

(C) the establishment of mechanisms for the Administrator to provide feedback to eligible nonprofit organizations that do not receive grants;

(D) the establishment of mechanisms to identify and collect data to measure the effectiveness of grants under the Program;

(E) the establishment and enforcement of standardized baseline operational requirements for States, including requirements for States to eliminate or prevent any administrative or operational obstacles that may impact eligible nonprofit organizations described in subsection (b) from receiving grants under the Program;

(F) carrying out efforts to prevent waste, fraud, and abuse, including through audits of grantees; and

(G) promoting diversity in the types and locations of eligible nonprofit organizations that are applying for grants under the Program.

(g) Grant guidelines

For each fiscal year, before awarding grants under this section, the Administrator—

(1) shall publish guidelines, including a notice of funding opportunity or similar announcement, as the Administrator determines appropriate; and

(2) may prohibit States from closing application processes before the publication of those guidelines.

(h) Paperwork Reduction Act

Chapter 35 of title 44 (commonly known as the “Paperwork Reduction Act”) shall not apply to any changes to the application materials, Program forms, or other core Program documentation intended to enhance participation by eligible nonprofit organizations in the Program.

(i) Authorization of appropriations

(1) In general

There is authorized to be appropriated \$360,000,000 for each of fiscal years 2023 through 2028 for grants under this section, of which—

(A) \$180,000,000 each such fiscal year shall be for recipients in high-risk urban areas that receive funding under section 2003; and

(B) \$180,000,000 each such fiscal year shall be for recipients in jurisdictions that do not so receive such funding.

(2) Operations and support

There is authorized to be appropriated \$18,000,000 for each of fiscal years 2023 through 2028 for Operations and Support at the Federal Emergency Management Agency for costs incurred for the management and administration (including evaluation) of this section.

(Pub. L. 107–296, title XX, § 2009, as added Pub. L. 116–108, § 2(a), Jan. 24, 2020, 133 Stat. 3294; amended Pub. L. 117–263, div. G, title LXXI, § 7101(a), Dec. 23, 2022, 136 Stat. 3616.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–263, § 7101(a)(1), inserted “or other threats” before period at end.

Subsec. (b). Pub. L. 117–263, § 7101(a)(2)(A), struck out “(a)” after “this subsection” in introductory provisions.

Subsec. (b)(2). Pub. L. 117–263, § 7101(a)(2)(B), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “determined to be at risk of a terrorist attack by the Administrator.”

Subsec. (c). Pub. L. 117–263, § 7101(a)(3)(A), (B), (D), (E), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) to (3) as subpars. (A), (B), and (E), respectively, of par. (1) and realigned margins, added subpars. (C) and (D) of par. (1), and added pars. (2) and (3).

Subsec. (c)(1)(A). Pub. L. 117–263, § 7101(a)(3)(C), substituted “equipment, inspection and screening systems, and alteration or remodeling of existing buildings or physical facilities” for “equipment and inspection and screening systems”.

Subsec. (e). Pub. L. 117–263, § 7101(a)(4)(B), (C), substituted “on the following:” and “(1) The expenditure” for “on the expenditure” and added pars. (2) to (4).

Pub. L. 117–263, § 7101(a)(4)(A), substituted “2022 through 2028” for “2020 through 2024”.

Subsecs. (f) to (i). Pub. L. 117–263, § 7101(a)(5), added subsecs. (f) to (i) and struck out former subsec. (f) which related to authorization of appropriations for fiscal years 2020 through 2024.

PART B—GRANTS ADMINISTRATION

§ 611. 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 2003, 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 2003, 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 604 or 605 of this title 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.

(2) Composition

(A) In general

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:

- (i) Local or tribal government officials.
- (ii) Emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical services, and emergency managers.
- (iii) Public health officials and other appropriate medical practitioners.
- (iv) Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education.
- (v) State and regional interoperable communications coordinators, as appropriate.
- (vi) State and major urban area fusion centers, as appropriate.

