

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for homeland security grant coordination and simplification, 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 Grant Enhancement Act of 2003”.

6 **SEC. 2. INTERAGENCY COMMITTEE TO COORDINATE AND**
7 **STREAMLINE HOMELAND SECURITY GRANT**
8 **PROGRAMS.**

9 (a) IN GENERAL.—The Homeland Security Act of
10 2002 (6 U.S.C. 101 et seq.) is amended by inserting after
11 section 801 the following:

1 **“SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE**
2 **AND STREAMLINE HOMELAND SECURITY**
3 **GRANT PROGRAMS.**

4 “(a) ESTABLISHMENT.—There is established an
5 Interagency Committee to Coordinate and Streamline
6 Homeland Security Grant Programs (in this subtitle re-
7 ferred to as the ‘Interagency Committee’), which shall—

8 “(1) report all findings to the Information
9 Clearinghouse established under section 801(c);

10 “(2) consult with State and local governments
11 and emergency response providers regarding their
12 homeland security needs and capabilities;

13 “(3) advise the Secretary on the development of
14 performance measures for homeland security grant
15 programs and the national strategy for homeland se-
16 curity;

17 “(4) not later than 60 days after the effective
18 date of the Homeland Security Grant Enhancement
19 Act of 2003—

20 “(A) compile a list of homeland security
21 assistance programs and their reporting re-
22 quirements, including—

23 “(i) those administered by the Office
24 for Domestic Preparedness, such as—

25 “(I) the State Homeland Security
26 Grant Program;

1 “(II) high threat urban area
2 grants;

3 “(III) critical infrastructure secu-
4 rity grants;

5 “(IV) research and development
6 grant programs;

7 “(V) training and technical as-
8 sistance grants; and

9 “(VI) other discretionary or and
10 assistance grant programs;

11 “(ii) Federal Emergency Management
12 Agency assistance programs, such as—

13 “(I) the Assistance to Fire-
14 fighters Grant Program;

15 “(II) Citizen Corps;

16 “(III) grants for emergency oper-
17 ations centers;

18 “(IV) interoperable communica-
19 tions grants;

20 “(V) Urban Search and Rescue
21 task forces; and

22 “(VI) other Federal Emergency
23 Management Agency assistance pro-
24 grams, except those grants intended
25 to reimburse States, localities, and

1 other applicants for costs resulting
2 from disasters or emergencies de-
3 clared under to the Disaster Relief
4 Act of 1974 (42 U.S.C. 5121 et seq.);
5 “(iii) Transportation Security Admin-
6 istration assistance programs, such as port
7 security grants;
8 “(iv) Department of Justice assist-
9 ance programs, such as—
10 “(I) the Local Law Enforcement
11 Block Grant;
12 “(II) the Byrne Memorial For-
13 mula Grant Program; and
14 “(III) the Community Oriented
15 Policing Services program;
16 “(v) Department of Health and
17 Human Services assistance programs, such
18 as—
19 “(I) the Public Health Bioter-
20 rorism Preparedness program, admin-
21 istered by the Centers for Disease
22 Control and Prevention; and
23 “(II) the Hospital Bioterrorism
24 Program, administered by the Health

1 Resources and Services Administra-
2 tion;

3 “(vi) related Federal assistance pro-
4 grams, such as—

5 “(I) the Hazardous Materials
6 Emergency Preparedness Program of
7 the Department of Transportation;
8 and

9 “(II) the water security assist-
10 ance programs administered by the
11 Environmental Protection Agency;
12 and

13 “(vii) any related grant or assistance
14 program, as determined by the Interagency
15 Committee; and

16 “(B) identify all homeland security plan-
17 ning requirements contained in homeland secu-
18 rity emergency preparedness, and public safety
19 programs administered by Federal agencies,
20 including—

21 “(i) terrorism preparedness plans,
22 such as those required by the Office for
23 Domestic Preparedness and other entities
24 within the Department;

1 “(ii) all hazards emergency prepared-
2 ness plans, such as those required in the
3 Emergency Management Performance
4 Grants administered by the Federal Emer-
5 gency Management Agency;

6 “(iii) bioterrorism response plans,
7 such as those required in bioterrorism pre-
8 paredness programs administered by the
9 Department of Health and Human Serv-
10 ices;

11 “(iv) hazardous materials response
12 plans, such as those required by the Envi-
13 ronmental Protection Agency and the De-
14 partment of Transportation;

15 “(v) critical infrastructure security
16 plans, such as those required by—

17 “(I) the Transportation Security
18 Administration;

19 “(II) the Environmental Protec-
20 tion Agency;

21 “(III) the Department of Trans-
22 portation; and

23 “(IV) the Nuclear Regulatory
24 Commission;

1 “(vi) law enforcement and public safe-
2 ty plans administered by the Department
3 of Justice, such as those required by—

4 “(I) the Local Law Enforcement
5 Block Grant;

6 “(II) the Byrne Memorial For-
7 mula Grant Program; and

8 “(III) the Community Oriented
9 Policing Services program; and

10 “(vii) any other planning requirement
11 identified by the Interagency Committee;

12 “(5) not later than 120 days after the effective
13 date of the Homeland Security Grant Enhancement
14 Act of 2003, review—

15 “(A) all application, reporting, and other
16 administrative requirements contained in grant
17 programs under paragraph (4)(A) and report
18 all redundant and duplicative requirements to
19 the appropriate committees of Congress and the
20 agencies represented in the Interagency Com-
21 mittee; and

22 “(B) all homeland security planning and
23 other administrative requirements under para-
24 graph (4)(B) and report all redundant and du-
25 plicative requirements to the appropriate com-

1 mittees of Congress and the agencies rep-
2 resented in the Interagency committee;

3 “(6) not later than 150 days after the effective
4 date of the Homeland Security Grant Enhancement
5 Act of 2003, provide recommendations to—

6 “(A) the agencies with the requirements
7 identified under paragraph (4)(A) to streamline
8 and standardize application, reporting, and ad-
9 ministrative requirements to eliminate duplica-
10 tion and promote coordination of homeland se-
11 curity planning grants; and

12 “(B) the agencies involved with the grant
13 programs under paragraph (4)(B) to streamline
14 and standardize planning requirements to elimi-
15 nate duplication and promote coordination; and

16 “(7) not later than 250 days after the effective
17 date of the Homeland Security Grant Enhancement
18 Act of 2003, issue a report to Congress regarding its
19 actions under this subsection.

