

Union Calendar No. 173

117TH CONGRESS
2^D SESSION

H. R. 5615

[Report No. 117-240]

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

Mrs. DEMINGS (for herself and Mr. BACON) introduced the following bill;
which was referred to the Committee on Homeland Security

FEBRUARY 1, 2022

Additional sponsor: Mr. CLEAVER

FEBRUARY 1, 2022

Reported from the Committee on Homeland Security; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security
5 Capabilities Preservation Act”.

6 **SEC. 2. PRESERVATION OF HOMELAND SECURITY CAPA-**
7 **BILITIES.**

8 (a) PLAN.—

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

1 protecting against, and responding to acts of ter-
2 rorism that had been developed or otherwise sup-
3 ported through prior grant funding under such Ini-
4 tiative and allow for such urban areas to transition
5 to such urban areas costs of preserving such home-
6 land security capabilities.

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

18 (A) such eligibility for such Federal assist-
19 ance; or

20 (B) such receipt of such grant funding.

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

1 (1) did not receive grant funding under the
2 Urban Area Security Initiative under section 2003
3 of the Homeland Security Act of 2002 in the current
4 fiscal year concerning homeland security capabilities
5 related to preventing, preparing for, protecting
6 against, and responding to acts of terrorism that
7 had been developed or otherwise supported through
8 funding under such Initiative that are at risk of
9 being reduced or eliminated without such Federal
10 assistance;

11 (2) received such funding in the current fiscal
12 year, but did not receive such funding in at least one
13 fiscal year in the six fiscal years immediately pre-
14 ceding the current fiscal year; and

15 (3) any other urban areas the Secretary deter-
16 mines appropriate.

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

1 (d) CONTENTS.—The plan required under subsection

2 (a) shall—

3 (1) establish eligibility criteria for urban areas
4 to receive Federal assistance pursuant to such plan
5 to provide assistance for the purpose described in
6 such subsection;

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

10 (3) consider a range of approaches to make
11 such Federal assistance available to such urban
12 areas, including—

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

18 (B) the establishment of a competitive
19 grant program;

20 (C) the establishment of a formula grant
21 program; and

22 (D) a timeline for the implementation of
23 any such approach and, if necessary, a legisla-
24 tive proposal to authorize any such approach.

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