

108TH CONGRESS
1ST SESSION

H. R. 3158

To amend the Homeland Security Act of 2002 to establish a task force to determine essential capabilities for State and local jurisdictions to prevent, prepare for, and respond to acts of terrorism, to authorize the Secretary of Homeland Security to make grants to State and local governments to achieve such capability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2003

Mr. TURNER of Texas (for himself, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. DICKS, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. CARDIN, Ms. SLAUGHTER, Mr. DEFazio, Mrs. LOWEY, Mr. ANDREWS, Ms. NORTON, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. PASCARELL, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr. MEEK of Florida, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Ms. BERKLEY, Mr. PALLONE, Mr. ISRAEL, Mr. LANTOS, Mr. ACEVEDO-VILÁ, Mrs. MCCARTHY of New York, Mr. CASE, Ms. KILPATRICK, Mr. MCGOVERN, Mr. GREEN of Texas, Ms. DELAURO, Mr. MOORE, Ms. SOLIS, Mr. FROST, Mr. ROSS, Mr. MCINTYRE, Mr. STENHOLM, Mrs. TAUSCHER, Mr. MICHAUD, Mr. HOLDEN, Ms. MCCOLLUM, Mr. PAYNE, Mr. WYNN, Mr. UDALL of New Mexico, Mrs. JONES of Ohio, Mr. HONDA, Mr. SANDLIN, Mr. JOHN, Mr. SNYDER, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. BERRY, Mr. RUPPERSBERGER, Mr. EDWARDS, Mr. UDALL of Colorado, Mr. FARR, Ms. BORDALLO, Mr. HOEFFEL, Mr. BERMAN, Mr. HINOJOSA, Mr. BELL, Mr. REYES, Mr. ORTIZ, Ms. KAPTUR, Mr. DAVIS of Florida, Ms. LEE, Mr. BOYD, Mr. GEORGE MILLER of California, Mr. KENNEDY of Rhode Island, Ms. CORRINE BROWN of Florida, Mr. McNULTY, Mr. DELAHUNT, Ms. CARSON of Indiana, Mr. ROTHMAN, Mr. ENGEL, Ms. LINDA T. SÁNCHEZ of California, Mrs. MALONEY, Mr. KILDEE, Ms. MAJETTE, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. TOWNS, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Mr. FILNER, Mr. SPRATT, Mr. BISHOP of New York, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. TIERNEY, Mr. MEEHAN, Mr. NADLER, Mr. BLUMENAUER, Mr. BACA, Mr. SCHIFF, Mr. LAMPSON, Mr. SHERMAN, Mrs. CAPPS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Ms. DEGETTE, Mr. EMANUEL, Mr. HASTINGS of Florida, Mr. HILL, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. PRICE of North Carolina, Mr. STRICKLAND, Mr. THOMPSON

of California, Mr. WU, Ms. WATERS, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. LARSON of Connecticut, Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, Mr. BALLANCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Mr. SMITH of Washington, Mr. BISHOP of Georgia, Mr. COOPER, and Mr. SKELTON) introduced the following bill; which was referred to the Select Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to establish a task force to determine essential capabilities for State and local jurisdictions to prevent, prepare for, and respond to acts of terrorism, to authorize the Secretary of Homeland Security to make grants to State and local governments to achieve such capability, and for other purposes.

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

3 **SECTION 1. PREPARE ACT.**

4 (a) IN GENERAL.—The Homeland Security Act of
 5 2002 (Public Law 107–296; 6 U.S.C. 101 et seq.) is
 6 amended by adding at the end the following:

1 **“TITLE XVIII—PREPARING**
2 **AMERICA TO RESPOND EF-**
3 **ECTIVELY ACT OF 2003**

4 **“SEC. 1801. SHORT TITLE.**

5 “This title may be cited as the ‘Preparing America
6 to Respond Effectively Act of 2003’ or the ‘PREPARE
7 Act’.

8 **“SEC. 1802. FINDINGS.**

9 “The Congress finds the following:

10 “(1) America’s leaders have not yet defined na-
11 tional standards of terrorism preparedness—the es-
12 sential capabilities to which every jurisdiction in
13 America should have access.

14 “(2) It is therefore not yet possible to deter-
15 mine precisely the gap between how prepared a
16 State or local government is now, and how prepared
17 it needs to be, to respond to acts of terrorism.

18 “(3) The absence of a functioning methodology
19 to determine national requirements for terrorism
20 preparedness constitutes a public policy crisis.

21 “(4) Establishing national standards that de-
22 fine levels of State and local government terrorism
23 preparedness is a critical first step toward deter-
24 mining the nature and extent of State and local gov-

1 ernment needs, and the human and financial re-
2 sources needed to fulfill them.

3 “(5) National standards would make it possible
4 to direct funding to meet identified needs and meas-
5 ure preparedness levels on a national scale.

6 “(6) The Federal government should play a
7 predominant role in assisting communities to reach
8 the level of preparedness they need to respond to a
9 catastrophic terrorist attack.

10 **“SEC. 1803. DEFINITIONS.**

11 “In this title:

12 “(1) **ESSENTIAL CAPABILITIES.**—The term ‘es-
13 sential capabilities’ means the levels, availability,
14 and competence of emergency personnel and equip-
15 ment across a variety of disciplines needed to effec-
16 tively and efficiently prevent, prepare for, and re-
17 spond to acts of terrorism according to predeter-
18 mined procedures and guidelines.

19 “(2) **FIRST RESPONDER.**—The term ‘first re-
20 sponder’ means—

21 “(A) fire, emergency medical service, law
22 enforcement, public health, emergency manage-
23 ment, public works, hazardous materials, hos-
24 pital, and other medical personnel; and

1 “(B) such other personnel as are identified
2 by the Secretary.

3 “(3) SECOND RESPONDERS.—The term ‘second
4 responders’ means individuals who have training and
5 equipment that may be useful in responding to a ter-
6 rorist attack and who are integrated into emergency
7 response plans in order to supplement the capabili-
8 ties of first responders.

9 “(4) TASK FORCE.—The term ‘Task Force’
10 means the Task Force on Standards for Terrorism
11 Preparedness established by section 1804.

12 “(5) PUBLIC WORKS.—The term ‘public works’
13 means structures, such as roads, highways, build-
14 ings, bridges, and docks, constructed and maintained
15 at government expense for public use.

16 “(6) CRITICAL INFRASTRUCTURE.—The term
17 ‘critical infrastructure’ means those networks, sys-
18 tems, institutions, facilities, people, and procedures,
19 the destruction, disruption, or diversion of which
20 would cause major harm to the national well being.