(B) Geographic representation

The members of the State planning committee or urban area working group, as the case may be, 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.

(3) Existing planning committees

Nothing in this subsection may be construed to require that any State or high-risk urban area create a State 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) 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.

(Pub. L. 107-296, title XX, § 2021, as added Pub. L. 110-53, title I, § 101, Aug. 3, 2007, 121 Stat. 285; amended Pub. L. 114-328, div. A, title XIX, § 1911, Dec. 23, 2016, 130 Stat. 2682; Pub. L. 115-278, § 2(g)(7)(C), Nov. 16, 2018, 132 Stat. 4180.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143. Section 203 of the Act is classified to section 5133 of Title 42, The Public Health and Welfare. Titles IV and V of the Act are classified generally to subchapters IV (§5170 et seq.) and IV-A (§5191 et seq.), respectively, of chapter 68 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

The Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (c)(2), is Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 266. Title I of the Act enacted this subchapter and amended sections 318, 321a, 594, 596, and 752 of this title. Title II of the Act amended section 762 of this title and section 5196c of Title 42, The Public Health and Welfare. For complete classification of titles I and II to the Code, see Tables.

AMENDMENTS

2018—Subsecs. (c), (d). Pub. L. 115-278 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, subsec. (c) related to interagency coordination.

2016—Subsec. (b). Pub. L. 114-328 amended subsec. (b) generally. Prior to amendment, subsec. (b) related to planning committees to assist in preparation and revision of State, regional, or local homeland security plans, and to assist in determining effective funding priorities for grants under sections 604 and 605 of this title.

§ 612. Accountability

(a) Audits of grant programs

(1) Compliance requirements

(A) Audit requirement

Each recipient of a grant administered by the Department that expends not less than \$500,000 in Federal funds during its fiscal year shall submit to the Administrator a copy of the organization-wide financial and compliance audit report required under chapter 75 of title 31.

(B) Access to information

The Department and each recipient of a grant administered by the Department shall provide the Comptroller General and any officer or employee of the Government Accountability Office with full access to information regarding the activities carried out related to any grant administered by the Department.

(C) Improper payments

Consistent with subchapter IV of chapter 33 of title 31, for each of the grant programs under sections 604 and 605 of this title and section 762 of this title, the Administrator shall specify policies and procedures for—

- (i) identifying activities funded under any such grant program that are susceptible to significant improper payments; and
- (ii) reporting any improper payments to the Department.

(2) Agency program review

(A) In general

Not less than once every 2 years, the Administrator shall conduct, for each State

and high-risk urban area receiving a grant administered by the Department, a programmatic and financial review of all grants awarded 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.).

(B) Contents

Each review under subparagraph (A) shall, at a minimum, examine—

- (i) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans or other applicable plans; and
- (ii) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism, and other man-made disasters.

(C) Authorization of appropriations

In addition to any other amounts authorized to be appropriated to the Administrator, there are authorized to be appropriated to the Administrator for reviews under this paragraph—

- (i) \$8,000,000 for each of fiscal years 2008, 2009, and 2010; and
- (ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.

(3) Performance assessment

In order to ensure that States and high-risk urban areas are using grants administered by the Department appropriately to meet target capabilities and preparedness priorities, the Administrator shall—

- (A) ensure that any such State or high-risk urban area conducts or participates in exercises under section 748(b) of this title;
- (B) use performance metrics in accordance with the comprehensive assessment system under section 749 of this title and ensure that any such State or high-risk urban area regularly tests its progress against such metrics through the exercises required under subparagraph (A);
- (C) use the remedial action management program under section 750 of this title; and
- (D) ensure that each State receiving a grant administered by the Department submits a report to the Administrator on its level of preparedness, as required by section 752(c) of this title.

(4) Consideration of assessments

In conducting program reviews and performance audits under paragraph (2), the Administrator and the Inspector General of the Department shall take into account the performance assessment elements required under paragraph (3).

