial information technology systems. The report should include lessons learned in the summary of all previous efforts to modernize each of these systems. This report should identify how each of these modernization efforts are meeting cost schedule expectations and the efforts being made to avoid delays in the acquisition life cycle.

*Sec. 403. Strategic Human Capital Plan.*

This section reinstates a requirement in the Post Katrina Emergency Management Reform Act that the FEMA Administrator to develop and submit to Congress a strategic human capital plan including a workforce gap analysis, recruitment and retention analysis, performance metrics, and staffing goals.

According to a July 2015 GAO report, FEMA's Workforce Management (GAO-15-437), FEMA's strategic workforce plan for 2008-2012 did not include performance metrics or identify potential workforce gaps, overlaps, or inconsistencies. Additionally, the National Academy for Public Administration recommended that FEMA develop a 5-year strategic workforce plan that addresses retention challenges by implementing goals and objectives for recruiting and retaining employees. FEMA ranked 281 out of 315 Subcomponent Agencies in the recent Federal Employee Viewpoint Survey. To address these shortcomings, the Committee continues the requirement that FEMA develop and implement a strategic human capital plan.

*Sec. 404. Activities Related to Children.*

This section requires the FEMA Administrator to integrate the needs of children into the Agency's activities and appoint a technical expert, as necessary, consistent with the recommendation of the National Advisory Council.

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 (existing law proposed to be omitted is enclosed in black brackets, 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) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

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

*	*	*	*	*	*	*
<b>TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY</b>						
*	*	*	*	*	*	*
<i>Sec. 318. Social media working group.</i>						
*	*	*	*	*	*	*
<b>TITLE V—NATIONAL EMERGENCY MANAGEMENT</b>						
*	*	*	*	*	*	*
<i>Sec. 526. Anthrax preparedness.</i>						
<i>Sec. 527. Medical countermeasures.</i>						
*	*	*	*	*	*	*
<b>TITLE XX—HOMELAND SECURITY GRANTS</b>						
*	*	*	*	*	*	*
<b>Subtitle A—Grants to States and High-Risk Urban Areas</b>						
*	*	*	*	*	*	*
<i>Sec. 2009. Operation Stonegarden.</i>						
<b>Subtitle B—Grants Administration</b>						
*	*	*	*	*	*	*
<i>Sec. 2024. Memoranda of understanding with departmental components and offices.</i>						
*	*	*	*	*	*	*

**TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY**

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**SEC. 318. SOCIAL MEDIA WORKING GROUP.**

(a) **ESTABLISHMENT.**—The Secretary shall establish within the Department a social media working group (in this section referred to as the “Group”).

(b) **PURPOSE.**—In order to enhance the dissemination of information through social media technologies between the Department and appropriate stakeholders and to improve use of social media technologies in support of preparedness, response, and recovery, the Group shall identify, and provide guidance and best practices to the emergency preparedness and response community on the use of social media technologies before, during, and after acts of terrorism, natural disasters, and other emergencies.

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—Membership of the Group shall be composed of a cross section of subject matter experts from Federal, State, local, tribal, territorial, and nongovernmental organization practitioners, including representatives from the following entities:

- (A) *The Office of Public Affairs of the Department.*
  - (B) *The Office of the Chief Information Officer of the Department.*
  - (C) *The Privacy Office of the Department.*
  - (D) *The Federal Emergency Management Agency.*
  - (E) *The Office of Disability Integration and Coordination of the Federal Emergency Management Agency.*
  - (F) *The American Red Cross.*
  - (G) *The United States Forest Service.*
  - (H) *The Centers for Disease Control and Prevention.*
  - (I) *The United States Geological Survey.*
  - (J) *The National Oceanic and Atmospheric Administration.*
- (2) *CHAIRPERSON, CO-CHAIRPERSON.—*
- (A) *CHAIRPERSON.—The Secretary shall serve as the chairperson of the Group.*
  - (B) *CO-CHAIRPERSON.—The chairperson shall designate, on a rotating basis, a representative from a State or local government who is a member of the Group to serve as the co-chairperson of the Group.*
- (3) *ADDITIONAL MEMBERS.—The chairperson shall appoint, on a rotating basis, qualified individuals to the Group. The total number of such additional members shall—*
- (A) *be equal to or greater than the total number of regular members under paragraph (1); and*
  - (B) *include—*
    - (i) *not fewer than three representatives from the private sector; and*
    - (ii) *representatives from—*
      - (I) *State, local, tribal, and territorial entities, including from—*
        - (aa) *law enforcement;*
        - (bb) *fire services;*
        - (cc) *emergency medical services;*
        - (dd) *emergency management; and*
        - (ee) *public health entities;*
      - (II) *universities and academia; and*
      - (III) *nonprofit disaster relief organizations.*
- (4) *TERM LIMITS.—The chairperson shall establish term limits for individuals appointed to the Group under paragraph (3).*
- (d) *CONSULTATION WITH NON-MEMBERS.—To the extent practicable, the Group shall work with entities in the public and private sectors to carry out subsection (b).*
- (e) *MEETINGS.—*
- (1) *INITIAL MEETING.—Not later than 90 days after the date of the enactment of this section, the Group shall hold its initial meeting.*
  - (2) *SUBSEQUENT MEETINGS.—After the initial meeting under paragraph (1), the Group shall meet—*
    - (A) *at the call of the chairperson; and*
    - (B) *not less frequently than twice each year.*
  - (3) *VIRTUAL MEETINGS.—Each meeting of the Group may be held virtually.*
- (f) *REPORTS.—During each year in which the Group meets, the Group shall submit to the Committee on Homeland Security and the*

*Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the following:*

*(1) A review and analysis of current and emerging social media technologies being used to support preparedness, response, and recovery activities related to acts of terrorism, natural disasters, and other emergencies.*

*(2) A review of best practices and lessons learned on the use of social media technologies during the response to acts of terrorism, natural disasters, and other emergencies that occurred during the period covered by the report at issue.*

*(3) Recommendations to improve the Department’s use of social media technologies for emergency management purposes.*

*(4) Recommendations to improve public awareness of the type of information disseminated through social media technologies, and how to access such information, during acts of terrorism, natural disasters, and other emergencies.*

*(5) A review of available training for Federal, State, local, tribal, and territorial officials on the use of social media technologies in response to acts of terrorism, natural disasters, and other emergencies.*

*(6) A review of coordination efforts with the private sector to discuss and resolve legal, operational, technical, privacy, and security concerns.*

*(g) DURATION OF GROUP.—*

*(1) IN GENERAL.—The Group shall terminate on the date that is five years after the date of the enactment of this section unless the chairperson renews the Group for a successive five-year period before the date on which the Group would otherwise terminate by submitting to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the continued existence of the Group is necessary to fulfill the purpose described in subsection (b).*

*(2) CONTINUED RENEWAL.—The chairperson may continue to renew the Group for successive five-year periods by submitting a certification in accordance with paragraph (1) before the date on which the Group would otherwise terminate.*

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## **TITLE V—NATIONAL EMERGENCY MANAGEMENT**

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### **SEC. 503. FEDERAL EMERGENCY MANAGEMENT AGENCY.**

**(a) IN GENERAL.—**There is in the Department the Federal Emergency Management Agency, headed by an Administrator.

**(b) MISSION.—**

**(1) PRIMARY MISSION.—**The primary mission of the Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the

Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

(2) SPECIFIC ACTIVITIES.—In support of the primary mission of the Agency, the Administrator shall—

(A) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(B) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(C) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(D) integrate the Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(E) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(F) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department;

(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; **[and]**

(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation**[.]; and**

*(I) integrate the needs of children into the Agency's activities to prepare for, protect against, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters, including by appointing a technical expert to coordinate such activities, as necessary.*

## (c) ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Administrator shall be appointed from among individuals who have—

(A) a demonstrated ability in and knowledge of emergency management and homeland security; and

(B) not less than 5 years of executive leadership and management experience in the public or private sector.

(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

## (4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—

(A) IN GENERAL.—The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.

## (B) ADVICE AND RECOMMENDATIONS.—

(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

(ii) ADVICE ON REQUEST.—The Administrator, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency management as the Administrator considers appropriate.

## (5) CABINET STATUS.—

(A) IN GENERAL.—The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

(B) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

**SEC. 504. AUTHORITY AND RESPONSIBILITIES.**

(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—

(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

(2) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department pursuant to this title)—

- (A) establishing standards and certifying when those standards have been met;
  - (B) conducting joint and other exercises and training and evaluating performance; and
  - (C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;
- (3) providing the Federal Government's response to terrorist attacks and major disasters, including—
- (A) managing such response;
  - (B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department pursuant to this title) the Nuclear Incident Response Team;
  - (C) overseeing the Metropolitan Medical Response System; and
  - (D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;
- (4) aiding the recovery from terrorist attacks and major disasters;
- (5) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;
- (6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan;
- (7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;
- (8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Administrator under that Act;
- (9) carrying out the mission of the Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—
- (A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;
  - (B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;
  - (C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter,

- and medical care to those in need, and through restoring critical public services; and
- (D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;
  - (10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;
  - (11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;
  - (12) supervising grant programs administered by the Agency;
  - (13) administering, *periodically updating (but not less often than once every five years)*, and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;
  - (14) coordinating with the National Advisory Council established under section 508;
  - (15) preparing and implementing the plans and programs of the Federal Government for—
    - (A) continuity of operations;
    - (B) continuity of government; and
    - (C) continuity of plans;
  - (16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;
  - (17) maintaining and operating within the Agency the National Response Coordination Center or its successor;
  - (18) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;
  - (19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Administrator under the national preparedness System;
  - (20) carrying out all authorities of the Federal Emergency Management Agency and the Directorate of Preparedness of the Department as transferred under section 505; and
  - (21) otherwise carrying out the mission of the Agency as described in section 503(b).

