

COMMUNITY COUNTERTERRORISM PREPAREDNESS ACT

JUNE 15, 2017.—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. 2188]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2188) to amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program, 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.

This Act may be cited as the “Community Counterterrorism Preparedness Act”.

SEC. 2. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

(a) **IN GENERAL.**—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.) is amended by adding at the end the following new section:

“SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator and the heads of other relevant components of the Department, shall carry out a program for emergency response providers to prevent, prepare for, and respond to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters, as determined by the Secretary, against major metropolitan areas.

“(2) INFORMATION.—In establishing the program pursuant to paragraph (1), the Secretary shall provide to eligible applicants—

“(A) information, in an unclassified format, on emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters, which grants under such program are intended to address; and

“(B) information on training and exercises best practices.

“(b) ELIGIBLE APPLICANTS.—

“(1) IN GENERAL.—Jurisdictions that receive, or that previously received, funding under section 2003 may apply for a grant under the program established pursuant to subsection (a).

“(2) ADDITIONAL JURISDICTIONS.—Eligible applicants receiving funding under the program established pursuant to subsection (a) may include in activities funded by such program neighboring jurisdictions that would be likely to provide mutual aid in response to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters.

“(c) PERMITTED USES.—The recipient of a grant under the program established pursuant to subsection (a) may use such grant to—

“(1) identify capability gaps related to preparing for, preventing, and responding to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters;

“(2) develop or update plans, annexes, and processes to address any capability gaps identified pursuant to paragraph (1);

“(3) conduct training to address such identified capability gaps; and

“(4) conduct exercises, including at locations such as mass gathering venues, places of worship, or educational institutions, as appropriate, to validate capabilities.

“(d) 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 fewer than 36 months.

“(e) INFORMATION SHARING.—The Administrator shall, to the extent practicable, aggregate, analyze, and share with relevant emergency response providers information on best practices and lessons learned from—

“(1) the planning, training, and exercises conducted using grants authorized under the program established pursuant to subsection (a); and

“(2) responses to actual terrorist attacks around the world.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section \$39,000,000 for each of fiscal years 2018 through 2022.”

(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 2008 the following new item:

“Sec. 2009. Major metropolitan area counterterrorism training and exercise grant program.”.

PURPOSE AND SUMMARY

The purpose of H.R. 2188 is to amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program.

BACKGROUND AND NEED FOR LEGISLATION

The Community Counterterrorism Preparedness Act (H.R. 2188) authorizes \$39 million for emergency response providers in major metropolitan areas to conduct training and exercises to prevent, prepare for, and respond to emerging terrorist attack scenarios, including complex, coordinated attacks and active shooters.

The Fiscal Year 2016 Consolidated Appropriations Act included \$39 million for grants to address complex, coordinated terrorist attacks, like the attacks in Paris. However, the bill provided little direction to the Department on how to carry out this program. H.R. 2188 authorizes the program and provides that direction, ensuring that emergency response providers receive the funding they need to address these emerging threats.

Eligible recipients of funding include emergency response providers (law enforcement, fire fighters, EMS, emergency management, etc) in any jurisdiction that currently receives Urban Area Security Initiative (UASI) funding and any jurisdiction that previously received UASI funding.

This bipartisan bill would provide first responders with dedicated funding to address the types of attacks seen in Dallas, Orlando, San Bernardino, Paris, and Brussels.

HEARINGS

The Committee on Homeland Security did not hold a legislative hearing on H.R. 2188. However, this bill passed the House in 2016 by a vote of 395 to 30. H.R. 2188 was informed by the following hearings:

On September 21, 2016, the Committee on Homeland Security held a hearing entitled “Stopping the Next Attack: How to Keep Our City Streets from Becoming the Battleground.” The Committee received testimony from Mr. John Miller, Deputy Commissioner, Intelligence and Counterterrorism, New York City Police Department, New York City, New York; Chief Art Acevedo, Chief of Police, Austin, Texas, *testifying on behalf of the Major Cities Chiefs Association*; Sheriff Michael J. Bouchard, Oakland County Sheriff’s Office, Oakland County, Michigan, *testifying on behalf of the Major County Sheriffs Association*; and Sheriff Jerry L. Demings, Orange County Sheriff’s Office, Orange County, Florida.