21 **“SEC. 1804. TASK FORCE ON STANDARDS FOR TERRORISM**
22 **PREPAREDNESS.**

23 “(a) ESTABLISHMENT.—Within 60 days after the
24 date of the enactment of this title, the Secretary of Home-
25 land Security shall establish a task force to be known as

1 the Task Force on Standards for Terrorism Preparedness
2 for the purpose of developing and recommending a meth-
3 odology for States and local governments to determine es-
4 sential capability.

5 “(b) MEMBERSHIP.—The Task Force shall be com-
6 posed of 27 members, as follows:

7 “(1) APPOINTED MEMBERS, GENERALLY.—The
8 Task Force shall have 20 members appointed by the
9 Secretary by not later than 60 days after the date
10 of the enactment of this Act, as follows:

11 “(A) 2 members representing fire services,
12 1 of whom shall represent the volunteer fire
13 service.

14 “(B) 2 members representing State and
15 local law enforcement agencies, 1 of whom shall
16 represent local government law enforcement
17 agencies.

18 “(C) 2 members representing emergency
19 medical services.

20 “(D) 2 members representing State and
21 local public health services, 1 of whom shall
22 represent local public health services, and at
23 least one of whom shall have expertise in men-
24 tal health services.

1 “(E) 2 members representing State and
2 local emergency management agencies, 1 of
3 whom shall represent local emergency manage-
4 ment agencies.

5 “(F) 2 members representing State and
6 local public works agencies, 1 of whom shall
7 represent local public works agencies.

8 “(G) 2 members representing hospitals and
9 other medical services.

10 “(H) 1 member representing hazardous
11 materials response organizations.

12 “(I) 1 member representing the National
13 Fire Protection Association.

14 “(J) 1 member representing the American
15 National Standards Institute.

16 “(K) 1 member representing the National
17 Institute for Justice, appointed in consultation
18 with the Attorney General.

19 “(L) 1 member representing the Inter-
20 Agency Board for Equipment Standardization
21 and Interoperability.

22 “(M) 1 member representing the Centers
23 for Disease Control and Prevention’s National
24 Public Health Performance Standards Pro-
25 gram, appointed in consultation with the Sec-

1 retary of the Department of Health and
2 Human Services.

3 “(2) MEMBERSHIP OF ELECTED OFFICIALS.—

4 The Task Force shall have 4 members appointed by
5 the Secretary from among individuals who are elect-
6 ed officials of State and local governments, as fol-
7 lows:

8 “(A) 2 members representing elected State
9 government officials, each of which is a member
10 of a different political party.

11 “(B) 2 members representing elected local
12 government officials, each of which is a member
13 of a different political party.

14 “(3) CHAIR AND VICE-CHAIR.—At the first
15 meeting of the Task Force, the membership of the
16 Task Force appointed under paragraphs (1) and (2)
17 shall elect a chair and vice-chair of the Task Force.
18 The Task Force shall ensure that the elected chair
19 and vice-chair—

20 “(A) represent two different professions
21 among the professions that make up the Task
22 Force;

23 “(B) are not both representatives of State
24 governments; and

1 “(C) are not both representatives of local
2 governments.

3 “(4) EX OFFICIO MEMBERS.—The Task Force
4 shall have the following ex officio members:

5 “(A) The Director of the Office for Domes-
6 tic Preparedness (or the Director’s designee).

7 “(B) The Director of the Office for State
8 and Local Government Coordination (or the Di-
9 rector’s designee).

10 “(C) The Under Secretary for Emergency
11 Preparedness and Response (or the Under Sec-
12 retary’s designee).

13 “(c) COMPOSITION OF TASK FORCE.—In appointing
14 members to the Task Force, the Secretary shall ensure
15 that its membership—

16 “(1) is geographically diverse;

17 “(2) includes representatives from both rural
18 and urban jurisdictions;

19 “(3) includes representatives from both man-
20 agement and labor;

21 “(4) includes representatives from both uni-
22 formed and nonuniformed professions; and

23 “(5) includes sufficient personnel with security
24 clearances necessary to review classified materials

1 that may be needed to conduct the business of the
2 Task Force.

3 “(d) QUALIFICATIONS OF APPOINTED MEMBERS.—

4 Members appointed under subsection (b)(1) shall be indi-
5 viduals who—

6 “(1) have expertise in disaster prevention, pre-
7 paredness, mitigation, or response; emergency plan-
8 ning and management; terrorism; or first responder
9 technologies; or

10 “(2) have other pertinent qualifications or expe-
11 rience.

12 “(e) STUDY.—

13 “(1) IN GENERAL.—The Task Force shall con-
14 duct a study to—

15 “(A) identify the essential capabilities to
16 which every State and local government should
17 have access; and

18 “(B) develop a methodology for States and
19 local governments to use to determine—

20 “(i) the extent to which a State or
21 local government has achieved the essential
22 capabilities that apply to the government;

23 “(ii) the extent to which a State or
24 local government has not achieved the es-

1 sential capabilities that apply to the gov-
2 ernment; and

3 “(iii) the funding and other additional
4 resources required to fully achieve the es-
5 sential capabilities that apply to the gov-
6 ernment.

7 “(2) SPECIFIC CAPABILITIES.—In carrying out
8 the study, the Task Force shall identify essential ca-
9 pabilities for purposes of this subsection with respect
10 to, among other matters, the following:

11 “(A) Equipment.

12 “(B) Personnel.

13 “(C) Training.

14 “(D) Planning.

15 “(E) Exercises.

16 “(F) Intelligence.

17 “(G) Interoperable communications.

18 “(H) Emergency notification systems.

19 “(I) Detection and diagnostic technologies
20 for biological, nuclear, radiological, and chem-
21 ical weapons of mass destruction.

22 “(J) Any other category considered appro-
23 priate by the Task Force as essential capabili-
24 ties.

1 “(3) FLEXIBILITY.—The Task Force shall identify
2 essential capabilities for purposes of this subsection
3 in terms sufficiently flexible to be applied—

4 “(A) to the unique threats, vulnerabilities,
5 geography, size, and other individual factors applicable
6 to any State or local government; and

7 “(B) to a wide range of threats and
8 vulnerabilities, including with respect to—

9 “(i) biological threats;

10 “(ii) nuclear threats;

11 “(iii) radiological threats;

12 “(iv) incendiary threats;

13 “(v) chemical threats;

14 “(vi) explosives;

15 “(vii) suicide bombers;

16 “(viii) disruption or diversion of critical
17 infrastructure; and

18 “(ix) past acts of terrorism or known
19 activity of terrorist groups.

