

109TH CONGRESS
2D SESSION

H. R. 5595

To authorize the Urban Areas Security Initiative Grants Program of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2006

Mr. FOSSELLA (for himself, Mr. CROWLEY, and Mr. REYNOLDS) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To authorize the Urban Areas Security Initiative Grants Program of the Department of Homeland Security, 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 “Urban Area Security
5 Initiative Grant Enhancement and Authorization Act of
6 2006”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) The High Threat Urban Areas program
10 created under Public Law 108–7—

1 (A) was devised as an additional response
2 to the Nunn-Lugar-Domenici Domestic Pre-
3 paredness Program created under title XIV of
4 the National Defense Authorization Act of 1996
5 (Public Law 104–201), in recognizing that cer-
6 tain large urban areas remain high threat tar-
7 gets and are inadequately prepared to respond
8 to a weapon of mass destruction event;

9 (B) addresses the unique equipment, train-
10 ing, planning and exercise needs of selected
11 large high threat urban areas; and

12 (C) has become known as the Urban Area
13 Security Initiative.

14 (2) The allocation of the funds available for fis-
15 cal year 2006 for the Urban Areas Security Initia-
16 tive grants program of the Department of Homeland
17 Security does not reflect the original intent of the
18 program.

19 (3) The needs-based variable used in the fund-
20 ing formula for such allocation is not a proper risk-
21 based variable.

22 (4) The allocation of funds for such program
23 should be based solely on the risk of terrorist attack,
24 and determined based solely on consideration of

1 threat of, vulnerabilities to, and consequence of such
2 an attack.

3 **SEC. 3. AUTHORIZATION OF URBAN AREAS SECURITY INI-**
4 **TIATIVE GRANTS PROGRAM.**

5 (a) AUTHORIZATION.—The Secretary of Homeland
6 Security may carry out an Urban Areas Security Initiative
7 Grants Program (in this section referred to as the “Pro-
8 gram”), under which the Secretary may make grants for
9 the same purposes for which grants were made under such
10 a program with amounts made available to the Depart-
11 ment of Homeland Security for fiscal year 2005.

12 (b) USE OF GRANT.—

13 (1) AUTHORIZED USES.—A grant under this
14 section may be used—

15 (A) to purchase equipment, to provide
16 training, to conduct exercises, and to provide
17 technical assistance to State and local first re-
18 sponders;

19 (B) to construct, develop, expand, modify,
20 operate, or improve facilities to provide training
21 or assistance to State and local first responders,
22 including construction relating to target hard-
23 ening, communications facilities, emergency
24 command centers, or medical response facilities;
25 and

1 (C) if 100 or more personnel in the rel-
2 evant jurisdiction are dedicated exclusively to
3 counterterrorism and intelligence activities (in-
4 cluding detection of, collection and analysis of
5 intelligence relating to, investigation of, preven-
6 tion of, and interdiction of suspected terrorist
7 activities), to provide reimbursement, consistent
8 with a State plan as approved by the Secretary,
9 for expenses related to—

10 (i) such personnel, including overtime
11 pay; and

12 (ii) units dedicated to such activities.

13 (2) LIMITATION.—

14 (A) IN GENERAL.—A grant under this sec-
15 tion may not be used to supplant State or local
16 funds that have been obligated for homeland se-
17 curity or first responder-related projects.

18 (B) MAINTENANCE OF EXPENDITURES
19 NOT REQUIRED.—The Secretary may not re-
20 quire an applicant for a grant under this sec-
21 tion to maintain a level of expenditure from
22 year to year as a condition of a grant under
23 this section

24 (c) PROCEDURES, TERMS, AND CONDITIONS.—

1 (1) IN GENERAL.—Except as provided in this
2 Act, the Secretary shall make grants under the Pro-
3 gram in accordance with the procedures, terms, and
4 condition under which grants were made under such
5 a program with amounts made available to the De-
6 partment of Homeland Security for fiscal year 2005.

7 (2) GRANT BASIS.—The Secretary shall make
8 grants under the Program based solely on a quan-
9 titative assessment of the risk of a terrorist attack
10 on high-threat, high-density urban areas that con-
11 siders—

12 (A) threat of a terrorist attack to par-
13 ticular assets;

14 (B) vulnerability of particular assets to a
15 terrorist attack; and

16 (C) consequences of a terrorist attack.

17 (d) NOTIFICATION OF GRANT APPLICANTS.—If the
18 Secretary finds any problem in an application for a grant
19 under the Program to be funded with amounts available
20 for a fiscal year, the Secretary shall notify the applicant
21 and provide the applicant an opportunity to correct such
22 problem before making any grant with such amounts.

23 (e) AUTHORITY OF PRESIDENT.—Any allocation by
24 the Secretary of funds for grants under the Program, and

1 any approval by the Secretary of a grant under the Pro-
2 gram, is subject to modification by the President.

3 (f) RELATIONSHIP TO OTHER LAW.—Section 1014
4 of the USA PATRIOT Act (42 U.S.C. 3714) does not
5 apply with respect to a grant under this section.

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