

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5615

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IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, MARCH 7), 2022

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To direct the Secretary of Homeland Security to submit a plan to make Federal assistance available to certain urban areas that previously received Urban Area Security Initiative funding to preserve homeland security capabilities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homeland Security  
3 Capabilities Preservation Act”.

4 **SEC. 2. PRESERVATION OF HOMELAND SECURITY CAPA-**  
5 **BILITIES.**

6 (a) PLAN.—

7 (1) IN GENERAL.—Not later than one year  
8 after the date of the enactment of this Act, the Sec-  
9 retary of Homeland Security, acting through the Ad-  
10 ministrator of the Federal Emergency Management  
11 Agency, shall submit to the Committee on Homeland  
12 Security of the House of Representatives and the  
13 Committee on Homeland Security and Governmental  
14 Affairs of the Senate a plan, informed by the survey  
15 information collected pursuant to subsection (b), to  
16 make Federal assistance available for at least three  
17 consecutive fiscal years to certain urban areas that  
18 in the current fiscal year did not receive grant fund-  
19 ing under the Urban Area Security Initiative under  
20 section 2003 of the Homeland Security Act of 2002  
21 (6 U.S.C. 604) and require continued Federal assist-  
22 ance for the purpose of preserving a homeland secu-  
23 rity capability related to preventing, preparing for,  
24 protecting against, and responding to acts of ter-  
25 rorism that had been developed or otherwise sup-  
26 ported through prior grant funding under such Ini-

1       tiative and allow for such urban areas to transition  
2       to such urban areas costs of preserving such home-  
3       land security capabilities.

4               (2) ADDITIONAL REQUIREMENT.—The plan re-  
5       quired under paragraph (1) shall also contain a pro-  
6       hibition on an urban area that in a fiscal year is eli-  
7       gible to receive Federal assistance described in such  
8       paragraph from also receiving grant funding under  
9       the Urban Area Security Initiative under section  
10      2003 of the Homeland Security Act of 2002. In such  
11      a case, such plan shall require such an urban area  
12      to promptly notify the Administrator of the Federal  
13      Emergency Management Agency regarding the pref-  
14      erence of such urban area to retain either—

15                   (A) such eligibility for such Federal assist-  
16                   ance; or

17                   (B) such receipt of such grant funding.

18      (b) SURVEY.—In developing the plan required under  
19      subsection (a), the Administrator of the Federal Emer-  
20      gency Management Agency, shall, to ascertain the scope  
21      of Federal assistance required, survey urban areas that—

22                   (1) did not receive grant funding under the  
23      Urban Area Security Initiative under section 2003  
24      of the Homeland Security Act of 2002 in the current  
25      fiscal year concerning homeland security capabilities

1 related to preventing, preparing for, protecting  
2 against, and responding to acts of terrorism that  
3 had been developed or otherwise supported through  
4 funding under such Initiative that are at risk of  
5 being reduced or eliminated without such Federal  
6 assistance;

7 (2) received such funding in the current fiscal  
8 year, but did not receive such funding in at least one  
9 fiscal year in the six fiscal years immediately pre-  
10 ceding the current fiscal year; and

11 (3) any other urban areas the Secretary deter-  
12 mines appropriate.

13 (c) EXEMPTION.—The Secretary of Homeland Secu-  
14 rity may exempt the Federal Emergency Management  
15 Agency from the requirements of subchapter I of chapter  
16 35 of title 44, United States Code (commonly referred to  
17 as the “Paperwork Reduction Act”), for purposes of car-  
18 rying out subsection (b) if the Secretary determines that  
19 complying with such requirements would delay the devel-  
20 opment of the plan required under subsection (a).

21 (d) CONTENTS.—The plan required under subsection  
22 (a) shall—

23 (1) establish eligibility criteria for urban areas  
24 to receive Federal assistance pursuant to such plan

1 to provide assistance for the purpose described in  
2 such subsection;

3 (2) identify annual funding levels for such Fed-  
4 eral assistance in accordance with the survey re-  
5 quired under subsection (b); and

6 (3) consider a range of approaches to make  
7 such Federal assistance available to such urban  
8 areas, including—

9 (A) modifications to the Urban Area Secu-  
10 rity Initiative under section 2003 of the Home-  
11 land Security Act of 2002 in a manner that  
12 would not affect the availability of funding to  
13 urban areas under such Initiative;

14 (B) the establishment of a competitive  
15 grant program;

16 (C) the establishment of a formula grant  
17 program; and

18 (D) a timeline for the implementation of  
19 any such approach and, if necessary, a legisla-  
20 tive proposal to authorize any such approach.

Passed the House of Representatives March 7,  
2022.

Attest:

CHERYL L. JOHNSON,

*Clerk.*