20 “(4) THREAT AND VULNERABILITY ASSESS-
21 MENT FACTORS.—The methodology developed by the
22 Task Force shall include factors that ensure that the
23 essential capabilities determined for a State or local
24 government will vary based on threat and vulner-

1 ability assessments that take into account the fol-
2 lowing factors:

3 “(A) The proximity of a community to
4 critical infrastructure and international borders.

5 “(B) The presence of national icons or na-
6 tional assets that may be terrorist targets.

7 “(C) Population (including tourist, mili-
8 tary, and commuting population) and popu-
9 lation density.

10 “(D) Any other factor considered appro-
11 priate by the Task Force.

12 “(f) REPORT.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this title, the Task
15 Force shall submit a report to the Secretary con-
16 taining the results of the study under this section.

17 “(2) CONTENTS.—The report shall include the
18 following:

19 “(A) A description of the essential capa-
20 bilities to which every State and local govern-
21 ment should have access.

22 “(B) A proposed methodology for State
23 and local governments to use to determine—

1 “(i) the extent to which a State or
2 local government has achieved the essential
3 capabilities that apply to the government;

4 “(ii) the extent to which a State or
5 local government has not achieved the es-
6 sential capabilities that apply to the gov-
7 ernment; and

8 “(iii) the funding and other additional
9 resources required to fully achieve the es-
10 sential capabilities that apply to the gov-
11 ernment.

12 “(3) REVIEW AND REVISION.—

13 “(A) REVIEW AND COMMENTS.—Within 30
14 days after the date of the submission of the
15 proposed methodology by the Task Force, the
16 Secretary shall review and provide comments to
17 the Task Force on the methodology.

18 “(B) REVISION AND SUBMISSION OF FINAL
19 METHODOLOGY.—Within 30 days after receiv-
20 ing the Secretary’s comments, the Task Force
21 shall—

22 “(i) revise the methodology based on
23 the comments provided by the Secretary, if
24 the Task Force determines that such revi-
25 sions are appropriate; and

1 “(ii) submit the final methodology to
2 the Secretary.

3 “(4) PUBLICATION.—Within 10 days after the
4 date of submission of the final methodology by the
5 Task Force, the Secretary shall—

6 “(A) subject to paragraph (5), publish the
7 final methodology in the Federal Register; and

8 “(B) provide the final methodology to the
9 Committee on Appropriations and the Select
10 Committee on Homeland Security of the House
11 of Representatives, and to the Committee on
12 Appropriations and the Committee on Govern-
13 mental Affairs of the Senate.

14 “(5) UNCLASSIFIED VERSION OF METHOD-
15 OLOGY.—If the methodology contains information
16 that is sensitive or subject to classification, the Sec-
17 retary shall publish an unclassified version of the
18 methodology under paragraph (4)(A).

19 “(g) TASK FORCE PERSONNEL MATTERS.—

20 “(1) COMPENSATION OF MEMBERS.—Except as
21 provided in paragraph (2), each member of the Task
22 Force shall be compensated at a rate equal to the
23 daily equivalent of the annual rate of basic pay pre-
24 scribed for level IV of the Executive Schedule under
25 section 5315 of title 5, United States Code, for each

1 day (including travel time) during which such mem-
2 ber is engaged in the performance of the duties of
3 the Task Force.

4 “(2) LIMITATION.—Members of the Task Force
5 who are officers or employees of the United States
6 shall receive no additional pay by reason of their
7 service as a member of the Task Force.

8 “(3) TRAVEL EXPENSES.—The members of the
9 Task Force shall be allowed travel expenses, includ-
10 ing per diem in lieu of subsistence, at rates author-
11 ized for employees of agencies under subchapter 1 of
12 chapter 57 of title 5, United States Code, while
13 away from their homes or regular places of business
14 in the performance of services for the Task Force.

15 “(h) STAFF AND RESOURCES.—

16 “(1) IN GENERAL.—The Secretary shall provide
17 to the Task Force, on a nonreimbursable basis, such
18 administrative services, funds, staff, facilities, and
19 other support services as the Task Force determines
20 necessary for it to perform its duty efficiently and
21 in accordance with this section.

22 “(2) ACCESS TO INFORMATION.—

23 “(A) IN GENERAL.—The Task Force shall
24 have access to all intelligence information re-
25 garding threats and vulnerabilities and all exist-

1 ing assessments of State and local essential ca-
2 pability deemed by the Task Force necessary to
3 carry out the duties of the Task Force.

4 “(B) LIMITATION.—Nothing in this sub-
5 section shall be considered to allow a member of
6 the Task Force access to classified materials
7 unless such member demonstrates appropriate
8 clearances to receive such materials.

9 “(3) DETAILEES.—

10 “(A) IN GENERAL.—Upon the request of
11 the Task Force, the head of any department or
12 agency of the Federal Government may detail,
13 without reimbursement, any personnel of the
14 department or agency to the Task Force to as-
15 sist in carrying out its duties.

16 “(B) MAINTENANCE OF CIVIL SERVICE
17 STATUS OR PRIVILEGE.—The detail of an em-
18 ployee shall be without interruption or loss of
19 civil service status or privilege.

20 “(i) FUNDING.—Of the amounts authorized to be ap-
21 propriated for fiscal year 2005 to the Secretary under this
22 Act for the Department, the Secretary shall make avail-
23 able to the Task Force \$8,000,000 for the activities of
24 the Task Force under this section.

1 “(A) a prioritized description of the needs
2 of the government to achieve such essential ca-
3 pabilities; and

4 “(B) an estimate of the costs of those
5 needs.

6 “(b) DETERMINATION, DESCRIPTION, AND LOCATION
7 OF NEEDS.—In determining and describing needs under
8 subsection (a), a government—

9 “(1) may address such needs at the city, coun-
10 ty, regional, State, or interstate level; and

11 “(2) shall use regional, interjurisdictional, and
12 interstate agreements, and activities conducted joint-
13 ly by more than one State or local government to the
14 greatest extent practicable.

15 “(c) DUPLICATIVE NEEDS.—The determination and
16 description of needs under subsection (a)—

17 “(1) shall not include duplicative or overlapping
18 needs; and

19 “(2) shall include all needs that have been iden-
20 tified by the government.