(b) ALL-HAZARDS APPROACH.—In carrying out the responsibilities under this section, the Administrator shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.

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**SEC. 509. NATIONAL INTEGRATION CENTER.**

(a) **IN GENERAL.**—There is established in the Agency a National Integration Center.

(b) **RESPONSIBILITIES.**—

(1) **IN GENERAL.**—The Administrator, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.

(2) **SPECIFIC RESPONSIBILITIES.**—The National Integration Center shall periodically, *but not less often than once every five years*, review, and revise as appropriate, the National Incident Management System and the National Response Plan, including—

(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;

(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and

(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

(c) **INCIDENT MANAGEMENT.**—

(1) **IN GENERAL.**—

(A) **NATIONAL RESPONSE PLAN.**—The Secretary, acting through the Administrator, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

(B) **ADMINISTRATOR.**—The chain of the command specified in the National Response Plan shall—

(i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 503(c)(4) and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and

(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).

(2) **PRINCIPAL FEDERAL OFFICIAL.**—The Principal Federal Official (or the successor thereto) shall not—

(A) direct or replace the incident command structure established at the incident; or

(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

\* \* \* \* \*

**SEC. 516. CHIEF MEDICAL OFFICER.**

(a) **IN GENERAL.**—There is in the Department a Chief Medical Officer, who shall be appointed by the President.

(b) **QUALIFICATIONS.**—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

(c) **RESPONSIBILITIES.**—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, *and shall establish medical and human, animal, and occupational health exposure policy, guidance, strategies, and initiatives, including—*

(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues, *including advice on how to prepare for, protect against, respond to, recover from, and mitigate against the medical effects of terrorist attacks or other high consequence events utilizing chemical, biological, radiological, or nuclear agents or explosives;*

(2) coordinating the biodefense activities of the Department, *including coordinating the Department's policy, strategy and preparedness for pandemics and emerging infectious diseases;*

(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

(5) serving as the Department's primary point of contact for State, local, and tribal governments, the medical community, *emergency medical services and medical first responder stakeholders*, and others within and outside the Department, with respect to medical and public health matters;

(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; **[and]**

(7) performing such other duties relating to such responsibilities as the Secretary may require**【.】**;

(8) *ensuring that the workforce of the Department has evidence-based policy, standards, requirements, and metrics for occupational health and operational medicine programs;*

(9) *directing and maintaining a coordinated system for medical support for the Department's operational activities;*

(10) *providing oversight of the Department's medical programs and providers, including—*

(A) *reviewing and maintaining verification of the accreditation of the Department's health provider workforce;*

(B) developing quality assurance and clinical policy, requirements, standards, and metrics for all medical and health activities of the Department;

(C) providing oversight of medical records systems for employees and individuals in the Department's care and custody; and

(D) providing medical direction for emergency medical services activities of the Department; and

(11) as established under section 527, maintaining a medical countermeasures stockpile and dispensing system, as necessary, to facilitate personnel readiness, and protection for working animals, employees, and individuals in the Department's care and custody in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic.

\* \* \* \* \*

**SEC. 526. ANTHRAX PREPAREDNESS.**

(a) *PRE-EVENT ANTHRAX VACCINATION PROGRAM FOR EMERGENCY RESPONSE PROVIDERS.*—For the purpose of domestic preparedness for and collective response to terrorism, the Secretary, in coordination with the Secretary of Health and Human Services, shall establish a program to provide anthrax vaccines from the strategic national stockpile under section 319F-2(a) of the Public Health Service Act (42 U.S.C. 247d-6b(a)) that will be nearing the end of their labeled dates of use at the time such vaccines are to be administered to emergency response providers who are at high risk of exposure to anthrax and who voluntarily consent to such administration, and shall—

(1) establish any necessary logistical and tracking systems to facilitate making such vaccines so available;

(2) distribute disclosures regarding associated benefits and risks to end users; and

(3) conduct outreach to educate emergency response providers about the voluntary program.

(b) *THREAT ASSESSMENT.*—The Secretary shall—

(1) support homeland security-focused risk analysis and risk assessments of the threats posed by anthrax from an act of terror;

(2) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to an anthrax terror attack; and

(3) share information and provide tailored analytical support on threats posed by anthrax to State, local, and tribal authorities, as well as other national biosecurity and biodefense stakeholders.

**SEC. 527. MEDICAL COUNTERMEASURES.**

(a) *IN GENERAL.*—The Secretary shall establish a medical countermeasures program to facilitate personnel readiness, and protection for working animals, employees, and individuals in the Department's care and custody, in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic, and to support Department mission continuity.

(b) *OVERSIGHT.*—*The Chief Medical Officer, established under section 516, shall provide programmatic oversight of the medical countermeasures program established pursuant to subsection (a), and shall—*

(1) *develop Department-wide standards for medical countermeasure storage, security, dispensing, and documentation;*

(2) *maintain a stockpile of medical countermeasures, including antibiotics, antivirals, and radiological countermeasures, as appropriate;*

(3) *preposition appropriate medical countermeasures in strategic locations nationwide, based on threat and employee density, in accordance with applicable Federal statutes and regulations;*

(4) *provide oversight and guidance on dispensing of stockpiled medical countermeasures;*

(5) *ensure rapid deployment and dispensing of medical countermeasures in a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic;*

(6) *provide training to Department employees on medical countermeasure dispensing; and*

(7) *support dispensing exercises.*

(c) *MEDICAL COUNTERMEASURES WORKING GROUP.*—*The Chief Medical Officer shall establish a medical countermeasures working group comprised of representatives from appropriate components and offices of the Department to ensure that medical countermeasures standards are maintained and guidance is consistent.*

(d) *MEDICAL COUNTERMEASURES MANAGEMENT.*—*Not later than 180 days after the date of the enactment of this section, the Chief Medical Officer shall develop and submit to the Secretary an integrated logistics support plan for medical countermeasures, including—*

(1) *a methodology for determining the ideal types and quantities of medical countermeasures to stockpile and how frequently such methodology shall be reevaluated;*

(2) *a replenishment plan; and*

(3) *inventory tracking, reporting, and reconciliation procedures for existing stockpiles and new medical countermeasure purchases.*

(e) *STOCKPILE ELEMENTS.*—*In determining the types and quantities of medical countermeasures to stockpile under subsection (d), the Chief Medical Officer shall utilize, if available—*

(1) *Department chemical, biological, radiological, and nuclear risk assessments; and*

(2) *Centers for Disease Control and Prevention guidance on medical countermeasures.*

(f) *REPORT.*—*No later than 180 days after the date of the enactment of this section, the Chief Medical Officer shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on progress in achieving the requirements of this section.*

## TITLE XVIII—EMERGENCY COMMUNICATIONS

### SEC. 1801. OFFICE OF EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—There is established in the Department an Office of Emergency Communications.

(b) DIRECTOR.—The head of the office shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Communications.

(c) RESPONSIBILITIES.—The Director for Emergency Communications shall—

(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 314;

(2) administer the Department's responsibilities and authorities relating to the SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards;

[(3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;]

[(4)] (3) conduct extensive, nationwide outreach to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

[(5)] (4) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies, and by regional consortia thereof;

[(6)] (5) provide technical assistance to State, regional, local, and tribal government officials with respect to use of interoperable emergency communications capabilities;

[(7)] (6) coordinate with the Regional Administrators regarding the activities of Regional Emergency Communications Coordination Working Groups under section 1805;

[(8)] (7) promote the development of standard operating procedures and best practices with respect to use of interoperable emergency communications capabilities for incident response, and facilitate the sharing of information on such best practices for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;

[(9)] (8) coordinate[, in cooperation with the National Communications System,] the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of communications equipment for relevant State, local, and tribal governments and emergency response providers in the event of a catastrophic loss of local and regional emergency communications services;

[(10)] (9) assist the President, the National Security Council, [the Homeland Security Council,] and the Director of the Office of Management and Budget in ensuring the continued operation of the telecommunications functions and responsibil-

ities of the Federal Government, excluding spectrum management;

[(11)] (10) establish, in coordination with the Director of the Office for Interoperability and Compatibility, requirements for interoperable emergency communications capabilities, which shall be nonproprietary where standards for such capabilities exist, for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department, excluding any alert and warning device, technology, or system;

[(12)] (11) review, in consultation with the [Assistant Secretary for Grants and Training] *Assistant Administrator of the Grant Programs Directorate of the Federal Emergency Management Agency*, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans, developed pursuant to homeland security assistance administered by the Department, but excluding spectrum allocation and management related to such plans;

[(13)] (12) develop and update periodically, as appropriate, a National Emergency Communications Plan under section 1802;

[(14)] (13) perform such other duties of the Department necessary to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; [and]

[(15)] (14) perform other duties of the Department necessary to achieve the goal of and maintain and enhance interoperable emergency communications capabilities[.];

(15) *administer the Government Emergency Telecommunications Service (GETS) and Wireless Priority Service (WPS) programs, or successor programs; and*

(16) *assess the impact of emerging technologies on interoperable emergency communications.*

(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—The Secretary shall transfer to, and administer through, the Director for Emergency Communications the following programs and responsibilities:

(1) The SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards.

[(2)] The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network. ]

[(3)] (2) The Interoperable Communications Technical Assistance Program.