(5) Recovery audits

The Administrator shall conduct a recovery audit under section 3352(i) of title 31 for any grant administered by the Department with a total value of not less than \$1,000,000, if the Administrator finds that—

- (A) a financial audit has identified improper payments that can be recouped; and
- (B) it is cost effective to conduct a recovery audit to recapture the targeted funds.

(6) Remedies for noncompliance

(A) In general

If, as a result of a review or audit under this subsection or otherwise, the Administrator finds that a recipient of a grant under this subchapter has failed to substantially comply with any provision of law or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

- (i) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not properly expended by the recipient;
- (ii) limit the use of grant funds to programs, projects, or activities not affected by the failure to comply;
- (iii) refer the matter to the Inspector General of the Department for further investigation;
- (iv) terminate any payment of grant funds to be made to the recipient; or
- (v) take such other action as the Administrator determines appropriate.

(B) Duration of penalty

The Administrator shall apply an appropriate penalty under subparagraph (A) until such time as the Administrator determines that the grant recipient is in full compliance with the law and with applicable guidelines or regulations of the Department.

(b) Reports by grant recipients

(1) Quarterly reports on homeland security spending

(A) In general

As a condition of receiving a grant under section 604 or 605 of this title, a State, high-risk urban area, or directly eligible tribe shall, not later than 30 days after the end of each Federal fiscal quarter, submit to the Administrator a report on activities performed using grant funds during that fiscal quarter.

(B) Contents

Each report submitted under subparagraph (A) shall at a minimum include, for the applicable State, high-risk urban area, or directly eligible tribe, and each subgrantee thereof—

- (i) the amount obligated to that recipient under section 604 or 605 of this title in that quarter;
- (ii) the amount of funds received and expended under section 604 or 605 of this title by that recipient in that quarter; and
- (iii) a summary description of expenditures made by that recipient using such funds, and the purposes for which such expenditures were made.

(C) End-of-year report

The report submitted under subparagraph (A) by a State, high-risk urban area, or di-

rectly eligible tribe relating to the last quarter of any fiscal year shall include—

(i) the amount and date of receipt of all funds received under the grant during that fiscal year;

(ii) the identity of, and amount provided to, any subgrantee for that grant during that fiscal year;

(iii) the amount and the dates of disbursements of all such funds expended in compliance with section 611(a)(1) of this title or under mutual aid agreements or other sharing arrangements that apply within the State, high-risk urban area, or directly eligible tribe, as applicable, during that fiscal year; and

(iv) how the funds were used by each recipient or subgrantee during that fiscal year.

(2) Annual report

Any State applying for a grant under section 605 of this title shall submit to the Administrator annually a State preparedness report, as required by section 752(c) of this title.

(c) Reports by the Administrator

(1) Federal Preparedness Report

The Administrator shall submit to the appropriate committees of Congress annually the Federal Preparedness Report required under section 752(a) of this title.

(2) Risk assessment

(A) In general

For each fiscal year, the Administrator shall provide to the appropriate committees of Congress a detailed and comprehensive explanation of the methodologies used to calculate risk and compute the allocation of funds for grants administered by the Department, including—

(i) all variables included in the risk assessment and the weights assigned to each such variable;

(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

(iii) any change in the methodologies from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

(B) Classified annex

The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

(C) Deadline

For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

(i) October 31; or

(ii) 30 days before the issuance of any program guidance for grants administered by the Department.

(3) Tribal funding report

At the end of each fiscal year, the Administrator shall submit to the appropriate com-

mittees of Congress a report setting forth the amount of funding provided during that fiscal year to Indian tribes under any grant program administered by the Department, whether provided directly or through a subgrant from a State or high-risk urban area.