21 “(d) ROLE OF STATE GOVERNMENTS.—A determina-
22 tion under subsections (a) and (b) of essential capabilities
23 to be maintained at the State or interstate level may only
24 be made by a State.

1 “(e) PRIORITIZATION.—A description of needs under
2 subsection (a) shall include a prioritization of such needs
3 based on the threat and vulnerability assessments factors
4 included in the methodology developed by the Task Force
5 under section 1804.

6 “(f) COMPILATION AND VALIDATION BY STATE.—
7 Each State shall—

8 “(1) compile local and State government deter-
9 minations of needs submitted under subsection (a);

10 “(2) validate that in making such determina-
11 tions, the methodology published under section 1804
12 was executed correctly;

13 “(3) provide local governments 15 days to re-
14 vise and resubmit determinations, if such determina-
15 tions cannot be validated under paragraph (2);

16 “(4) compile, based on the determinations
17 under paragraphs (1) through (3), the overall needs
18 of local and State governments to achieve essential
19 terrorism preparedness and response capability;

20 “(5) calculate the amount of financial assist-
21 ance required by State and local governments to
22 meet such needs;

23 “(6) complete a prioritization of such needs
24 based on the threat and vulnerability assessments

1 factors included in the methodology developed by the
2 Task Force under section 1804; and

3 “(7) submit to the Secretary a plan to dis-
4 tribute such assistance, that includes—

5 “(A) the local and State government deter-
6 minations compiled under paragraph (1); and

7 “(B) a description of all determinations
8 that the State did not validate under para-
9 graphs (2) and (3).

10 “(g) COMPILATION AND VALIDATION BY SEC-
11 RETARY.—

12 “(1) IN GENERAL.—Within 90 days after re-
13 ceipt of a plan submitted by a State under sub-
14 section (f), the Secretary shall—

15 “(A) validate that in making determina-
16 tions within the plan, the methodology pub-
17 lished under section 1804 was executed cor-
18 rectly;

19 “(B) provide States 30 days to revise and
20 resubmit determinations if such determinations
21 cannot be validated under subparagraph (A);

22 “(C) compile, based on the determinations
23 submitted under subparagraphs (A) and (B),
24 the overall needs of State and local govern-
25 ments to achieve essential capabilities; and

1 “(D) calculate the amount of financial as-
2 sistance required by State and local govern-
3 ments to meet such needs.

4 “(2) REPORT.—The Secretary shall, by not
5 later than 30 days after completing actions required
6 under paragraph (1), submit a report to the Com-
7 mittee on Appropriations and the Select Committee
8 on Homeland Security of the House of Representa-
9 tives, and the Committee on Appropriations and the
10 Committee on Governmental Affairs of the Senate,
11 containing—

12 “(A) a summary of total needs of State
13 and local governments to achieve essential capa-
14 bilities, as submitted under subsection (f), and
15 the needs of State and local governments for fi-
16 nancial assistance to meet those needs;

17 “(B) a list and description of any State
18 and local government determinations of such
19 needs that were rejected by the Secretary;

20 “(C) a summary of the total needs of the
21 Nation to achieve essential capabilities, based
22 on such summary and list; and

23 “(D) a nationwide plan for meeting each
24 State’s needs (including needs of all local gov-

1 ernments in the State) over the following 5 fis-
2 cal years, that includes—

3 “(i) the relationship, expressed as a
4 percentage, of each State’s needs to the
5 total needs of the Nation;

6 “(ii) estimated budget requests for the
7 following 5 fiscal years to meet the total
8 needs of the Nation; and

9 “(iii) the same structure, type of in-
10 formation, and level of detail as the Future
11 Years Defense Program submitted to the
12 Congress by the Department of Defense
13 under section 221 of title 10, United
14 States Code.

15 **“SEC. 1806. ESSENTIAL TERRORISM PREPAREDNESS AND**
16 **RESPONSE GRANT PROGRAM.**

17 “(a) GRANT AUTHORITY.—

18 “(1) IN GENERAL.—The Secretary may make
19 grants to State governments to address needs to
20 achieve essential capability in accordance with the
21 plan submitted by the Secretary under section
22 1805(g)(2).

23 “(2) GRANT NAME.—A grant made under this
24 section may be referred to as a ‘PREPARE Grant’.

25 “(b) DISTRIBUTION OF FUNDS.—

1 “(1) ALLOCATION AMONG STATES.—From
2 amounts available for each fiscal year for grants
3 under this section, the Secretary shall allocate to
4 each State the percentage determined for the State
5 under section 1805(g)(2)(D)(i).

6 “(2) DISTRIBUTION BY STATE.—Not later than
7 30 days after receiving grant funds under this sec-
8 tion, a State shall distribute the amounts provided
9 in accordance with the plan and prioritization of
10 needs submitted under section 1805(f)(6), or as re-
11 vised and resubmitted by the State under section
12 1805(g)(1)(B).

13 “(c) COST SHARING.—

14 “(1) FEDERAL SHARE.—

15 “(A) IN GENERAL.—The Federal share of
16 the cost of any activity carried out with a grant
17 under this section shall not exceed 75 percent.

18 “(B) ADJUSTMENT.—(i) The Secretary
19 may adjust the Federal share to an amount not
20 to exceed 90 percent with respect to a grant.

21 “(ii) Within 1 year after the date of the
22 enactment of this title, the Secretary shall issue
23 regulations defining the criteria for cost share
24 adjustment under this subparagraph.

1 “(2) NON-FEDERAL MATCH OTHER THAN BY
2 EXPENDITURE OF FUNDS.—Within 1 year after the
3 date of the enactment of this title, the Secretary
4 shall issue regulations that authorize a grantee
5 under this section to use means other than the ex-
6 penditure of funds to pay the non-Federal share of
7 the costs of an activity carried out with a grant
8 under this section, including criteria for use of such
9 means.

10 “(d) EXISTING PROGRAMS NOT AFFECTED.—Noth-
11 ing in this title shall affect the management and adminis-
12 tration of, nor provide for the combination of grant funds
13 among, grant programs administered by the Department
14 of Homeland Security or any other Federal agency, includ-
15 ing the following:

16 “(1) Assistance to firefighter grant programs
17 carried out under section 33 of the Federal Fire
18 Prevention and Control Act of 1974 (15 U.S.C.
19 2001 et seq.).

20 “(2) The emergency management performance
21 grant program carried out under sections 201(D),
22 611, and 613 of Public Law 93–288.

23 “(3) The COPS grant program carried out
24 under Public Law 103–50 and Public Law 103–322.

