112TH CONGRESS 1ST SESSION

H. R. 3631

To amend the Homeland Security Act of 2002 to preserve homeland security capability gains achieved through the Urban Area Security Initiative program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2011

Mr. Higgins (for himself and Mr. Stivers) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

- To amend the Homeland Security Act of 2002 to preserve homeland security capability gains achieved through the Urban Area Security Initiative program, 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 "Preserving Urban Area
 - 5 Security Initiative Capability Gains Act of 2011" or the
 - 6 "Preserving UASI Capability Gains Act of 2011".
 - 7 SEC. 2. FINDINGS.
 - 8 Congress finds the following:

- (1) In the wake of the devastating attacks of September 11, 2001, the National Commission on Terrorist Attacks Upon the United States (the "9/ 11 Commission") concluded that "[i]f New York or other major cities are to be prepared for future ter-rorist attacks, different first responder agencies within each city must be fully coordinated, just as different branches of the U.S. military are.".
 - (2) The 9/11 Commission recommended that limited Federal preparedness and response resources should be allocated to "supplement state and local resources based on risks and vulnerabilities that merit additional support.".
 - (3) The Urban Area Security Initiative (UASI) program, as established in 2003, provides grant funding to certain high-threat, high-density urban areas that need assistance to build an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from terrorist attacks and other catastrophic events.
 - (4) The UASI program emphasizes multi-jurisdictional, regional readiness and supports the unique planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas. State and local governments have leveraged

- Federal investment under the UASI program to provide personnel, plans, equipment, training, and exercises to first responders to address the homeland security challenges of a post-9/11 world.
 - (5) An August 2011 report issued by the National Urban Area Security Initiative Association stated that between fiscal years 2003 and 2010, high-threat, high-density urban areas had received 6.5 billion dollars in UASI funding to achieve preparedness and response capabilities.
 - (6) Over the past eight years, UASI funding has enabled at-risk State and local governments to develop critical preparedness and response capabilities that such governments could not otherwise achieve.
 - (7) UASI funding has been used to advance the National Homeland Security Priorities promulgated by the Department of Homeland Security in the National Preparedness Guidelines in 2007, including to strengthen information sharing and collaboration, strengthen interoperable and operable communications, strengthen planning and citizen preparedness, improve chemical, biological, radiological, nuclear, and explosives detection, and improve critical infrastructure protection.

- (8) UASI funding has helped foster better detection of potential threats and information sharing on the local level. In fact, an October 2010 study released by the Institute for Homeland Security Solutions found that 51 percent of the 68 known terrorist plots from 1999 to 2009 were thwarted when community members or local law enforcement—the first lines of defense—detected these threats.
 - (9) For fiscal year 2010, the Department of Homeland Security identified 64 high-threat, high-density urban areas that required UASI funding to achieve and preserve preparedness and response capabilities and provided necessary funding.
 - (10) For fiscal year 2011, the Department of Homeland Security eliminated thirty-two high-threat, high-density urban areas from the UASI program when UASI funding was reduced by 18 percent pursuant to the Department of Defense and Full-Year Continuing Appropriations Act of 2011. The urban areas eliminated are Albany, NY; Austin, TX; Bakersfield, CA; Baton Rouge, LA; Bridgeport, CT; Buffalo, NY; Columbus, OH; El Paso, TX; Hartford, CT; Honolulu, HI; Indianapolis, IN; Jacksonville, FL; Kansas City, MO; Louisville, KY; Memphis, TN; Milwaukee, WI; Nashville, TN; New

- 1 Orleans, LA; Oklahoma City, OK; Omaha, KS;
- 2 Oxnard, CA; Providence, RI; Richmond, VA; Roch-
- 3 ester, NY; Sacramento, CA; Salt Lake City, UT;
- 4 San Antonio, TX; San Juan, PR; Syracuse, NY; To-
- 5 ledo, OH; Tucson, AZ; and Tulsa, OK.
- 6 (11) As a result of the funding reductions to
- 7 the UASI program for fiscal year 2011, many of
- 8 these high-threat, high-density urban areas must
- 9 stretch their limited financial resources to preserve
- the advancements made to their terrorism prevention
- and disaster preparedness and response capabilities
- with UASI funding. Some of these urban areas will
- not be able to sustain the advancements made under
- the UASI program without additional Federal as-
- 15 sistance. Nationally, this capabilities' erosion has
- significant homeland security implications.