(e) COORDINATION.—The Director for Emergency Communications shall coordinate—

(1) as appropriate, with the Director of the Office for Interoperability and Compatibility with respect to the responsibilities described in section 314; and

(2) with the Administrator of the Federal Emergency Management Agency with respect to the responsibilities described in this title.

[(f)] SUFFICIENCY OF RESOURCES PLAN.—

【(1) REPORT.—Not later than 120 days after the date of enactment of this section, the Secretary shall submit to Congress a report on the resources and staff necessary to carry out fully the responsibilities under this title.

【(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 60 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.】

(f) *ANNUAL REPORTING OF OFFICE ACTIVITIES.*—*The Director of the Office of Emergency Communications shall, not later than one year after the date of the enactment of this subsection and annually thereafter for each of the next four years, report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the activities and programs of the Office, including specific information on efforts to carry out paragraphs (4), (5), and (6) of subsection (c).*

**SEC. 1802. NATIONAL EMERGENCY COMMUNICATIONS PLAN.**

(a) **IN GENERAL.**—The Secretary, acting through the Director for Emergency Communications【, and in cooperation with the Department of National Communications System (as appropriate),】 shall, in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector, develop not later than 180 days after the completion of the baseline assessment under section 1803, and periodically, *but not less than once every five years*, update, a National Emergency Communications Plan to provide recommendations regarding how the United States should—

(1) support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

(2) ensure, accelerate, and attain interoperable emergency communications nationwide.

(b) **COORDINATION.**—The Emergency Communications Preparedness Center under section 1806 shall coordinate the development of the Federal aspects of the National Emergency Communications Plan.

(c) **CONTENTS.**—The National Emergency Communications Plan shall—

(1) include recommendations developed in consultation with the Federal Communications Commission and the National Institute of Standards and Technology for a process for expediting national voluntary consensus standards for emergency communications equipment for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

(2) identify the appropriate capabilities necessary for emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

(3) *consider the impact of emerging technologies on the attainment of interoperable emergency communications;*

【(3)】 (4) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments in the event of natural disasters, acts of terrorism, and other man-made disasters;

【(4)】 (5) recommend both short-term and long-term solutions for ensuring that emergency response providers and relevant government officials can continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

【(5)】 (6) recommend both short-term and long-term solutions for deploying interoperable emergency communications systems for Federal, State, local, and tribal governments throughout the Nation, including through the provision of existing and emerging technologies;

【(6)】 (7) identify how Federal departments and agencies that respond to natural disasters, acts of terrorism, and other man-made disasters can work effectively with State, local, and tribal governments, in all States, and with other entities;

【(7)】 (8) identify obstacles to deploying interoperable emergency communications capabilities nationwide and recommend short-term and long-term measures to overcome those obstacles, including recommendations for multijurisdictional coordination among Federal, State, local, and tribal governments;

【(8)】 (9) recommend goals and timeframes for the deployment of emergency, command-level communications systems based on new and existing equipment across the United States and develop a timetable for the deployment of interoperable emergency communications systems nationwide;

【(9)】 (10) recommend appropriate measures that emergency response providers should employ to ensure the continued operation of relevant governmental communications infrastructure in the event of natural disasters, acts of terrorism, or other man-made disasters; and

【(10)】 (11) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, and emergency response providers expect to achieve a baseline level of national interoperable communications, as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)).

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**SEC. 1804. COORDINATION OF DEPARTMENT EMERGENCY COMMUNICATIONS GRANT PROGRAMS.**

(a) **COORDINATION OF GRANTS AND STANDARDS PROGRAMS.**—The Secretary, acting through the Director for Emergency Communications, shall ensure that grant guidelines for the use of homeland security assistance administered by the Department relating to interoperable emergency communications are coordinated and consistent with the goals and recommendations in the National Emergency Communications Plan under section 1802.

(b) **DENIAL OF ELIGIBILITY FOR GRANTS.**—

(1) **IN GENERAL.**—The Secretary, acting through the [Assistant Secretary for Grants and Planning] *Assistant Administrator of the Grant Programs Directorate of the Federal Emer-*

*gency Management Agency*, and in consultation with the Director for Emergency Communications, may prohibit any State, local, or tribal government from using homeland security assistance administered by the Department to achieve, maintain, or enhance emergency communications capabilities, if—

(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan as required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

(B) such government has proposed to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards and has not provided a reasonable 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; and

(C) as of the date that is 3 years after the date of the completion of the initial National Emergency Communications Plan under section 1802, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

(2) **STANDARDS.**—The Secretary, in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, shall support the development, promulgation, and updating as necessary of national voluntary consensus standards for interoperable emergency communications.

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## **TITLE XX—HOMELAND SECURITY GRANTS**

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### **Subtitle A—Grants to States and High-Risk Urban Areas**

#### **SEC. 2002. HOMELAND SECURITY GRANT PROGRAMS.**

[(a) **GRANTS AUTHORIZED.**—The Secretary, through the Administrator, may award grants under sections 2003 and 2004 to State, local, and tribal governments.]

(a) *GRANTS AUTHORIZED.*—*The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.*

(b) **PROGRAMS NOT AFFECTED.**—This subtitle shall not be construed to affect any of the following Federal programs:

(1) Firefighter and other assistance programs authorized under the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

(2) Grants authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(3) Emergency Management Performance Grants under the amendments made by title II of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(4) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized under title XIV and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 and the amendments made by such titles.

(5) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(6) The Interoperable Emergency Communications Grant Program authorized under title XVIII.

(7) Grant programs other than those administered by the Department.

(c) **RELATIONSHIP TO OTHER LAWS.**—

(1) **IN GENERAL.**—The grant programs authorized under sections 2003 and 2004 shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

(2) **ALLOCATION.**—The allocation of grants authorized under section 2003 or 2004 shall be governed by the terms of this subtitle and not by any other provision of law.

**SEC. 2003. URBAN AREA SECURITY INITIATIVE.**

(a) **ESTABLISHMENT.**—There is established an Urban Area Security Initiative to provide grants to assist high-risk urban areas in preventing, preparing for, protecting against, and responding to acts of terrorism.

(b) **ASSESSMENT AND DESIGNATION OF HIGH-RISK URBAN AREAS.**—

(1) **IN GENERAL.**—The Administrator shall designate high-risk urban areas to receive grants under this section based on procedures under this subsection.

(2) **INITIAL ASSESSMENT.**—

(A) **IN GENERAL.**—For each fiscal year, the Administrator shall conduct an initial assessment of the relative threat, vulnerability, and consequences from acts of terrorism faced by each eligible metropolitan area, including consideration of—

(i) the factors set forth in subparagraphs (A) through (H) and (K) of section 2007(a)(1); and

(ii) information and materials submitted under subparagraph (B).

(B) **SUBMISSION OF INFORMATION BY ELIGIBLE METROPOLITAN AREAS.**—Prior to conducting each initial assessment under subparagraph (A), the Administrator shall provide each eligible metropolitan area with, and shall notify each eligible metropolitan area of, the opportunity to—

(i) submit information that the eligible metropolitan area believes to be relevant to the determination of the threat, vulnerability, and consequences it faces from acts of terrorism; and

(ii) review the risk assessment conducted by the Department of that eligible metropolitan area, including the bases for the assessment by the Department of the threat, vulnerability, and consequences from acts of terrorism faced by that eligible metropolitan area, and remedy erroneous or incomplete information.

(3) DESIGNATION OF HIGH-RISK URBAN AREAS.—

(A) DESIGNATION.—

(i) IN GENERAL.—For each fiscal year, after conducting the initial assessment under paragraph (2), and based on that assessment, the Administrator shall designate high-risk urban areas that may submit applications for grants under this section.

(ii) ADDITIONAL AREAS.—Notwithstanding paragraph (2), the Administrator may—

(I) in any case where an eligible metropolitan area consists of more than 1 metropolitan division (as that term is defined by the Office of Management and Budget) designate more than 1 high-risk urban area within a single eligible metropolitan area; and

(II) designate an area that is not an eligible metropolitan area as a high-risk urban area based on the assessment by the Administrator of the relative threat, vulnerability, and consequences from acts of terrorism faced by the area.

(iii) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to—

(I) designate all eligible metropolitan areas that submit information to the Administrator under paragraph (2)(B)(i) as high-risk urban areas; or

(II) designate all areas within an eligible metropolitan area as part of the high-risk urban area.

(B) JURISDICTIONS INCLUDED IN HIGH-RISK URBAN AREAS.—

(i) IN GENERAL.—In designating high-risk urban areas under subparagraph (A), the Administrator shall determine which jurisdictions, at a minimum, shall be included in each high-risk urban area.

(ii) ADDITIONAL JURISDICTIONS.—A high-risk urban area designated by the Administrator may, in consultation with the State or States in which such high-risk urban area is located, add additional jurisdictions to the high-risk urban area.

(c) APPLICATION.—

(1) IN GENERAL.—An area designated as a high-risk urban area under subsection (b) may apply for a grant under this section.

(2) MINIMUM CONTENTS OF APPLICATION.—In an application for a grant under this section, a high-risk urban area shall submit—

(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the high-risk urban area;

(B) the name of an individual to serve as a high-risk urban area liaison with the Department and among the various jurisdictions in the high-risk urban area; and

(C) such information in support of the application as the Administrator may reasonably require.

(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

(4) STATE REVIEW AND TRANSMISSION.—

(A) IN GENERAL.—To ensure consistency with State homeland security plans, a high-risk urban area applying for a grant under this section shall submit its application to each State within which any part of that high-risk urban area is located for review before submission of such application to the Department.

(B) DEADLINE.—Not later than 30 days after receiving an application from a high-risk urban area under subparagraph (A), a State shall transmit the application to the Department.

