

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

H. R. 5615

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Emergency Management Agency.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the Committee on Homeland Secu-
7 rity and Governmental Affairs of the Senate and the
8 Committee on Homeland Security of the House of
9 Representatives.

10 (3) COVERED HOMELAND SECURITY CAPA-
11 BILITY.—The term “covered homeland security ca-
12 pability” means a homeland security capability re-
13 lated to preventing, preparing for, protecting
14 against, or responding to acts of terrorism that—

15 (A) was developed or otherwise supported
16 through grant funding under the UASI before
17 the current fiscal year; and

18 (B) is at risk of being reduced or elimi-
19 nated without additional Federal financial as-
20 sistance.

21 (4) COVERED URBAN AREA.—The term “cov-
22 ered urban area” means an urban area that—

23 (A) during the current fiscal year did not
24 receive grant funding under the UASI; and

1 (B) requires continued Federal assistance
2 for the purpose of preserving a covered home-
3 land security capability.

4 (5) SECRETARY.—The term “Secretary” means
5 the Secretary of Homeland Security.

6 (6) UASI.—The term “UASI” means the
7 Urban Area Security Initiative under section 2003
8 of the Homeland Security Act of 2002 (6 U.S.C.
9 604).

10 (b) REPORT AND PROPOSAL.—

11 (1) SUBMISSION TO CONGRESS.—Not later than
12 18 months after the date of enactment of this Act,
13 the Secretary, acting through the Administrator,
14 shall submit to the appropriate congressional com-
15 mittees a report regarding covered homeland secu-
16 rity capabilities, including a proposal relating to pro-
17 viding Federal assistance to covered urban areas to
18 preserve such capabilities that is informed by the
19 survey information collected pursuant to subsection

20 (c)—

21 (A) under which the Administrator would
22 make Federal financial assistance available for
23 at least 3 consecutive fiscal years to covered
24 urban areas; and

1 (B) that would allow covered urban areas
2 to transition funding for the covered homeland
3 security capabilities that were previously funded
4 through the UASI to other sources.

5 (2) REQUIREMENTS RELATING TO UASI
6 FUNDS.—The proposal required under paragraph (1)
7 shall contain—

8 (A) a prohibition on a covered urban area
9 that receives Federal financial assistance de-
10 scribed in paragraph (1)(A) during a fiscal year
11 from also receiving funds under the UASI dur-
12 ing that fiscal year; and

13 (B) a requirement for a covered urban
14 area to submit to the Administrator notice of
15 whether the covered urban area would elect to
16 receive—

17 (i) Federal financial assistance under
18 paragraph (1)(A); or

19 (ii) funding under the UASI.

20 (3) ANALYSIS.—The report required under
21 paragraph (1) shall include—

22 (A) an analysis of whether providing addi-
23 tional Federal financial assistance, as described
24 in paragraph (1)(A), would allow covered urban

1 areas to preserve covered homeland security ca-
2 pabilities on a long-term basis; and

3 (B) an analysis of whether legislative
4 changes to the UASI are necessary to ensure
5 urban areas receiving funds under the UASI
6 are able to preserve covered homeland security
7 capabilities on a long-term basis.

8 (4) OTHER CONTENTS OF PROPOSAL.—The
9 proposal required under paragraph (1) shall—

10 (A) set forth eligibility criteria for covered
11 urban areas to receive Federal assistance de-
12 scribed in paragraph (1)(A);

13 (B) identify annual funding levels that
14 would be required to provide Federal assistance
15 described in paragraph (1)(A), in accordance
16 with the survey required under subsection (c);
17 and

18 (C) consider a range of approaches to
19 make Federal assistance described in paragraph
20 (1)(A) available to covered urban areas, includ-
21 ing—

22 (i) modifications to the UASI in a
23 manner that would not affect the avail-
24 ability of funding to urban areas under the
25 UASI;

1 (ii) the establishment of a competitive
2 grant program;

3 (iii) the establishment of a formula
4 grant program; and

5 (iv) a timeline for the implementation
6 of any such approach and, if necessary, a
7 legislative proposal to authorize any such
8 approach.

9 (c) SURVEY.—In developing the proposal required
10 under subsection (b), the Administrator shall, to ascertain
11 the scope of Federal financial assistance required, sur-
12 vey—

13 (1) urban areas that did not receive grant fund-
14 ing under the UASI during the current fiscal year
15 concerning covered homeland security capabilities
16 that are at risk of being reduced or eliminated with-
17 out additional Federal financial assistance;

18 (2) urban areas that received grant funding
19 under the UASI during the current fiscal year, but
20 did not receive such funding during at least 1 fiscal
21 year of the 7 fiscal years immediately preceding the
22 current fiscal year; and

23 (3) any other urban areas the Secretary deter-
24 mines appropriate.

1 (d) EXEMPTION.—The Secretary may exempt the Ad-
2 ministrator from the requirements of subchapter I of
3 chapter 35 of title 44, United States Code (commonly re-
4 ferred to as the “Paperwork Reduction Act”), for pur-
5 poses of carrying out subsection (c) if the Secretary deter-
6 mines that complying with such requirements would delay
7 the development of the proposal required under subsection
8 (b).

9 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to be directing or authorizing the
11 Administrator to implement the proposal required under
12 subsection (b).