1 “(e) DESIGNATION.—The Office for Domestic Pre-
2 paredness shall be responsible for the following:

3 “(1) Administering all terrorism preparedness
4 and response grant programs of the Department, in-
5 cluding—

6 “(A) State Homeland Security grants ad-
7 ministered by the Office for Domestic Prepared-
8 ness under section 1014 of Public Law 107–56;

9 “(B) high-threat urban area grants admin-
10 istered by the Office for Domestic Preparedness
11 under Public Law 108–11;

12 “(C) critical infrastructure security grants
13 administered by the Office for Domestic Pre-
14 paredness under section 1014(c)(3) of Public
15 Law 107–56 and Public Law 108–11;

16 “(D) PREPARE grants authorized under
17 section 1806 of this Act; and

18 “(E) the Homeland Security Advisory Sys-
19 tem Response Grants authorized by section
20 430(c)(8) of this Act.

21 “(2) Maintaining all information on grants,
22 grant availability, application deadlines, and grant
23 fund obligation deadlines under such programs.

24 “(3) Providing all information on grants, grant
25 availability, application deadlines, and grant fund

1 obligation deadlines to grant applicants and recipi-
2 ents under such programs.

3 “(4) Preparing and submitting the reports
4 under subsection (f).

5 Nothing in this section provides the Office for Domestic
6 Preparedness with the authority to manage or administer
7 the programs identified under section 1806(d) of this Act.

8 “(f) ANNUAL REPORTS TO THE CONGRESS.—

9 “(1) IN GENERAL.—The Director of the Office
10 for Domestic Preparedness shall submit annual re-
11 ports regarding the administration of terrorism pre-
12 paredness and response grant programs of the De-
13 partment to the Committee on Appropriations and
14 the Select Committee on Homeland Security of the
15 House of Representatives and the Committee on Ap-
16 propriations and the Committee on Governmental
17 Affairs of the Senate.

18 “(2) CONTENTS, GENERALLY.—Each report
19 under this subsection shall include the following in-
20 formation with respect to the period covered by the
21 report:

22 “(A) The amount of funds appropriated
23 for such grant programs for each fiscal year.

24 “(B) Specific allocations of financial assist-
25 ance made to each State and local government.

1 “(C) The amount of appropriated funds
2 that have been obligated and expended by the
3 Department and by each State and local gov-
4 ernment under the programs.

5 “(D) The points of contact in the Office
6 for Domestic Preparedness responsible for the
7 duties under section 430(e).

8 “(E) Administrative or other impediments
9 that may delay the obligation of grant funds.

10 “(3) PROGRESS REPORT.—Each report under
11 this subsection shall also include a description of—

12 “(A) progress made, in the period covered
13 by the report, in achieving essential capability
14 of State and local governments determined by
15 the Secretary under section 1805(g)(2);

16 “(B) progress made, since the first date
17 funds were available for grants under section
18 1806, in achieving essential capability of State
19 and local governments determined by the Sec-
20 retary under section 1805(g)(2);

21 “(C) an assessment of emerging terrorism
22 preparedness and response capability needs not
23 addressed by Federal grant programs, the esti-
24 mated costs of such needs, and recommenda-

1 tions for meeting such needs utilizing Federal
2 grant programs; and

3 “(D) recommendations for streamlining
4 and standardizing application, reporting, and
5 administrative requirements of Federal grant
6 programs to eliminate duplication and promote
7 coordination of terrorism preparedness and re-
8 sponse grants.”.

9 **SEC. 3. MODIFICATION OF HOMELAND SECURITY ADVI-**
10 **SORY SYSTEM.**

11 (a) IN GENERAL.—The Homeland Security Act of
12 2002 (Public Law 107–296; 6 U.S.C. 121 et seq.) is
13 amended by adding at the end the following:

14 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

15 “(a) IN GENERAL.—The Secretary shall revise the
16 Homeland Security Advisory System referred to in section
17 201(d)(7) to include the following:

18 “(1) A process for activating the System on a
19 regional or critical infrastructure sector basis.

20 “(2) A requirement that any designation of the
21 highest or second highest threat level shall be ac-
22 companied by a designation by the President of the
23 regions and sectors of the country to which the des-
24 ignation applies.

1 “(3) A requirement under which, as far in ad-
2 vance as possible, but in no case later than the time
3 of any designation of regions or sectors by the Presi-
4 dent under paragraph (2), notice of any change in
5 designation of threat level shall be provided to the
6 Committee on Appropriations, the Select Committee
7 on Homeland Security, and the Permanent Select
8 Committee on Intelligence of the House of Rep-
9 resentatives, and the Committee on Appropriations,
10 the Committee on Governmental Affairs, and the Se-
11 lect Committee on Intelligence, of the Senate, and to
12 State and local governments.

13 “(4) A requirement that each notice to the Con-
14 gress under paragraph (3) shall include—

15 “(A) a threat briefing that explains the in-
16 telligence or other information that informed
17 the decision to make the designation;

18 “(B) a description of Federal response ac-
19 tions being undertaken as a result of the
20 change in designation of threat level;

21 “(C) recommended actions that should be
22 taken by State and local governments, the pri-
23 vate sector, and other members of the public;
24 and

1 “(D) the estimated costs of the rec-
2 ommended actions for Federal, State, and local
3 governments.

4 “(5) A requirement that an update of the esti-
5 mate of costs under paragraph (4)(D) shall be sub-
6 mitted to the Committees referred to in paragraph
7 (3) 14 days after the designation for which the esti-
8 mate was prepared.

9 “(6) A requirement that each notice to State
10 and local governments under paragraph (3) shall in-
11 clude information regarding threats on which the
12 change in designation is based and recommended re-
13 sponse actions.

14 “(b) DEADLINE.—The modifications in subsection
15 (a) shall be completed by the Secretary not later than 6
16 months after the date of enactment of this section.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Homeland Security Act of 2002
19 (Public Law 107–296) is amended by inserting after the
20 item relating to section 202 the following:

“Sec. 203. Homeland Security Advisory System.”.