(C) OPPORTUNITY FOR STATE COMMENT.—If the Governor of a State determines that an application of a high-risk urban area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

(i) notify the Administrator, in writing, of that fact; and

(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

(5) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

(d) DISTRIBUTION OF AWARDS.—

(1) IN GENERAL.—If the Administrator approves the application of a high-risk urban area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which that high-risk urban area is located.

(2) STATE DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Not later than 45 days after the date that a State receives grant funds under paragraph (1), that State shall provide the high-risk urban area awarded that grant not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items, services, or activities that benefit the high-risk urban area.

(B) FUNDS RETAINED.—A State shall provide each relevant high-risk urban area with an accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) were expended.

(3) INTERSTATE URBAN AREAS.—If parts of a high-risk urban area awarded a grant under this section are located in 2 or more States, the Administrator shall distribute to each such State—

(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

(B) if no agreement on distribution has been reached, a portion of the grant funds determined by the Administrator to be appropriate.

(4) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO HIGH-RISK URBAN AREAS.—A State that receives grant funds under paragraph (1) shall certify to the Administrator that the State has made available to the applicable high-risk urban area the required funds under paragraph (2).

(e) PERIOD OF PERFORMANCE.—*The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.*

[(e)] (f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

- (1) \$850,000,000 for fiscal year 2008;
- (2) \$950,000,000 for fiscal year 2009;
- (3) \$1,050,000,000 for fiscal year 2010;
- (4) \$1,150,000,000 for fiscal year 2011;
- (5) \$1,300,000,000 for fiscal year 2012; and
- (6) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

**SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.**

(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, and responding to acts of terrorism.

(b) APPLICATION.—

(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

(2) MINIMUM CONTENTS OF APPLICATION.—The Administrator shall require that each State include in its application, at a minimum—

(A) the purpose for which the State seeks grant funds and the reasons why the State needs the grant to meet the target capabilities of that State;

(B)(i) *certification that the Governor of the State has designated a Statewide Interoperability Coordinator, including identification in such certification of the individual so designated, who shall be responsible for—*

(I) *coordinating the daily operations of the State's interoperability efforts;*

(II) *coordinating State interoperability and communications projects and grant applications for such projects;*

(III) *establishing and maintaining working groups to develop and implement key interoperability initiatives; and*

(IV) *coordinating and updating, as necessary, a Statewide Communications Interoperability Plan that specifies the current status of State efforts to enhance communications interoperability within the State, including progress, modifications, or setbacks, and future goals for communications interoperability among emergency response agencies in the State; or*

(ii) if a Statewide Interoperability Coordinator has not been designated in accordance with clause (i)—

(I) certification that the State is performing in another manner the functions described in subclauses (I) through (IV) of such clause; and

(II) identification in such certification of an individual who has been designated by the State as the primary point of contact for performance of such functions;

**[(B)]** (C) a description of how the State plans to allocate the grant funds to local governments and Indian tribes; and

**[(C)]** (D) a budget showing how the State intends to expend the grant funds.

(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

(c) DISTRIBUTION TO LOCAL AND TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Not later than 45 days after receiving grant funds, any State receiving a grant under this section shall make available to local and tribal governments, consistent with the applicable State homeland security plan—

(A) not less than 80 percent of the grant funds;

(B) with the consent of local and tribal governments, items, services, or activities having a value of not less than 80 percent of the amount of the grant; or

(C) with the consent of local and tribal governments, grant funds combined with other items, services, or activities having a total value of not less than 80 percent of the amount of the grant.

(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—A State shall certify to the Administrator that the State has made the distribution to local and tribal governments required under paragraph (1).

(3) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments is necessary to promote effective investments to prevent, prepare for, protect against, or respond to acts of terrorism.

(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

(5) DIRECT FUNDING.—If a State fails to make the distribution to local or tribal governments required under paragraph (1) in a timely fashion, a local or tribal government entitled to receive such distribution may petition the Administrator to request that grant funds be provided directly to the local or tribal government.

(d) MULTISTATE APPLICATIONS.—

(1) IN GENERAL.—Instead of, or in addition to, any application for a grant under subsection (b), 2 or more States may submit an application for a grant under this section in support

of multistate efforts to prevent, prepare for, protect against, and respond to acts of terrorism.

(2) ADMINISTRATION OF GRANT.—If a group of States applies for a grant under this section, such States shall submit to the Administrator at the time of application a plan describing—

(A) the division of responsibilities for administering the grant; and

(B) the distribution of funding among the States that are parties to the application.

(e) MINIMUM ALLOCATION.—

(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that—

(A) except as provided in subparagraph (B), each State receives, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to—

(i) 0.375 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2008;

(ii) 0.365 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2009;

(iii) 0.36 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2010;

(iv) 0.355 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2011; and

(v) 0.35 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2012 and in each fiscal year thereafter; and

(B) for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to 0.08 percent of the total funds appropriated for grants under this section and section 2003.

(2) EFFECT OF MULTISTATE AWARD ON STATE MINIMUM.—Any portion of a multistate award provided to a State under subsection (d) shall be considered in calculating the minimum State allocation under this subsection.

(f) PERIOD OF PERFORMANCE.—*The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.*

[(f)] (g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

(1) \$950,000,000 for each of fiscal years 2008 through 2012; and

(2) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

**SEC. 2005. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

(a) IN GENERAL.—Notwithstanding section 2004(b), the Administrator may award grants to directly eligible tribes under section 2004.

(b) **TRIBAL APPLICATIONS.**—A directly eligible tribe may apply for a grant under section 2004 by submitting an application to the Administrator that includes, as appropriate, the information required for an application by a State under section 2004(b).

(c) **CONSISTENCY WITH STATE PLANS.**—

(1) **IN GENERAL.**—To ensure consistency with any applicable State homeland security plan, a directly eligible tribe applying for a grant under section 2004 shall provide a copy of its application to each State within which any part of the tribe is located for review before the tribe submits such application to the Department.

(2) **OPPORTUNITY FOR COMMENT.**—If the Governor of a State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, not later than 30 days after the date of receipt of that application the Governor shall—

(A) notify the Administrator, in writing, of that fact; and

(B) provide an explanation of the reason for not supporting the application.

(d) **FINAL AUTHORITY.**—The Administrator shall have final authority to approve any application of a directly eligible tribe. The Administrator shall notify each State within the boundaries of which any part of a directly eligible tribe is located of the approval of an application by the tribe.

(e) **PRIORITIZATION.**—The Administrator shall allocate funds to directly eligible tribes in accordance with the factors applicable to allocating funds among States under section 2007.

(f) **DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.**—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the tribe and not through any State.

(g) **MINIMUM ALLOCATION.**—

(1) **IN GENERAL.**—In allocating funds under this section, the Administrator shall ensure that, for each fiscal year, directly eligible tribes collectively receive, from the funds appropriated for the State Homeland Security Grant Program established under section 2004, not less than an amount equal to 0.1 percent of the total funds appropriated for grants under sections 2003 and 2004.

(2) **EXCEPTION.**—This subsection shall not apply in any fiscal year in which the Administrator—

(A) receives fewer than 5 applications under this section;

or

(B) does not approve at least 2 applications under this section.

(h) **PERIOD OF PERFORMANCE.**—*The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.*

[(h)] (i) **TRIBAL LIAISON.**—A directly eligible tribe applying for a grant under section 2004 shall designate an individual to serve as a tribal liaison with the Department and other Federal, State, local, and regional government officials concerning preventing, preparing for, protecting against, and responding to acts of terrorism.

**[(i)] (j) ELIGIBILITY FOR OTHER FUNDS.**—A directly eligible tribe that receives a grant under section 2004 may receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located and from any high-risk urban area of which it is a part, consistent with the homeland security plan of the State or high-risk urban area.

**[(j)] (k) STATE OBLIGATIONS.**—

(1) **IN GENERAL.**—States shall be responsible for allocating grant funds received under section 2004 to tribal governments in order to help those tribal communities achieve target capabilities not achieved through grants to directly eligible tribes.

(2) **DISTRIBUTION OF GRANT FUNDS.**—With respect to a grant to a State under section 2004, an Indian tribe shall be eligible for funding directly from that State, and shall not be required to seek funding from any local government.

(3) **IMPOSITION OF REQUIREMENTS.**—A State may not impose unreasonable or unduly burdensome requirements on an Indian tribe as a condition of providing the Indian tribe with grant funds or resources under section 2004.

**[(k)] (l) RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this subtitle.

**SEC. 2006. TERRORISM PREVENTION.**

(a) **LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.**—

(1) **IN GENERAL.**—The Administrator shall ensure that *States and high-risk urban areas use* not less than 25 percent of the total combined funds appropriated for grants under sections 2003 and 2004 **[is used]** for law enforcement terrorism prevention activities.

(2) **LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES.**—Law enforcement terrorism prevention activities include—

(A) information sharing and analysis;

(B) target hardening;

(C) threat recognition;

(D) terrorist interdiction;

(E) overtime expenses consistent with a State homeland security plan, including for the provision of enhanced law enforcement operations in support of Federal agencies, including for increased border security and border crossing enforcement;

(F) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

(G) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts;

(H) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

**[(I)] any other terrorism prevention activity authorized by the Administrator.**

*(I) activities as determined appropriate by the Administrator, in coordination with the Assistant Secretary for*

*State and Local Law Enforcement within the Office of Policy of the Department, through outreach to relevant stakeholder organizations.*

(3) PARTICIPATION OF UNDERREPRESENTED COMMUNITIES IN FUSION CENTERS.—The Administrator shall ensure that grant funds described in paragraph (1) are used to support the participation, as appropriate, of law enforcement and other emergency response providers from rural and other underrepresented communities at risk from acts of terrorism in fusion centers.