On July, 14, 2016, the Committee on Homeland Security held a hearing entitled “Worldwide Threats to the Homeland: ISIS and the New Wave of Terror.” The Committee received testimony from Hon. Jeh C. Johnson, Secretary, U.S. Department of Homeland Security; Hon. Nicholas J. Rasmussen, Director, The National Counterterrorism Center, Office of the Director of National Intelligence; and Hon. James B. Comey, Director, Federal Bureau of Investigation, U.S. Department of Justice.

On February 28, 2017, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled “The Future of Counterterrorism: Addressing the Evolving Threat to Domestic Security.” The Subcommittee received testimony from Mr. Edward F. Davis, Chief Executive Officer, Edward Davis, LLC; Mr. Thomas Joscelyn, Senior Fellow, The Foundation for the Defense of Democracy; Mr. Robin Simcox, Margaret Thatcher Fellow, Margaret Thatcher Center for Freedom, Davis Institute for National Security and Foreign

Policy, The Heritage Foundation; and Mr. Peter Bergen, Vice President, Director, International Security and Fellows Program, New American.

COMMITTEE CONSIDERATION

The Committee met on May 3, 2017, to consider H.R. 2188, 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 Committee agreed to H.R. 2188, as amended, by voice vote.

The following amendments were offered:

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

In section 2(a), in the proposed section 2009 of the Homeland Security Act of 2002, in subsection (a)(1), strike the second period.

In section 2(a), in the proposed section 2009 of the Homeland Security Act of 2002, redesignate subsection (e) as subsection (f).

In section 2(a), in the proposed section 2009 of the Homeland Security Act of 2002, insert after subsection (d) a new subsection entitled “(e) Information Sharing.”

An amendment offered by MR. PAYNE (#2); was AGREED TO by voice vote.

Page 4, line 3, strike “and” after the semicolon.

Page 4, strike lines 4 and 5 and insert the following:

“(3) conduct training to address such identified capability gaps; and

“(4) conduct exercises, including at locations such as mass gathering venues, places of worship, or educational institutions, as appropriate, to validate capabilities.”.

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. 2188.

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. 2188, the Community Counterterrorism Preparedness 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, May 24, 2017.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2188, the Community Counterterrorism Preparedness Act.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2188—Community Counterterrorism Preparedness Act

Summary: H.R. 2188 would authorize the appropriation of \$39 million annually over the 2018–2022 period for the Federal Emergency Management Agency (FEMA) to provide grants for counterterrorism training. CBO estimates that implementing the bill would cost \$141 million over the 2018–2022 period, assuming appropriation of the authorized amounts.

Enacting H.R. 2188 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 2188 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2188 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 effect of H.R. 2188 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—						
	2017	2018	2019	2020	2021	2022	2017– 2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Authorization Level	0	39	39	39	39	39	195
Estimated Outlays	0	4	26	34	38	39	141

Note: Most of the remaining funds would spend in years after 2022.

Basis of estimate: For this estimate, CBO assumes that H.R. 2188 will be enacted near the end of fiscal year 2017 and that the authorized amounts will be appropriated each year. Estimated outlays are based on historical spending patterns for similar programs. The grants would be for emergency response providers and localities to conduct training to prevent, prepare for, and respond to terrorist attacks. FEMA received \$39 million in 2016 for similar purposes; no funding for those purposes was provided in 2017.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 2188 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: H.R. 2188 contains no intergovernmental or private-sector mandates as defined in UMRA. Some emergency response providers and jurisdictions in metropolitan areas would benefit from the grants established in the bill. Any costs to such providers and jurisdictions would result from complying with conditions of assistance.

