

Union Calendar No. 319

111TH CONGRESS
2^D SESSION

H. R. 3837

[Report No. 111-558]

To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2009

Ms. KILROY (for herself, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Ms. CLARKE, Mr. DEFazio, Ms. RICHARDSON, Ms. NORTON, Mr. SIRES, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Homeland Security

JULY 22, 2010

Additional sponsors: Mr. BISHOP of New York, Mr. CARNEY, Mrs. KIRKPATRICK of Arizona, Mr. REYES, Mr. LANCE, Mr. LOEBSACK, Mr. DRIEHAUS, Mr. LUJÁN, Mr. FILNER, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. WELCH, Mr. HOLDEN, Ms. LORETTA SANCHEZ of California, and Mr. HIMES

JULY 22, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, 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. SHORT TITLE.**

4 This Act may be cited as the “Strengthening and Up-
 5 dating Resources and Equipment Act” or the “SURE
 6 Act”.

7 **SEC. 2. CLARIFICATION ON USE OF FUNDS RELATING TO**
 8 **CERTAIN HOMELAND SECURITY GRANTS.**

9 (a) **IN GENERAL.**—Section 2008 of the Homeland
 10 Security Act of 2002 (6 U.S.C. 609) is amended—

11 (1) in subsection (a)(4), by inserting before the
 12 semicolon at the end the following: “, and any re-
 13 lated maintenance agreements, user fees, or
 14 sustainment costs”;

15 (2) in subsection (b)(3), by adding at the end
 16 the following new subparagraph:

17 “(C) **EQUIPMENT MAINTENANCE.**—With
 18 respect to the use of amounts awarded to a
 19 grant recipient under section 2003 or 2004 for
 20 equipment purchase and maintenance costs, the
 21 Administrator may not—

22 “(i) impose a limit on the amount of
 23 any such award that may be used to pay
 24 for such purchase and maintenance costs;

including any costs referred to in subsection (a)(4); or

“(ii) impose any additional limitation, including any fiscal year limitation, beyond the limitations described in the matter preceding paragraph (1) and in paragraph (4) of subsection (a), on the amount of any such award that may be used for a specific type, purpose, or category of equipment purchase or maintenance cost.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this section and shall apply to grants made under section 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), in accordance with the provisions specified in section 2008 of such Act (6 U.S.C. 609), as amended by subsection (a) of this section, on or after October 1, 2008.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening and Updating Resources and Equipment Act” or the “SURE Act”.

SEC. 2. CLARIFICATION ON USE OF FUNDS RELATING TO CERTAIN HOMELAND SECURITY GRANTS.

(a) **EQUIPMENT MAINTENANCE.**—

1 (1) *AMENDMENTS.—Section 2008 of the Home-*
2 *land Security Act of 2002 (6 U.S.C. 609) is amend-*
3 *ed—*

4 (A) *in subsection (a)(4), by inserting before*
5 *the semicolon at the end the following: “, and*
6 *any related maintenance agreements, user fees,*
7 *or sustainment costs”;* and

8 (B) *in subsection (b)(3), by adding at the*
9 *end the following new subparagraph:*

10 “(C) *EQUIPMENT MAINTENANCE.—*

11 “(i) *IN GENERAL.—The Administrator*
12 *may not impose any time limitation, in-*
13 *cluding any fiscal year limitation, on the*
14 *use for covered maintenance costs of*
15 *amounts awarded as a grant under section*
16 *2003 or 2004, that is in addition to the*
17 *limitations described in this subsection*

18 “(ii) *COVERED MAINTENANCE COSTS*
19 *DEFINED.—In this subparagraph the term*
20 *‘covered maintenance costs’ means costs of*
21 *maintenance and sustainment costs de-*
22 *scribed in subsection (a)(4) associated with*
23 *equipment purchased with grant funds pro-*
24 *vided under section 2003 or 2004 for a*
25 *prior fiscal year.”.*

1 (2) *APPLICATION.*—*The amendments made by*
 2 *this subsection shall apply to grants made under sec-*
 3 *tion 2003 or 2004 of the Homeland Security Act of*
 4 *2002 (6 U.S.C. 604 and 605) on or after October 1,*
 5 *2008.*

6 (b) *SPECIFICATION OF INTENDED USE IN GRANT AP-*
 7 *PLICATIONS.*—

8 (1) *URBAN AREA SECURITY INITIATIVE*
 9 *GRANTS.*—*Section 2003(c)(2) of the Homeland Secu-*
 10 *rity Act of 2002 (6 U.S.C. 604(c)(2)) is amended by*
 11 *striking “and” after the semicolon at the end of sub-*
 12 *paragraph (B), by striking the period at the end of*
 13 *subparagraph (C) and inserting “; and”, and by add-*
 14 *ing at the end the following new subparagraph:*

15 *“(D) specification of the amount of grant*
 16 *funds the high-risk urban area plans to allocate*
 17 *to maintain and sustain target capabilities, in-*
 18 *cluding equipment, that have been supported*
 19 *with prior fiscal year funds awarded under this*
 20 *section or section 2004.”.*

21 (2) *STATE HOMELAND SECURITY GRANTS.*—*Sec-*
 22 *tion 2004(b)(2) of the Homeland Security Act of 2002*
 23 *(6 U.S.C. 605(b)(2)) is amended by striking “and”*
 24 *after the semicolon at the end of subparagraph (B),*
 25 *by striking the period at the end of subparagraph (C)*

1 and inserting “; and”, and by adding at the end the
2 following new subparagraph:

3 “(D) specification of the amount of grant
4 funds the State plans to allocate to maintain
5 and sustain target capabilities, including equip-
6 ment, that have been supported with prior fiscal
7 year funds awarded under this section or section
8 2003.”.

9 (c) *GRANT GUIDANCE*.—Section 2002 of the Homeland
10 Security Act of 2002 (6 U.S.C. 603) is amended by adding
11 at the end the following new subsection:

12 “(d) *GRANT GUIDANCE*.—

13 “(1) *IN GENERAL*.—The Administrator shall—

14 “(A) not later than three months after the
15 date of enactment of the Strengthening and Up-
16 dating Resources and Equipment Act of 2009,
17 issue guidance defining costs eligible to be paid
18 with grants under sections 2003 and 2004 for
19 equipment maintenance agreements, user fees,
20 sustainment costs, and any other equipment-re-
21 lated costs, as the Administrator determines is
22 appropriate; and

23 “(B) review and update such guidance as
24 necessary.

1 “(2) *CONGRESSIONAL BRIEFING.*—*The Adminis-*
2 *trator shall brief the Committee on Homeland Secu-*
3 *urity of the House of Representatives and the Com-*
4 *mittee on Homeland Security and Governmental Af-*
5 *fairs of the Senate not less than five days before*
6 *issuing any guidance, or announcing the award of*
7 *any grant, under section 2003 or 2004.*”.

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