(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

(1) ESTABLISHMENT.—There is established in the Policy Directorate of the Department an Office for State and Local Law Enforcement, which shall be headed by an Assistant Secretary for State and Local Law Enforcement.

(2) QUALIFICATIONS.—The Assistant Secretary for State and Local Law Enforcement shall have an appropriate background with experience in law enforcement, intelligence, and other counterterrorism functions.

(3) ASSIGNMENT OF PERSONNEL.—The Secretary shall assign to the Office for State and Local Law Enforcement permanent staff and, as appropriate and consistent with sections 506(c)(2), 821, and 888(d), other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this subsection.

(4) RESPONSIBILITIES.—The Assistant Secretary for State and Local Law Enforcement shall—

(A) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department, *including through consultation with such agencies regarding Department programs that may impact such agencies*;

(C) coordinate with the Office of Intelligence and Analysis to ensure the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

(D) work with the Administrator to **[ensure]** *certify* that law enforcement and terrorism-focused grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004, the Commercial Equipment Direct Assistance Program, and other grants administered by the Department to support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities;

(E) coordinate with the Science and Technology Directorate, the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be

used in a tactical environment by law enforcement officers; and

(F) conduct, jointly with the Administrator, a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters and report on the results of that study to the appropriate committees of Congress.

(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to diminish, supercede, or replace the responsibilities, authorities, or role of the Administrator.

\* \* \* \* \*

**SEC. 2008. USE OF FUNDS.**

(a) **PERMITTED USES.**—The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, *including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))*), through—

(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;

(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2);

(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;

(5) ensuring operability and achieving interoperability of emergency communications;

(6) *enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, including the development and maintenance of an initial pharmaceutical stockpile, including medical kits and diagnostics sufficient to protect first responders, their families, immediate victims, and vulnerable populations from a chemical or biological event;*

[(6)] (7) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

[(7)] (8) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

[(8)] (9) enhancing school preparedness;

[(9)] (10) supporting public safety answering points;

[(10)] (11) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence

analysts, regardless of whether such analysts are current or new full-time employees or contract employees;

[(11)] (12) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

[(12)] (13) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; and

[(13)] (14) any other appropriate activity, as determined by the Administrator.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Funds provided under section 2003 or 2004 may not be used—

(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

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

(2) PERSONNEL.—

(A) IN GENERAL.—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

(B) WAIVER.—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

(3) LIMITATIONS ON DISCRETION.—

(A) IN GENERAL.—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for personnel costs in accordance with paragraph (2) of this subsection, the Administrator may not—

(i) impose a limit on the amount of the award that may be used to pay for personnel, or personnel-related, costs that is higher or lower than the percent limit imposed in paragraph (2)(A); or

(ii) impose any additional limitation on the portion of the funds of a recipient that may be used for a specific type, purpose, or category of personnel, or personnel-related, costs.

(B) ANALYSTS.—If amounts awarded to a grant recipient under section 2003 or 2004 are used for paying salary or benefits of a qualified intelligence analyst under subsection [(a)(10)] (a)(11), the Administrator shall make such amounts available without time limitations placed on the period of time that the analyst can serve under the grant.

(4) CONSTRUCTION.—

(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

(B) EXCEPTIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

(ii) REQUIREMENTS FOR EXCEPTION.—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

(I) specifically approved by the Administrator;

(II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

(III) the amount allocated for purposes under clause (i) does not exceed the greater of \$1,000,000 or 15 percent of the grant award.

(5) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

(d) REIMBURSEMENT OF COSTS.—

(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under section 2003 or 2004, the Administrator may authorize the grant recipient

to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

(f) **EQUIPMENT STANDARDS.**—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its 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.

(g) **MAINTENANCE OF EQUIPMENT.**—*Any applicant for a grant under section 2003 or 2004 seeking to use funds to purchase equipment, including pursuant to paragraphs (3), (4), (5), or (9) of subsection (a) of this section, shall by the time of the receipt of such grant develop a plan for the maintenance of such equipment over its life-cycle that includes information identifying which entity is responsible for such maintenance.*

(h) **REVIEW PROCESS.**—*The Administrator shall develop and implement a uniform process for reviewing applications to use grants provided under section 2003 or 2004 to purchase equipment or systems not included on the Authorized Equipment List maintained by the Administrator.*

**SEC. 2009. OPERATION STONEGARDEN.**

(a) **ESTABLISHMENT.**—*There is established in the Department a program to be known as “Operation Stonegarden”. Under such program, the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State Administrative Agency, to enhance border security in accordance with this section.*

(b) **ELIGIBLE RECIPIENTS.**—*To be eligible to receive a grant under this section, a law enforcement agency shall—*

(1) *be located in—*

(A) *a State bordering either Canada or Mexico; or*

(B) *a State or territory with a maritime border; and*

(2) *be involved in an active, ongoing U.S. Customs and Border Protection operation coordinated through a sector office.*

(c) **PERMITTED USES.**—*The recipient of a grant under this section may use such grant for any of the following:*

(1) *Equipment, including maintenance and sustainment costs.*

(2) *Personnel, including overtime and backfill, in support of enhanced border law enforcement activities.*

(3) *Any activity permitted for Operation Stonegarden under the Department of Homeland Security’s Fiscal Year 2015 Homeland Security Grant Program Notice of Funding Opportunity.*

(4) *Any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.*

(d) **AUTHORIZATION OF APPROPRIATIONS.**—*There is authorized to be appropriated \$110,000,000 for each of fiscal years 2016 through 2020 for grants under this section.*

(e) *REPORT.*—The Administrator shall annually submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure of grants made under this section by each grant recipient.

## **Subtitle B—Grants Administration**

### **SEC. 2021. ADMINISTRATION AND COORDINATION.**

(a) **REGIONAL COORDINATION.**—The Administrator shall ensure that—

(1) all recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) coordinate, as appropriate, their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments; and

(2) all high-risk urban areas and other recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) that include or substantially affect parts or all of more than 1 State coordinate, as appropriate, across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans.

(b) **PLANNING COMMITTEES.**—

[(1) **IN GENERAL.**—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities for grants under sections 2003 and 2004.

[(2) **COMPOSITION.**—

[(A) **IN GENERAL.**—The planning committee shall include representatives of significant stakeholders, including—

[(i) local and tribal government officials; and

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

[(B) **GEOGRAPHIC REPRESENTATION.**—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.]

(1) *IN GENERAL.*—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a State plan-

*ning committee or urban area working group to assist in preparation and revision of the State, regional, or local homeland security plan or the threat and hazard identification and risk assessment, as the case may be, and to assist in determining effective funding priorities for grants under such sections 2003 and 2004.*

(2) *COMPOSITION.—The State planning committees and urban area working groups referred to in paragraph (1) shall include at least one representative from each of the following significant stakeholders:*

*(A) Local or tribal government officials.*

*(B) Emergency response providers, including representatives of the fire service, law enforcement, emergency medical services, and emergency managers.*

*(C) Public health officials and other appropriate medical practitioners.*

*(D) Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education.*

*(E) State and regional interoperable communications coordinators, as appropriate.*

*(F) State and major urban area fusion centers, as appropriate.*

(3) *EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or high-risk urban area create a planning committee or urban area working group, as the case may be, if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.*

(c) *INTERAGENCY COORDINATION.—*

(1) *IN GENERAL.—Not later than 12 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary (acting through the Administrator), the Attorney General, the Secretary of Health and Human Services, and the heads of other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, shall jointly—*

*(A) compile a comprehensive list of Federal grant programs for State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters;*

*(B) compile the planning, reporting, application, and other requirements and guidance for the grant programs described in subparagraph (A);*

*(C) develop recommendations, as appropriate, to—*

*(i) eliminate redundant and duplicative requirements for State, local, and tribal governments, including onerous application and ongoing reporting requirements;*

*(ii) ensure accountability of the programs to the intended purposes of such programs;*

(iii) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients;

(iv) make the programs more accessible and user friendly to applicants; and

(v) ensure the programs are coordinated to enhance the overall preparedness of the Nation;

(D) submit the information and recommendations under subparagraphs (A), (B), and (C) to the appropriate committees of Congress; and

(E) provide the appropriate committees of Congress, the Comptroller General, and any officer or employee of the Government Accountability Office with full access to any information collected or reviewed in preparing the submission under subparagraph (D).

(2) SCOPE OF TASK.—Nothing in this subsection shall authorize the elimination, or the alteration of the purposes, as delineated by statute, regulation, or guidance, of any grant program that exists on the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, nor authorize the review or preparation of proposals on the elimination, or the alteration of such purposes, of any such grant program.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, and respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants;

(2) there should be a continuing and appropriate balance between funding for terrorism-focused and all-hazards preparedness, as reflected in the authorizations of appropriations for grants under the amendments made by titles I and II, as applicable, of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

(3) with respect to terrorism-focused grants, it is necessary to ensure both that the target capabilities of the highest risk areas are achieved quickly and that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

\* \* \* \* \*

**SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DEPARTMENTAL COMPONENTS AND OFFICES.**

*The Administrator shall enter into memoranda of understanding with the heads of the following departmental components and offices delineating the roles and responsibilities of such components and offices regarding the policy and guidance for grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004 of this Act, and section 70107 of title 46, United States Code, as appropriate:*

(1) *The Commissioner of U.S. Customs and Border Protection.*

- (2) *The Administrator of the Transportation Security Administration.*
- (3) *The Commandant of the Coast Guard.*
- (4) *The Under Secretary for Intelligence and Analysis.*
- (5) *The Director of the Office of Emergency Communications.*
- (6) *The Assistant Secretary for State and Local Law Enforcement.*
- (7) *The Countering Violent Extremism Coordinator.*
- (8) *The Officer for Civil Rights and Civil Liberties.*
- (9) *The heads of other components or offices of the Department, as determined by the Secretary.*

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**IMPLEMENTING RECOMMENDATIONS OF THE 9/11  
COMMISSION ACT**

\* \* \* \* \*

**SEC. 1204. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM**

(a) **IN GENERAL.**—The Secretary is authorized to establish, operate, and maintain a National Domestic Preparedness Consortium within the Department.