Estimate prepared by: Federal Costs: Robert Reese; Impact on state, local, and tribal governments: Rachel Austin; Impact on the private sector: Paige Piper/Bach.

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. 2188 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

H.R. 2188 seeks to ensure emergency response providers receive necessary training and the opportunity to exercise scenarios related to emerging terrorist attack scenarios, including complex, coordinated attacks and active shooters.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 2188 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. 2188 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2188 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

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

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 this bill may be cited as the “Community Counterterrorism Preparedness Act”.

Sec. 2. Major Metropolitan Area Counterterrorism Training and Exercise Grant Program.

This section amends the Homeland Security Act of 2002 to authorize \$39 million in grants for emergency response providers to enable them to prevent, prepare for, and respond to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters, against major metropolitan areas.

Eligible applicants for this program include emergency response providers in jurisdictions that are currently receiving, or that previously received, Urban Area Security Initiative funding.

This section also sets forth allowable uses and the period of performance for the grant program. Exercises, including the use of simulations, are included among the program’s allowable uses. During the markup, the Committee approved an amendment offered by Representative Donald Payne (NJ) highlighting the different locations, such as mass gathering venues, religious institutions, and schools, at which grant recipients may wish to conduct an exercise, corresponding to venues that have previously been the target of terrorist attacks or threats.

Grant recipients may also use funding to conduct a gap analysis to identify areas they need to address to enhance their preparedness for certain attacks. This could include, for instance, an assessment of whether, in the case of a terrorist attack involving a chemical, biological, radiological, or nuclear agent, the prepositioning or stockpiling of equipment or pharmaceuticals would enhance the jurisdiction’s ability to rapidly respond to an attack.

The Committee also adopted an amendment at markup offered by Representative Fitzpatrick (PA) requiring the FEMA Administrator to collect, analyze, and disseminate information to first responders on the lessons learned and best practices from activities conducted using grant funds authorized under this bill, along with best practices from responses to terrorist attacks around the world.

This amendment seeks to ensure that first responders across the country have access to information about the terrorist threats they face. First responders, beyond those receiving grants under the program authorized by this bill, can benefit from information on lessons learned and best practices from the activities conducted using grant funds or from responses to terrorist attacks around the

world. This amendment allows first responders across the United States to leverage knowledge gained through the Major Metropolitan Area Counterterrorism Training and Exercise Grant Program in an effort to keep their own communities safe from terror threats.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **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:

*	*	*	*	*	*	*
TITLE XX—HOMELAND SECURITY GRANTS						
*	*	*	*	*	*	*
Subtitle A—Grants to States and High-Risk Urban Areas						
*	*	*	*	*	*	*
<i>Sec. 2009. Major metropolitan area counterterrorism training and exercise grant program.</i>						
*	*	*	*	*	*	*

TITLE XX—HOMELAND SECURITY GRANTS

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

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SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—*The Secretary, acting through the Administrator and the heads of other relevant components of the Department, shall carry out a program for emergency response providers to prevent, prepare for, and respond to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters, as determined by the Secretary, against major metropolitan areas.*

(2) **INFORMATION.**—*In establishing the program pursuant to paragraph (1), the Secretary shall provide to eligible applicants—*

(A) information, in an unclassified format, on emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters, which grants under such program are intended to address; and

(B) information on training and exercises best practices.

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(1) IN GENERAL.—Jurisdictions that receive, or that previously received, funding under section 2003 may apply for a grant under the program established pursuant to subsection (a).

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(2) develop or update plans, annexes, and processes to address any capability gaps identified pursuant to paragraph (1);

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(d) 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 fewer than 36 months.

(e) INFORMATION SHARING.—The Administrator shall, to the extent practicable, aggregate, analyze, and share with relevant emergency response providers information on best practices and lessons learned from—

(1) the planning, training, and exercises conducted using grants authorized under the program established pursuant to subsection (a); and

(2) responses to actual terrorist attacks around the world.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section \$39,000,000 for each of fiscal years 2018 through 2022.

* * * * *