21 **SEC. 4. HOMELAND SECURITY ADVISORY SYSTEM RE-**
22 **SPONSE GRANTS.**

23 Section 430 of the Homeland Security Act of 2002
24 (Public Law 107–296; 6 U.S.C. 238) is amended—

1 (1) in subsection (c)(7) by striking “; and” and
2 inserting a semicolon;

3 (2) by redesignating subsection (c)(8) as sub-
4 section (c)(9);

5 (3) by inserting after subsection (c)(7) the fol-
6 lowing:

7 “(8) making grants to States and local govern-
8 ments to compensate such governments for addi-
9 tional personnel costs incurred as a result of ele-
10 vated threat level designations; and”; and

11 (4) by adding at the end the following:

12 “(e) ELEVATED THREAT LEVEL DESIGNATION DE-
13 FINED.—In this section, the term ‘elevated threat level
14 designation’ means—

15 “(1) any designation by the President of the
16 highest or second highest threat level under the
17 Homeland Security Advisory System (as modified
18 pursuant to section 203(a)); or

19 “(2) any other increase in threat level that is
20 specified by the President for purposes of this sec-
21 tion.

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary such
24 sums as are necessary for fiscal year 2005 to carry out
25 the grant program authorized by subsection (c)(8).”.

1 **SEC. 5. INFORMATION SHARING WITH STATE AND LOCAL**
2 **GOVERNMENTS.**

3 (a) FINDINGS.—The Congress finds that—

4 (1) the Federal government should continue to
5 improve its sharing of terrorism-related information
6 with State and local officials in order to better pre-
7 vent and prepare for terrorist attacks;

8 (2) much of the information required by State
9 and local officials to defend against terrorism can be
10 disseminated by the Federal government on an un-
11 classified basis;

12 (3) some information in the possession of Fed-
13 eral agencies that is needed at the State and local
14 level to prevent and effectively respond to terrorist
15 attacks is classified, and the disclosure of that infor-
16 mation would be harmful to national security inter-
17 ests;

18 (4) mechanisms, such as tear-line intelligence
19 reports, should be used to the greatest extent pos-
20 sible to ensure that needed information is shared in
21 a timely manner with State and local officials while
22 protecting classified sources and methods from dis-
23 closure; and

24 (5) in cases where information can not be dis-
25 seminated in an unclassified form, or through the
26 use of tear-line intelligence reports, procedures and

1 capabilities should be established throughout the Na-
2 tion to share and act upon classified information to
3 prevent and respond to terrorist attacks, guided by
4 appropriate safeguards to protect that information.

5 (b) AMENDMENTS.—Section 893 of the Homeland
6 Security Act of 2002 (Public Law 107–296; 6 U.S.C. 483)
7 is amended by striking subsection (b) and inserting the
8 following:

9 “(b) REPORT REGARDING SECURITY CLEAR-
10 ANCES.—The Secretary of Homeland Security shall report
11 to the Congress by not later than 6 months after the date
12 of the enactment of the PREPARE Act on the number
13 and level of security clearances needed by State and local
14 government officials in order to effectively and efficiently
15 share terrorism threat information.

16 “(c) REPORT SPECIFYING LEAD AGENCY.—The
17 President shall, by not later than 3 months after submis-
18 sion of the report required by subsection (a), submit to
19 the congressional committees a report specifying the lead
20 Government agency for—

21 “(1) sharing terrorism threat information with
22 State and local government officials; and

23 “(2) receiving such information from State and
24 local government officials and further disseminating
25 such information, as appropriate.

1 “(d) SPECIFIED CONGRESSIONAL COMMITTEES.—
2 The congressional committees referred to in this section
3 are the following committees:

4 “(1) The Permanent Select Committee on Intel-
5 ligence, the Committee on the Judiciary, and the Se-
6 lect Committee on Homeland Security of the House
7 of Representatives.

8 “(2) The Select Committee on Intelligence, the
9 Committee on the Judiciary, and the Committee on
10 Government Affairs of the Senate.”.

11 “(e) GRANTS.—Section 892 of the Homeland Security
12 Act of 2002 (Public Law 107–296; 6 U.S.C. 483) is
13 amended by adding at the end the following:

14 “(h) GRANTS.—

15 “(1) IN GENERAL.—The Secretary shall make
16 grants, as necessary, to State and local governments
17 in order to provide the equipment and facilities nec-
18 essary to receive, transmit, handle, and store classi-
19 fied information.

20 “(2) LIMITATION ON AMOUNT OF GRANTS.—
21 The total amount provided as grants under this sec-
22 tion shall not exceed 50 percent of the costs to pro-
23 vide facilities to State and local governments for
24 storing or handling classified information.

1 “(3) QUALIFICATION FOR GRANT.—The Sec-
2 retary may provide a grant under this section—

3 “(A) only upon demonstration that suffi-
4 cient personnel at the recipient agency possess
5 the relevant security clearances to receive and
6 access classified information; and

7 “(B) only if personnel at the recipient
8 agency have appropriate training to access, re-
9 ceive, store, and maintain classified informa-
10 tion.

11 “(4) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated to the Sec-
13 retary such sums as are necessary for fiscal year
14 2005 to carry out the grant program authorized by
15 this subsection.”.

16 **SEC. 6. PROVIDING EQUIPMENT AND TRAINING STAND-**
17 **ARDS.**

18 (a) RESPONSIBILITY OF UNDER SECRETARY FOR
19 SCIENCE AND TECHNOLOGY.—Section 302 of the Home-
20 land Security Act of 2002 (6 U.S.C. 182) is amended—

21 (1) by striking “and” at the end of paragraph
22 (13);

23 (2) by striking the period at the end of para-
24 graph (14) and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(15) identifying, establishing, updating, and
4 disseminating standards for first responder equip-
5 ment and training.”.

6 (b) SPECIFIC DUTIES.—

7 (1) IN GENERAL.—Title III of the Homeland
8 Security Act of 2002 (Public Law 107–296; 6
9 U.S.C. 181 et seq.) is amended by adding at the end
10 the following:

11 **“SEC. 314. FIRST RESPONDER EQUIPMENT STANDARDS.**

12 “(a) IN GENERAL.—In carrying out the responsibil-
13 ities under section 302(15), the Under Secretary of Home-
14 land Security for Science and Technology shall—

15 “(1) identify classes of first responder equip-
16 ment and training for which acceptable standards
17 exist;

18 “(2) identify classes of first responder equip-
19 ment and training for which acceptable standards do
20 not exist;

21 “(3) not later than 6 months after the date of
22 the enactment of this paragraph, publish a report
23 describing the findings under paragraphs (1) and
24 (2); and

1 “(4) establish standards to address the short-
2 comings identified under paragraph (2) within 1
3 year after the report under paragraph (3) is trans-
4 mitted, using voluntary consensus standards organi-
5 zations where possible, in consultation with the fire
6 service, hazardous materials, emergency medical
7 service, law enforcement, public health, emergency
8 management and planning, public works, and hos-
9 pital and medical communities.