(b) **MEMBERS.**—Members of the National Domestic Preparedness Consortium shall consist of—

- (1) the Center for Domestic Preparedness;
- (2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;
- (3) the National Center for Biomedical Research and Training, Louisiana State University;
- (4) the National Emergency Response and Rescue Training Center, Texas A&M University;
- (5) the National Exercise, Test, and Training Center, Nevada Test Site;
- (6) the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and
- (7) the National Disaster Preparedness Training Center, University of Hawaii.

(c) **DUTIES.**—The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the Department.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary—

**[(1)]** for the Center for Domestic Preparedness—

- [(A)]** \$57,000,000 for fiscal year 2008;
- [(B)]** \$60,000,000 for fiscal year 2009;
- [(C)]** \$63,000,000 for fiscal year 2010; and
- [(D)]** \$66,000,000 for fiscal year 2011; and

**[(2)]** for the National Energetic Materials Research and Testing Center, the National Center for Biomedical Research and Training, the National Emergency Response and Rescue Training Center, the National Exercise, Test, and Training Center,

the Transportation Technology Center, Incorporated, and the National Disaster Preparedness Training Center each—

- 【(A) \$22,000,000 for fiscal year 2008;
- 【(B) \$23,000,000 for fiscal year 2009;
- 【(C) \$24,000,000 for fiscal year 2010; and
- 【(D) \$25,500,000 for fiscal year 2011.】

(1) *for the Center for Domestic Preparedness, \$65,000,000 for each of fiscal years 2016 and 2017; and*

(2) *for the remaining Members of the National Domestic Preparedness Consortium, \$98,000,000 for each of fiscal years 2016 and 2017.*

(e) SAVINGS PROVISION.—From the amounts appropriated pursuant to this section, the Secretary shall ensure that future amounts provided to each of the following entities are not less than the amounts provided to each such entity for participation in the Consortium in fiscal year 【2007】 2015—

- (1) the Center for Domestic Preparedness;
- (2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;
- (3) the National Center for Biomedical Research and Training, Louisiana State University;
- (4) the National Emergency Response and Rescue Training Center, Texas A&M University; and
- (5) the National Exercise, Test, and Training Center, Nevada Test Site.

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#### **SEC. 1406. PUBLIC TRANSPORTATION SECURITY ASSISTANCE**

(a) SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program for making grants to eligible public transportation agencies for security improvements described in subsection (b).

(2) ELIGIBILITY.—A public transportation agency is eligible for a grant under this section if the Secretary has performed a security assessment or the agency has developed a security plan under section 1405. Grant funds shall only be awarded for permissible uses under subsection (b) to—

- (A) address items included in a security assessment; or
- (B) further a security plan.

(b) USES OF FUNDS.—A recipient of a grant under subsection (a) shall use the grant funds for one or more of the following:

(1) Capital uses of funds, including—

- (A) tunnel protection systems;
- (B) perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades;
- (C) redundant critical operations control systems;
- (D) chemical, biological, radiological, or explosive detection systems, including the acquisition of canines used for such detection;
- (E) surveillance equipment;
- (F) communications equipment, including mobile service equipment to provide access to wireless Enhanced 911 (E911) emergency services in an underground fixed guideway system;

- (G) emergency response equipment, including personal protective equipment;
  - (H) fire suppression and decontamination equipment;
  - (I) global positioning or tracking and recovery equipment, and other automated-vehicle-locator-type system equipment;
  - (J) evacuation improvements;
  - (K) purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels;
  - (L) capital costs associated with security awareness, security preparedness, and security response training, including training under section 1408 and exercises under section 1407;
  - (M) security improvements for public transportation systems, including extensions thereto, in final design or under construction;
  - (N) security improvements for stations and other public transportation infrastructure, including stations and other public transportation infrastructure owned by State or local governments; and
  - (O) other capital security improvements determined appropriate by the Secretary.
- (2) Operating uses of funds, including—
- (A) security training, including training under section 1408 and training developed by institutions of higher education and by nonprofit employee labor organizations, for public transportation employees, including frontline employees;
  - (B) live or simulated exercises under section 1407;
  - (C) public awareness campaigns for enhanced public transportation security;
  - (D) canine patrols for chemical, radiological, biological, or explosives detection;
  - (E) development of security plans under section 1405;
  - (F) overtime reimbursement including reimbursement of State, local, and tribal governments, for costs for enhanced security personnel during significant national and international public events;
  - (G) operational costs, including reimbursement of State, local, and tribal governments for costs for personnel assigned to full-time or part-time security or counterterrorism duties related to public transportation, provided that this expense totals no more than 10 percent of the total grant funds received by a public transportation agency in any 1 year; and
  - (H) other operational security costs determined appropriate by the Secretary, excluding routine, ongoing personnel costs, other than those set forth in this section.
- (c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—
- (1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (a)(2), select the recipients of grants based solely on risk; and

(3) pursuant to subsection (b), establish the priorities for which grant funds may be used under this section.

(d) DISTRIBUTION OF GRANTS.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.

(e) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant provided under this section shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code, as in effect on January 1, 2007, and such other terms and conditions as are determined necessary by the Secretary.

(f) LIMITATION ON USES OF FUNDS.—Grants made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(g) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of the grant funds.

(h) GUIDELINES.—Before distribution of funds to recipients of grants, the Secretary shall issue guidelines to ensure that, to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors to the extent practicable.

(i) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements under subsection (b), the Secretary shall act consistently with relevant State homeland security plans.

(j) MULTISTATE TRANSPORTATION SYSTEMS.—In cases in which a public transportation system operates in more than one State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements under subsection (b).

(k) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify simultaneously, the appropriate congressional committees of the intent to award such grant.

(l) RETURN OF MISSPENT GRANT FUNDS.—The Secretary shall establish a process to require the return of any misspent grant funds received under this section determined to have been spent for a purpose other than those specified in the grant award.

(m) PERIOD OF PERFORMANCE.—*The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.*

**[(m)] (n) AUTHORIZATION OF APPROPRIATIONS.—**

(1) There are authorized to be appropriated to the Secretary to make grants under this section—

(A) such sums as are necessary for fiscal year 2007;

(B) \$650,000,000 for fiscal year 2008, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2);

(C) \$750,000,000 for fiscal year 2009, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2);

(D) \$900,000,000 for fiscal year 2010, except that not more than 20 percent of such funds may be used for operational costs under subsection (b)(2); and

(E) \$1,100,000,000 for fiscal year 2011, except that not more than 10 percent of such funds may be used for operational costs under subsection (b)(2).

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

(3) WAIVER.—The Secretary may waive the limitation on operational costs specified in subparagraphs (B) through (E) of paragraph (1) if the Secretary determines that such a waiver is required in the interest of national security, and if the Secretary provides a written justification to the appropriate congressional committees prior to any such action.

(4) EFFECTIVE DATE.—Funds provided for fiscal year 2007 transit security grants under Public Law 110-28 shall be allocated based on security assessments that are in existence as of the date of enactment of this Act.

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**TITLE 46, UNITED STATES CODE**

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**Subtitle VII—Security and Drug Enforcement**

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**CHAPTER 701—PORT SECURITY**

**SUBCHAPTER I—GENERAL**

\* \* \* \* \*

**§ 70107. Grants**

(a) IN GENERAL.—The Secretary shall establish a grant program for the allocation of funds based on risk to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies required to provide port security services and to train law enforcement personnel under section 70132 of this title. Before awarding a grant under the program, the Secretary shall provide for review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administrator. In administering the grant program, the Secretary shall take into ac-

count national economic, energy, and strategic defense concerns based upon the most current risk assessments available.

(b) **ELIGIBLE COSTS.**—The following costs of funding the correction of Coast Guard identified vulnerabilities in port security and ensuring compliance with Area Maritime Transportation Security Plans and facility security plans are eligible to be funded:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers. Grants awarded under this section may not be used to construct buildings or other physical facilities, except those which are constructed under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(j)(8)), including those facilities in support of this paragraph, and specifically approved by the Secretary. Costs eligible for funding under this paragraph may not exceed the greater of—

(A) \$1,000,000 per project; or

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

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(4) The cost of conducting vulnerability assessments to evaluate and make recommendations with respect to security.

(5) The cost of conducting exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks.

(6) The cost of establishing or enhancing mechanisms for sharing terrorism threat information and ensuring that the mechanisms are interoperable with Federal, State, and local agencies.

(7) The cost of equipment (including software) required to receive, transmit, handle, and store classified information.

(8) The cost of training law enforcement personnel—

(A) to enforce a security zone under section 70132 of this title; or

(B) assist in the enforcement of a security zone.

(c) **MATCHING REQUIREMENTS.**—

(1) **75-PERCENT FEDERAL FUNDING.**—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

(2) **EXCEPTIONS.**—

(A) SMALL PROJECTS.—There are no matching requirements for grants under subsection (a) for projects costing not more than \$25,000.