17 SEC. 3. PRESERVATION OF URBAN AREA SECURITY INITIA-

- 18 TIVE SECURITY GAINS.
- 19 (a) In General.—Subtitle A of title XX of the
- 20 Homeland Security Act of 2002 (6 U.S.C. 603 et seq.)
- 21 is amended—
- 22 (1) by redesignating sections 2004 through
- 23 2008 as sections 2005 through 2009, respectively;
- 24 and

1	(2) by inserting after section 2003 the following
2	new section:
3	"SEC. 2004. PRESERVATION OF URBAN AREA SECURITY INI-
4	TIATIVE SECURITY GAINS.
5	"(a) Establishment.—Not later than 180 days
6	after the date of enactment of this section, the Adminis-
7	trator shall establish a competitive grant program to make
8	funding available for preservation of homeland security ca-
9	pabilities achieved by high-risk urban areas that received
10	Urban Area Security Initiative funding in fiscal years
11	2009 or 2010 but were removed from the program there-
12	after.
13	"(b) APPLICATION.—Not later than 90 days after es-
14	tablishment of the competitive grant program required
15	under subsection (a), the Administrator shall accept appli-
16	cations with the following information:
17	"(1) Specific homeland security capability gains
18	achieved through previous grant awards that are at
19	risk of being reduced or eliminated without Federal
20	grant assistance.
21	"(2) A description of activities, programs, and
22	acquisitions that would be undertaken with Federal
23	grant assistance to enhance homeland security capa-
24	bilities.

- 1 "(3) The proposed division of responsibilities 2 and distribution of funding among the local and 3 tribal governments in each high-risk urban area.
- "(4) The name of an individual to serve as a high-risk urban area point of contact (in each such area) for communication with the Department and among the various jurisdictions in each high-risk urban area.
- 9 "(5) Such information in support of the appli-10 cation as the Administrator may reasonably require.
- 11 "(c) Criteria.—In awarding grants under this sec-12 tion, the Administrator shall evaluate each grant applica-
- 13 tion and give priority to those applications that best—
- "(1) preserve capabilities needed to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk to the United States, as reflected in the Presidential Policy Directive 8 and the National Preparedness Goal;
 - "(2) preserve core capabilities developed through previous Urban Area Security Initiative grant allocations;
- "(3) align with strategies and principles of the
 National Preparedness Goal, including the promotion of national preparedness within the private

21

- and nonprofit sectors, nongovernmental organiza-
- 2 tions, and the public;
- 3 "(4) support capabilities that enhance regional
- 4 catastrophic planning that could be used nationally
- 5 through mutual aid agreements before, during, and
- 6 after incidents; and
- 7 "(5) align with other established grant funding
- 8 priorities identified by the Administrator.
- 9 "(d) Conformance With the Urban Area Secu-
- 10 RITY INITIATIVE PROGRAM.—All provisions relating to
- 11 State review and transmission, opportunity to amend, and
- 12 distribution of awards, as established in section 2003,
- 13 shall apply to the competitive grant program under this
- 14 section.
- 15 "(e) Limitations of Awards.—No one applicant
- 16 may receive more than seven percent of the total amount
- 17 authorized for the competitive grant program under this
- 18 section.
- 19 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
- 20 is authorized to be appropriated to carry out this section
- 21 \$58,000,000 for each of fiscal years 2012 through 2014,
- 22 of which not more than five percent shall be available each
- 23 fiscal year for the costs of administering the grant pro-
- 24 gram.".

- 1 (b) CLERICAL AMENDMENT.—The table of contents
- 2 in section 1(b) of such Act is amended by increasing by
- 3 one the section number in each of the items in the table
- 4 relating sections 2004 through 2008, and by inserting
- 5 after the item relating to section 2003 the following:
 "Sec. 2004. Preservation of Urban Area Security Initiative security gains.".
- 6 (c) Conforming Amendments.—Sections
- 7 2003(b)(2)(A)(i) and 2005(e) of such Act (6 U.S.C.
- 8 604(b)(2)(A)(i), 606(e)) are each amended by striking
- 9 "section 2007" and inserting "section 2008".

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