10 “(b) ACQUISITION GUIDANCE.—Not later than 3
11 months after the transmittal of the report under sub-
12 section (a)(3), and every 6 months thereafter, the Under
13 Secretary of Homeland Security for Science and Tech-
14 nology shall publish first responder equipment and train-
15 ing acquisition guidance in the form of catalogs of equip-
16 ment and training for which acceptable standards exist.
17 Such guidance shall be published in the Federal Register,
18 made available through the Web site of the Department
19 of Homeland Security, and made available to the Ter-
20 rorism Grant Program Office established under section
21 430(e) for appropriate outreach activities.

22 “(c) REPORT TO CONGRESS.—Not later than 1 year
23 after the date of the enactment of this subsection, the
24 Under Secretary of Homeland Security for Science and
25 Technology shall transmit to the Committee on Appropria-

1 tions and the Select Committee on Homeland Security of
2 the House of Representatives, and the Committee on Ap-
3 propriations and the Committee on Governmental Affairs
4 of the Senate a report on the progress made in imple-
5 menting subsection (a).

6 “(d) OTHER FEDERAL PROGRAMS.—In carrying out
7 this section, the Under Secretary shall consider the ongo-
8 ing efforts to identify, promulgate, and disseminate stand-
9 ards for equipment and training for first responder per-
10 sonnel by the National Institute of Justice, the Inter-
11 agency Group sanctioned by the Attorney General, the Na-
12 tional Institute of Standards and Technology, the
13 Counterdrug Technology Assessment Center of the Office
14 of National Drug Control Policy, and any other appro-
15 priate Federal Government agencies.

16 “(e) LEAD FEDERAL AGENCY.—It is the sense of
17 Congress that the Department of Homeland Security
18 should be the lead Federal agency for maintaining and dis-
19 seminating standards and guidelines for first responder
20 equipment and training.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions in section 1(b) of the Homeland Security Act
23 of 2002 (Public Law 107–296) is amended by in-
24 serting after the item relating to section 313 the fol-
25 lowing:

“Sec. 314. First responder equipment standards.”.

1 **SEC. 7. STUDY OF SPECTRUM NEEDS FOR FIRST RE-**
2 **SPONDER COMMUNICATIONS.**

3 (a) IN GENERAL.—Title V of the Homeland Security
4 Act of 2002 (Public Law 107–296; 6 U.S.C. 311 et seq.)
5 is amended by adding at the end the following:

6 **“SEC. 510. STUDY OF FIRST RESPONDER SPECTRUM NEEDS.**

7 “The Under Secretary of Homeland Security for
8 Emergency Preparedness and Response shall conduct a
9 study to determine the extent of the electromagnetic spec-
10 trum, and the bands of frequencies, necessary to be as-
11 signed for use for emergency communications and infor-
12 mation to ensure that national requirements for emer-
13 gency preparedness are met. Not later than 6 months
14 after the date of the enactment of this section, the Under
15 Secretary shall submit to the Congress a report specifying
16 the results of the study.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Homeland Security Act of 2002 is
19 amended by inserting after the item relating to section
20 509 the following:

“Sec. 510. Study of first responder spectrum needs.”.

21 **SEC. 8. INTEROPERABLE COMMUNICATIONS EQUIPMENT.**

22 (a) FINDINGS.—The Congress finds that—

23 (1) many law enforcement officers, firefighters,
24 and emergency medical service personnel working in

1 the same jurisdiction or in different jurisdictions
2 cannot communicate with one another;

3 (2) the inability of our public safety officials to
4 readily communicate with one another threatens the
5 public's safety and often results in unnecessary loss
6 of lives and property;

7 (3) the private sector has developed numerous
8 solutions to significantly improve communications
9 interoperability that can be implemented imme-
10 diately; and

11 (4) these solutions include deployable vehicles
12 that contain equipment such as commercial tele-
13 phone line trunks, VHF and UHF radios, patch
14 panels, and crosspatch capabilities that allow radio
15 users on separate frequencies to talk to each other.

16 (b) PROCUREMENT AND DEPLOYMENT.—Title V of
17 the Homeland Security Act of 2002 (Public Law 107–
18 296) is further amended by adding at the end the fol-
19 lowing:

20 **“SEC. 511. DEPLOYMENT OF INTEROPERABLE COMMUNICA-**
21 **TIONS EQUIPMENT.**

22 “(a) PROCUREMENT AND DEPLOYMENT.—To the ex-
23 tent amounts are made available pursuant to subsection
24 (b), the Secretary shall procure and deploy commercially
25 available equipment to facilitate interoperability, coordina-

1 tion, and integration between emergency communications
 2 systems, including Federal, State, and local emergency
 3 communications systems, systems used by emergency per-
 4 sonnel and public safety organizations, telecommuni-
 5 cations services, and 911 and enhanced 911 services.

6 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
 7 is authorized to be appropriated to the Secretary
 8 \$20,000,000 for fiscal year 2005 for carrying out this sec-
 9 tion.”.

10 (c) CLERICAL AMENDMENT.—The table of sections
 11 in section 1(b) of the Homeland Security Act of 2002
 12 (Public Law 107–296) is further amended by inserting
 13 after the item relating to section 510 the following:

“Sec. 511. Deployment of interoperable communications equipment.”.

14 **SEC. 9. PLAN REGARDING NATIONWIDE EMERGENCY NOTI-**
 15 **FICATION SYSTEM.**

16 (a) STUDY.—Title V of the Homeland Security Act
 17 of 2002 (Public Law 107–296) is further amended by add-
 18 ing at the end the following:

19 **“SEC. 512. PLAN REGARDING NATIONWIDE EMERGENCY**
 20 **NOTIFICATION SYSTEM.**

21 “(a) STUDY.—The Under Secretary of Homeland Se-
 22 curity for Emergency Preparedness and Response, in con-
 23 sultation with the heads of other appropriate Federal
 24 agencies and representatives of providers and participants
 25 in the telecommunications industry, shall conduct a study

1 to determine the most effective and efficient manner of
2 establishing a nationwide system to notify the public and
3 appropriate governmental officials and agencies and other
4 appropriate organizations, including first responders, of
5 emergencies. In conducting the study, the Secretary shall
6 consider use of telephone and telfax systems, radio and
7 television broadcasts (including public television broad-
8 casts), computer systems and the Internet, public works,
9 and existing communications networks of the Federal Gov-
10 ernment to provide such notification.