(Pub. L. 107-296, title XX, § 2022, as added Pub. L. 110-53, title I, § 101, Aug. 3, 2007, 121 Stat. 287; amended Pub. L. 111-204, § 2(h)(6)(B)(iii), July 22, 2010, 124 Stat. 2231; Pub. L. 113-284, § 2(c)(1), (2), Dec. 18, 2014, 128 Stat. 3089; Pub. L. 116-117, § 3(b)(2), Mar. 2, 2020, 134 Stat. 133.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(2)(A), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143. Section 203 of the Act is classified to section 5133 of Title 42, The Public Health and Welfare. Titles IV and V of the Act are classified generally to subchapters IV (§5170 et seq.) and IV-A (§5191 et seq.), respectively, of chapter 68 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

AMENDMENTS

2020—Subsec. (a)(1)(C). Pub. L. 116-117, § 3(b)(2)(A), substituted “Consistent with subchapter IV of chapter 33 of title 31” for “Consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)” in introductory provisions.

Subsec. (a)(5). Pub. L. 116-117, § 3(b)(2)(B), substituted “section 3352(i) of title 31” for “section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note)” in introductory provisions.

2014—Subsec. (a)(3) to (7). Pub. L. 113-284 redesignated pars. (4) to (7) as (3) to (6), respectively, substituted, in par. (4), “paragraph (2)” for “paragraphs (2) and (3)” and “paragraph (3)” for “paragraph (4)”, and struck out former par. (3) which related to Office of Inspector General performance audits.

2010—Subsec. (a)(6). Pub. L. 111-204 substituted “under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note)” for “(as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-284, § 2(c)(3), Dec. 18, 2014, 128 Stat. 3090, provided that: “The amendments made by this subsection [amending this section] shall take effect on January 1, 2015.”

§ 613. Identification of reporting redundancies and development of performance metrics

(a) Definition

In this section, the term “covered grants” means grants awarded under section 604 of this title, grants awarded under section 605 of this title, and any other grants specified by the Administrator.

(b) Initial report

Not later than 90 days after October 12, 2010, the Administrator shall submit to the appropriate committees of Congress a report that includes—

(1) an assessment of redundant reporting requirements imposed by the Administrator on

State, local, and tribal governments in connection with the awarding of grants, including—

(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;

(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and

(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded.

(c) Biennial reports

Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

(A) progress made in implementing the plan required under subsection (b)(2);

(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;

(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—

(A) progress made in implementing the plan required under subsection (b)(3);

(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 749 of this title; and

(3) a performance assessment of each program under which the covered grants are awarded, including—

(A) a description of the objectives and goals of the program;

(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 612(a)(4)¹ of this title, and section 749 of this title;

(C) recommendations for any program modifications to improve the effectiveness

of the program, to address changed or emerging conditions; and

(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

(d) Grants program measurement study

(1) In general

Not later than 30 days after October 12, 2010, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 749 of this title; and

(B) the plan required under subsection (b)(3).

(2) Report

Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

(3) Authorization of appropriations

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection.

(Pub. L. 107-296, title XX, § 2023, as added Pub. L. 111-271, § 2(a), Oct. 12, 2010, 124 Stat. 2852.)

Editorial Notes

REFERENCES IN TEXT

Section 612(a)(4) of this title, referred to in subsec. (c)(3)(B), was redesignated section 612(a)(3) of this title by Pub. L. 113-284, § 2(c)(2)(A), Dec. 18, 2014, 128 Stat. 3089.

SUBCHAPTER XVI—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

TERMINATION OF SUBCHAPTER

For termination of subchapter by section 5 of Pub. L. 113-254, see Effective and Termination Dates note set out under section 621 of this title.

§ 621. Definitions

In this subchapter—

(1) the term “CFATS regulation” means—

(A) an existing CFATS regulation; and

(B) any regulation or amendment to an existing CFATS regulation issued pursuant to the authority under section 627 of this title;

(2) the term “chemical facility of interest” means a facility that—

(A) holds, or that the Secretary has a reasonable basis to believe holds, a chemical of interest, as designated under Appendix A to

¹ See References in Text note below.