(B) HIGHER LEVEL OF SUPPORT REQUIRED.—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

(C) TRAINING.—There are no matching requirements for grants under subsection (a) to train law enforcement agency personnel in the enforcement of security zones under section 70132 of this title or in assisting in the enforcement of such security zones.

(d) COORDINATION AND COOPERATION AGREEMENTS.—The Secretary shall ensure that projects paid for, or the costs of which are reimbursed, under this section within any area or port are coordinated with other projects, and may require cooperative agreements among users of the port and port facilities with respect to projects funded under this section.

(e) MULTIPLE-YEAR PROJECTS.—

(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this section, at such time, in such form, and containing such information and assurances as the Secretary may require.

(h) REPORTS.—Not later than 180 days after the date of the enactment of the SAFE Port Act, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.

(i) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall require eligible port authorities, facility operators, and State and local agencies required to provide security services, to submit an application, at such time, in such form, and containing such information and assurances as the Secretary may require, and shall include appropriate application, review, and delivery mechanisms.

(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application for payment or reimbursement of eligible costs shall include, at a minimum, the following:

(A) A copy of the applicable Area Maritime Transportation Security Plan or facility security plan.

(B) A comprehensive description of the need for the project, and a statement of the project's relationship to the applicable Area Maritime Transportation Security Plan or facility security plan.

(C) A determination by the Captain of the Port that the security project addresses or corrects Coast Guard identified vulnerabilities in security and ensures compliance with Area Maritime Transportation Security Plans and facility security plans.

(3) PROCEDURAL SAFEGUARDS.—The Secretary shall by regulation establish appropriate accounting, reporting, and review procedures to ensure that amounts paid or reimbursed under this section are used for the purposes for which they were made available, all expenditures are properly accounted for, and amounts not used for such purposes and amounts not obligated or expended are recovered.

(4) PROJECT APPROVAL REQUIRED.—The Secretary may approve an application for the payment or reimbursement of costs under this section only if the Secretary is satisfied that—

(A) the project is consistent with Coast Guard vulnerability assessments and ensures compliance with Area Maritime Transportation Security Plans and facility security plans;

(B) enough money is available to pay the project costs that will not be reimbursed by the United States Government under this section;

(C) the project will be completed without unreasonable delay; and

(D) the recipient has authority to carry out the project as proposed.

(j) AUDITS AND EXAMINATIONS.—A recipient of amounts made available under this section shall keep such records as the Secretary may require, and make them available for review and audit by the Secretary, the Comptroller General of the United States, or the Inspector General of the department in which the Coast Guard is operating.

(k) REPORTS ON SECURITY FUNDING AND COMPLIANCE.—

(1) INITIAL REPORT.—Within 6 months after the date of enactment of this Act, the Secretary shall transmit an unclassified report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, that—

(A) includes a funding proposal and rationale to fund the correction of Coast Guard identified vulnerabilities in port security and to help ensure compliance with Area Maritime Transportation Security Plans and facility security plans for fiscal years 2003 through 2008; and

(B) includes projected funding proposals for fiscal years 2003 through 2008 for the following security programs:

(i) The Sea Marshall program.

(ii) The Automated Identification System and a system of polling vessels on entry into United States waters.

(iii) The maritime intelligence requirements in this Act.

(iv) The issuance of transportation security cards required by section 70105.

(v) The program of certifying secure systems of transportation.

(2) OTHER EXPENDITURES.—The Secretary shall, as part of the report required by paragraph (1) report, in coordination with the Commissioner of Customs, on projected expenditures of screening and detection equipment and on cargo security programs over fiscal years 2003 through 2008.

(3) ANNUAL REPORTS.—Annually, beginning 1 year after transmittal of the report required by paragraph (1) until October 1, 2009, the Secretary shall transmit an unclassified annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on progress in achieving compliance with the correction of Coast Guard identified vulnerabilities in port security and compliance with Area Maritime Transportation Security Plans and facility security plans that—

(A) identifies any modifications necessary in funding to ensure the correction of Coast Guard identified vulnerabilities and ensure compliance with Area Maritime Transportation Security Plans and facility security plans;

(B) includes an assessment of progress in implementing the grant program established by subsection (a);

(C) includes any recommendations the Secretary may make to improve these programs; and

(D) with respect to a port selected by the Secretary, describes progress and enhancements of applicable Area Maritime Transportation Security Plans and facility security plans and how the Maritime Transportation Security Act of 2002 has improved security at that port.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$400,000,000 for each of the fiscal years 2007 through 2013 to carry out this section.

(m) INVESTIGATIONS.—

(1) IN GENERAL.—The Secretary shall conduct investigations, fund pilot programs, and award grants, to examine or develop—

(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will arrive or have arrived at any port or place in the United States;

(B) equipment to detect accurately explosives, chemical, or biological agents that could be used in a transportation security incident against the United States;

(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

(D) improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers, including sensors that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container,

and transmit that information to the appropriate law enforcement authorities;

(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential transportation security incidents that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

(F) tools to mitigate the consequences of a transportation security incident on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a transportation security incident;

(G) applications to apply existing technologies from other areas or industries to increase overall port security;

(H) improved container design, including blast-resistant containers; and

(I) methods to improve security and sustainability of port facilities in the event of a maritime transportation security incident, including specialized inspection facilities.

(2) IMPLEMENTATION OF TECHNOLOGY.—

(A) IN GENERAL.—In conjunction with ongoing efforts to improve security at United States ports, the Secretary may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

(i) testing of new detection and screening technologies;

(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

(iii) tools for responding to a transportation security incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$35,000,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

(3) NATIONAL PORT SECURITY CENTERS.—

(A) IN GENERAL.—The Secretary may make grants or enter into cooperative agreements with eligible nonprofit institutions of higher learning to conduct investigations in collaboration with ports and the maritime transportation industry focused on enhancing security of the Nation's ports in accordance with this subsection through National Port Security Centers.

(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, a nonprofit institution of higher learning, or a consortium of such institutions, shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(C) COMPETITIVE SELECTION PROCESS.—The Secretary shall select grant recipients under this paragraph through a competitive process on the basis of the following criteria:

(i) Whether the applicant can demonstrate that personnel, laboratory, and organizational resources will be available to the applicant to carry out the investigations authorized in this paragraph.

(ii) The applicant's capability to provide leadership in making national and regional contributions to the solution of immediate and long-range port and maritime transportation security and risk mitigation problems.

(iii) Whether the applicant can demonstrate that it has an established, nationally recognized program in disciplines that contribute directly to maritime transportation safety and education.

(iv) Whether the applicant's investigations will involve major United States ports on the East Coast, the Gulf Coast, and the West Coast, and Federal agencies and other entities with expertise in port and maritime transportation.

(v) Whether the applicant has a strategic plan for carrying out the proposed investigations under the grant.

(4) ADMINISTRATIVE PROVISIONS.—

(A) NO DUPLICATION OF EFFORT.—Before making any grant, the Secretary shall coordinate with other Federal agencies to ensure the grant will not duplicate work already being conducted with Federal funding.

(B) ACCOUNTING.—The Secretary shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such purposes and amounts not expended are recovered.

(C) RECORDKEEPING.—Recipients of grants shall keep all records related to expenditures and obligations of funds provided under paragraph (1) and make them available upon request to the Inspector General of the department in which the Coast Guard is operating and the Secretary for audit and examination.

(5) ANNUAL REVIEW AND REPORT.—The Inspector General of the department in which the Coast Guard is operating shall annually review the programs established under this subsection to ensure that the expenditures and obligations of funds are consistent with the purposes for which they are provided, and report the findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(n) *PERIOD OF PERFORMANCE.*—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

\* \* \* \* \*

**POST-KATRINA EMERGENCY MANAGEMENT REFORM  
ACT OF 2006**

\* \* \* \* \*

**TITLE VI—NATIONAL EMERGENCY  
MANAGEMENT**

\* \* \* \* \*

**Subtitle C—Comprehensive Preparedness  
System**

\* \* \* \* \*

**CHAPTER 1—NATIONAL PREPAREDNESS SYSTEM**

\* \* \* \* \*

**[SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

【The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

【(1) analyze training, exercises, and real-world events to identify and disseminate lessons learned and best practices;

【(2) generate and disseminate, as appropriate, after action reports to participants in exercises and real-world events; and

【(3) conduct remedial action tracking and long-term trend analysis.】

**SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

(a) *IN GENERAL.*—*The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—*

*(1) analyze training, exercises, and real world events to identify lessons learned, corrective actions, and best practices;*

*(2) generate and disseminate, as appropriate, the lessons learned, corrective actions, and best practices referred to in paragraph (1); and*

*(3) conduct remedial action tracking and long term trend analysis.*

(b) *FEDERAL CORRECTIVE ACTIONS.*—*The Administrator, in coordination with the heads of appropriate Federal departments and agencies, shall utilize the program established in subsection (a) to collect information on corrective actions identified by such Federal departments and agencies during exercises and the response to natural disasters, acts of terrorism, and other man-made disasters, and shall, not later than one year after the date of the enactment of this section and annually thereafter for each of the next four years, submit to Congress a report on the status of such corrective actions.*

(c) *DISSEMINATION OF AFTER ACTION REPORTS.*—*The Administrator shall provide electronically, to the maximum extent practicable, to Congress and Federal, State, local, tribal, and private sector officials after-action reports and information on lessons learned and best practices from responses to acts of terrorism, nat-*

*ural disasters, capstone exercises conducted under the national exercise program under section 648(b), and other emergencies or exercises.*

\* \* \* \* \*

**SEC. 653. FEDERAL PREPAREDNESS.**

(a) AGENCY RESPONSIBILITY.—In support of the national preparedness system, the President shall ensure that each Federal agency with responsibilities under the National Response Plan—

(1) has the operational capability to meet the national preparedness goal, including—

(A) the personnel to make and communicate decisions;

(B) organizational structures that are assigned, trained, and exercised for the missions of the agency;

(C) sufficient physical resources; and

(D) the command, control, and communication channels to make, monitor, and communicate decisions;

(2) complies with the National Incident Management System, including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320);

(3) develops, trains, and exercises rosters of response personnel to be deployed when the agency is called upon to support a Federal response;

(4) develops deliberate operational plans and the corresponding capabilities, including crisis planning, to respond effectively to natural disasters, acts of terrorism, and other man-made disasters in support of the National Response Plan to ensure a coordinated Federal response; and

(5) regularly updates, verifies the accuracy of, and provides to the Administrator the information in the inventory required under section 651.