11 “(b) REPORT AND PLAN.—Not later than 9 months
12 after the date of the enactment of this section, the Under
13 Secretary shall submit a report regarding the conclusions
14 of the study conducted under subsection (a), which shall
15 include a plan for establishment and implementation of
16 the emergency notification system described in such sub-
17 section, to the Committee on Appropriations and the Se-
18 lect Committee on Homeland Security of the House of
19 Representatives and to the Committee on Appropriations
20 and the Committee on Governmental Affairs of the Sen-
21 ate.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002
24 (Public Law 107–296) is further amended by inserting
25 after the item relating to section 511 the following:

“Sec. 512. Plan regarding nationwide emergency notification system.”.

1 **SEC. 10. SECOND RESPONDERS.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Terrorism prevention and response will re-
4 quire efforts beyond those by Federal, State, and
5 local governments.

6 (2) Citizen volunteers can perform critical func-
7 tions in preventing and responding to terrorist at-
8 tacks.

9 (3) Private sector resources can provide greatly
10 enhanced State and local operational capability and
11 significant surge capacity.

12 (4) Citizens and private sector entities should
13 be mobilized and prepared to serve as “second re-
14 sponders” to support emergency operations.

15 (5) In order to be effective, such second re-
16 sponders must be integrated into State and local
17 planning efforts to ensure that their capabilities and
18 roles are understood, lines of communication are es-
19 tablished, and training and equipment are identified
20 and provided as necessary.

21 (6) The partnership between the Business Ex-
22 ecutives for National Security and the State of New
23 Jersey, popularly known as the “New Jersey Busi-
24 ness Force”, is a model program to identify and co-
25 ordinate private sector second responders and should
26 be expanded to cover all States and territories.

1 (b) GUIDANCE.—The Task Force established under
2 the amendments made by section 1 shall include in the
3 methodology developed under that section guidance on the
4 appropriate roles and capabilities for second responders.

5 (c) CIVIL PREPAREDNESS LIAISON OFFICE.—Section
6 103 of the Homeland Security Act of 2002 (Public Law
7 107–296, 6 U.S.C. 113) is amended by adding at the end
8 the following:

9 “(f) CIVIL PREPAREDNESS LIAISON OFFICE.—The
10 Secretary shall establish a Civil Preparedness Liaison Of-
11 fice within the Department that shall be responsible for—

12 “(1) coordinating industry efforts to identify
13 private sector resources and capabilities that could
14 be effective in supplementing Federal, State, and
15 local government agencies to prevent or respond to
16 a terrorist attack;

17 “(2) administering the ‘Ready’ civil prepared-
18 ness campaign;

19 “(3) administering the Citizen Corps program;

20 “(4) establishing procedures for direct funding
21 for local and municipal Citizen Corps preparedness
22 efforts;

23 “(5) coordinating with private entities to iden-
24 tify and integrate into nationwide planning resources

1 under private ownership that would enhance the re-
2 sponse to catastrophic terrorist attacks; and

3 “(6) ensuring that all civil preparedness efforts
4 of the Department are coordinated with the Under
5 Secretary for Emergency Response and the Special
6 Assistant to the Secretary under section 102(f).”.

7 **SEC. 11. EMERGENCY PREPAREDNESS EDUCATION PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—Subtitle H of title VIII of the
10 Homeland Security Act of 2002 (Public Law 107–296)
11 is amended by adding at the end the following:

12 **“SEC. 890a. EMERGENCY PREPAREDNESS EDUCATION PRO-**
13 **GRAMS.**

14 “(a) GRANTS.—The Secretary, in collaboration with
15 the Secretary of Education, may award grants to eligible
16 entities to develop and implement programs at public ele-
17 mentary schools and secondary schools to instruct stu-
18 dents regarding age-appropriate skills that may be used
19 to prepare for and respond to a man-made emergency or
20 a natural disaster.

21 “(b) DEFINITIONS.—In this section:

22 “(1) ELEMENTARY SCHOOL; SECONDARY
23 SCHOOL.—Each of the terms ‘elementary school’ and
24 ‘secondary school’ has the meaning given to that

1 term in section 9101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801).

3 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
4 tity’ means—

5 “(A) the chief school officer of a State; or

6 “(B) any partnership of public or private
7 non-profit entities that is established for the
8 purpose of administering a grant under this
9 section.

10 “(c) MAXIMUM ANNUAL AMOUNT.—The Secretary
11 may not award any grant under this section in an amount
12 that is greater than \$2,000,000 for any 1-year period.

13 “(d) MATCHING FUNDS.—

14 “(1) IN GENERAL.—The Federal share of the
15 costs of an activity carried out with a grant under
16 this section may not exceed 60 percent of the costs
17 of such activity.

18 “(2) DETERMINATION OF AMOUNT CONTRIB-
19 UTED.—

20 “(A) IN GENERAL.—Non-Federal contribu-
21 tions required by paragraph (1) may be in cash
22 or in kind, shall be fairly evaluated, and may
23 include plant, equipment, or services.

24 “(B) EXCLUSION.—Amounts provided by
25 the Federal Government, or services assisted or

1 subsidized to any significant extent by the Fed-
2 eral Government, may not be included in deter-
3 mining the amount of such non-Federal con-
4 tributions.

5 “(e) APPLICATION.—To seek a grant under this sec-
6 tion, an eligible entity shall submit an application to the
7 Secretary in such form, in such manner, and containing
8 such information as the Secretary may require.

9 “(f) CLEARINGHOUSE.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through The Director of the Office for State and
12 Local Government Coordination, shall establish and
13 maintain a clearinghouse of information voluntarily
14 submitted to the Secretary by grant recipients under
15 this section on best practices and curricula for in-
16 structing elementary and secondary students regard-
17 ing age-appropriate emergency preparedness and re-
18 sponse skills.

19 “(2) FORMAT OF INFORMATION.—Information
20 voluntarily submitted under this subsection shall be
21 maintained and made available by the Secretary in
22 electronic format, if practicable.

23 “(g) INFORMATION SHARING.—This section shall not
24 be construed to prohibit any eligible entity or school from
25 sharing information on instruction of emergency prepared-

1 ness and response skills with any person, including any
2 private school.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—To
4 carry out this section, there are authorized to be appro-
5 priated to the Secretary such sums as are necessary for
6 each of fiscal years 2005, 2006, and 2007.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of such Act is amended by inserting after
9 the item relating to section 891 the following:

“Sec. 890a. Emergency Preparedness Education Programs.”.

○