(b) OPERATIONAL PLANS.—An operations plan developed under subsection (a)(4) shall meet the following requirements:

(1) The operations plan shall be coordinated under a unified system with a common terminology, approach, and framework.

(2) The operations plan shall be developed, in coordination with State, local, and tribal government officials, to address both regional and national risks.

(3) The operations plan shall contain, as appropriate, the following elements:

(A) Concepts of operations.

(B) Critical tasks and responsibilities.

(C) Detailed resource and personnel requirements, together with sourcing requirements.

(D) Specific provisions for the rapid integration of the resources and personnel of the agency into the overall response.

(4) The operations plan shall address, as appropriate, the following matters:

(A) Support of State, local, and tribal governments in conducting mass evacuations, including—

(i) transportation and relocation;

(ii) short- and long-term sheltering and accommodation;

(iii) provisions for populations with special needs, keeping families together, and expeditious location of missing children; and

(iv) policies and provisions for pets.

(B) The preparedness and deployment of public health and medical resources, including resources to address the needs of evacuees and populations with special needs.

(C) The coordination of interagency search and rescue operations, including land, water, and airborne search and rescue operations.

(D) The roles and responsibilities of the Senior Federal Law Enforcement Official with respect to other law enforcement entities.

(E) The protection of critical infrastructure.

(F) The coordination of maritime salvage efforts among relevant agencies.

(G) The coordination of Department of Defense and National Guard support of civilian authorities.

(H) To the extent practicable, the utilization of Department of Defense, National Air and Space Administration, National Oceanic and Atmospheric Administration, and commercial aircraft and satellite remotely sensed imagery.

(I) The coordination and integration of support from the private sector and nongovernmental organizations.

(J) The safe disposal of debris, including hazardous materials, and, when practicable, the recycling of debris.

(K) The identification of the required surge capacity.

(L) Specific provisions for the recovery of affected geographic areas.

(c) MISSION ASSIGNMENTS.—To expedite the provision of assistance under the National Response Plan, the President shall ensure that the Administrator, in coordination with Federal agencies with responsibilities under the National Response Plan, develops prescribed mission assignments, including logistics, communications, mass care, health services, and public safety.

(d) COORDINATION.—*The President, acting through the Administrator, shall develop and provide to Federal departments and agencies with coordinating, primary, or supporting responsibilities under the National Response Framework performance metrics to ensure readiness to execute responsibilities under the emergency support functions of such Framework.*

[(d)] (e) CERTIFICATION.—The President shall certify to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives on an annual basis that each Federal agency with responsibilities under the National Response Plan complies with subsections (a) and (b).

[(e)] (f) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense with regard to—

(1) the command, control, training, planning, equipment, exercises, or employment of Department of Defense forces; or

(2) the allocation of Department of Defense resources.

\* \* \* \* \*

## SECTION 10102 OF TITLE 5, UNITED STATES CODE

### § 10102. Strategic human capital plan

(a) **PLAN DEVELOPMENT** Not later than 6 months after the date of enactment of this chapter, the Administrator shall develop and submit to the appropriate committees of Congress a strategic human capital plan to shape and improve the workforce of the Agency.

(b) **CONTENTS** The strategic human capital plan shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the workforce of the Agency to support the mission and responsibilities of, and effectively manage, the Agency during the 10-year period beginning on the date of enactment of this chapter;

(B) the skills and competencies of the workforce of the Agency on the day before the date of enactment of this chapter and projected trends in that workforce, based on expected losses due to retirement and other attrition; and

(C) the staffing levels of each category of employee, including gaps in the workforce of the Agency on the day before the date of enactment of this chapter and in the projected workforce of the Agency that should be addressed to ensure that the Agency has continued access to the critical skills and competencies described in subparagraph (A);

(2) a plan of action for developing and reshaping the workforce of the Agency to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruitment and retention goals, including the use of the bonus authorities under this chapter as well as other bonus authorities (including the program objective of the Agency to be achieved through such goals);

(B) specific strategies for developing, training, deploying, compensating, and motivating and retaining the Agency workforce and its ability to fulfill the Agency's mission and responsibilities (including the program objectives of the Department and the Agency to be achieved through such strategies);

(C) specific strategies for recruiting individuals who have served in multiple State agencies with emergency management responsibilities; and

(D) specific strategies for the development, training, and coordinated and rapid deployment of the Surge Capacity Force; and

(3) a discussion that—

(A) details the number of employees of the Department not employed by the Agency serving in the Surge Capacity Force and the qualifications or credentials of such individuals;

(B) details the number of individuals not employed by the Department serving in the Surge Capacity Force and the qualifications or credentials of such individuals;

(C) describes the training given to the Surge Capacity Force during the calendar year preceding the year of submission of the plan under subsection (c);

(D) states whether the Surge Capacity Force is able to adequately prepare for, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and

(E) describes any additional authorities or resources necessary to address any deficiencies in the Surge Capacity Force.

(c) ANNUAL UPDATES Not later than May 1, ~~2007~~ 2016, and May 1st of each of the next 5 succeeding years, the Administrator shall submit to the appropriate committees of Congress an update of the strategic human capital plan, including an assessment by the Administrator, using results-oriented performance measures, of the progress of the Department and the Agency in implementing the strategic human capital plan.

## COMMITTEE CORRESPONDENCE



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

Bill Shuster  
Chairman

Washington, DC 20515

Peter A. DeFazio  
Banking Member

Christopher P. Bertram, Staff Director

Katherine W. Dedrick, Democratic Staff Director

March 10, 2016

The Honorable Michael McCaul  
Chairman  
Committee on Homeland Security  
H2-176 Ford House Office Building  
Washington, DC 20515

Dear Chairman McCaul:

I write concerning H.R. 3583, the "*Promoting Resilience and Efficiency in Preparing for Attacks and Responding to Emergencies Act*". This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite Floor consideration of H.R. 3583, the Committee on Transportation and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest in the Committee report for H.R. 3583, as well as in the *Congressional Record* during House Floor consideration of the bill. I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

Bill Shuster  
Chairman

cc: The Honorable Paul D. Ryan  
The Honorable Peter A. DeFazio  
The Honorable Bennie Thompson  
Mr. Thomas J. Wickham, Jr., Parliamentarian

MICHAEL T. McCAUL, TEXAS  
CHAIRMAN



BENNIE G. THOMPSON, MISSISSIPPI  
RANKING MEMBER

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

March 11, 2016

The Honorable Bill Shuster  
Chairman, Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Shuster,

Thank you for your letter regarding H.R. 3583, the "Promoting Resilience and Efficiency in Preparing for Attacks and Responding to Emergencies Act" or "PREPARE Act." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will forego consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Transportation and Infrastructure for conferees on those provisions within your jurisdiction.

I will insert copies of this exchange in the report on H.R. 3583 as well as the *Congressional Record* during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael T. McCaul".

MICHAEL T. McCAUL  
Chairman

cc: The Honorable Paul Ryan, Speaker  
The Honorable Bennie G. Thompson, Ranking Member, Committee on Homeland Security  
The Honorable Peter A. DeFazio, Ranking Member, Committee on Transportation and Infrastructure  
Mr. Thomas J. Wickham, Parliamentarian

FRED UPTON, MICHIGAN  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (2021) 215-2927  
Minority (2021) 205-2641

March 11, 2016

The Honorable Michael T. McCaul  
Chairman  
Committee on Homeland Security  
H2-176 Ford House Office Building  
Washington, D.C. 20515

Dear Chairman McCaul:

I write regarding H.R. 3583, the "PREPARE Act." Although the bill was referred to the Committee on Energy and Commerce, I wanted to notify you that the Committee will forgo action on the bill so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce's jurisdictional interests over this and similar legislation are in no way altered. In addition, the Committee reserves the right to seek conferees on H.R. 3583 and requests your support when such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 3583 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,



Fred Upton  
Chairman

MICHAEL T. McCAUL, TEXAS  
CHAIRMAN



BENNIE G. THOMPSON, MISSISSIPPI  
RANKING MEMBER

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

March 11, 2016

The Honorable Fred Upton  
Chairman, Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Upton,

Thank you for your letter regarding H.R. 3583, the "PREPARE Act." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Energy and Commerce will forego consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Energy and Commerce does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Energy and Commerce for conferees on those provisions within your jurisdiction.

I will insert copies of this exchange in the *Congressional Record* during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael T. McCaul".

MICHAEL T. McCAUL  
Chairman

cc: The Honorable Paul Ryan, Speaker  
The Honorable Bennie G. Thompson, Ranking Member, Committee on Homeland Security  
The Honorable Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce  
Mr. Thomas J. Wickham, Parliamentarian