20 “(b) MEMBERSHIP.—The Interagency Committee
21 shall be composed of a representative of—

22 “(1) the Department of Homeland Security;

23 “(2) the Department of Health and Human
24 Services;

25 “(3) the Department of Transportation;

1 “(4) the Department of Justice;

2 “(5) the Environmental Protection Agency; and

3 “(6) any other department or agency deter-
4 mined to be necessary by the President.

5 “(c) ADMINISTRATION.—The Department shall pro-
6 vide administrative support to the Interagency Committee,
7 which shall include—

8 “(1) scheduling meetings;

9 “(2) preparing agenda;

10 “(3) maintaining minutes and records; and

11 “(4) producing reports.

12 “(d) CHAIRPERSON.—The Secretary shall designate
13 a chairperson of the Interagency Committee.

14 “(e) MEETINGS.—The Interagency Committee shall
15 meet—

16 “(1) at the call of the Secretary; or

17 “(2) not less frequently than once every 1
18 month.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
20 The table of contents for the Homeland Security Act of
21 2002 (6 U.S.C. 101 et seq.) is amended by inserting after
22 the item relating to section 801 the following:

“Sec. 802. Interagency Committee To Coordinate and Streamline Homeland
Security Grant Programs.”.

1 **SEC. 3. STREAMLINING FEDERAL HOMELAND SECURITY**
2 **GRANTS.**

3 (a) DIRECTOR OF STATE AND LOCAL GOVERNMENT
4 COORDINATION.—Section 801 of the Homeland Security
5 Act of 2002 (6 U.S.C. 101 et seq.) is amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—There is established within
10 the Office of the Secretary the Office for State and
11 Local Government Coordination, which shall oversee
12 and coordinate departmental programs for, and rela-
13 tionships with, State and local governments.

14 “(2) DIRECTOR.—The Office established under
15 paragraph (1) shall be headed by the Director of
16 State and Local Government Coordination, who shall
17 be appointed by the President, by and with the ad-
18 vice and consent of the Senate.”;

19 (2) in subsection (b)—

20 (A) in paragraph (3), by striking “and” at
21 the end;

22 (B) in paragraph (4), by striking the pe-
23 riod and inserting “; and”; and

24 (C) by adding at the end the following:

25 “(5) administering the firefighter assistance
26 grant program established under section 33 of the

1 Federal Fire Prevention and Control Act of 1974
2 (15 U.S.C. 2229) by—

3 “(A) coordinating grant making activities
4 with—

5 “(i) emergency preparedness and re-
6 sponse personnel;

7 “(ii) grants made under section 4 of
8 the Homeland Security Grant Enhance-
9 ment Act of 2003; and

10 “(iii) grants made under other Fed-
11 eral programs to enhance emergency pre-
12 paredness.

13 “(B) awarding grants on a competitive
14 basis directly to fire departments of a State, in
15 consultation with the chief executive of the
16 State, for the purpose of protecting the health
17 and safety of the public and firefighting per-
18 sonnel against fire and fire-related hazards; and

19 “(C) complying with the administrative re-
20 quirements set forth in section 33 of the Fed-
21 eral Fire Prevention and Control Act of 1974
22 (15 U.S.C. 2229) and retaining the administra-
23 tive requirements set forth under part 152 of
24 title 44, Code of Federal Regulations; and

1 “(D) ensuring that all equipment pur-
2 chased with grant funds for which there are vol-
3 untary consensus standards meet such stand-
4 ards.”; and

5 (3) by adding at the end the following:

6 “(c) REFERENCE.—All references to “Director” in
7 section 33 of the Federal Fire Prevention and Control Act
8 of 1974 (15 U.S.C. 2229) shall be deemed to refer to the
9 Director for State and Local Government Coordination.”.

10 (b) OFFICE FOR DOMESTIC PREPAREDNESS.—The
11 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)
12 is amended—

13 (1) by redesignating section 430 as section 803
14 and transferring that section to the end of subtitle
15 A of title VIII, as amended by section 2;

16 (2) in section 803, as redesignated by para-
17 graph (1)—

18 (A) in subsection (a), by striking “the Di-
19 rectorate of Border and Transportation Secu-
20 rity” and inserting “the Office for State and
21 Local Government Coordination”;

22 (B) in subsection (b), by striking “who
23 shall be appointed by the President” and all
24 that follows and inserting “who shall report di-

1 rectly to the Director of State and Local Gov-
2 ernment Coordination.”; and

3 (C) in subsection (c)—

4 (i) in paragraph (7)—

5 (I) by striking “other” and in-
6 serting “the”;

7 (II) by striking “consistent with
8 the mission and functions of the Di-
9 rectorate”; and

10 (III) by striking “and” at the
11 end; and

12 (ii) in paragraph (8)—

13 (I) by inserting “carrying out”
14 before “those elements”;

15 (II) by striking the period at the
16 end and inserting “; and” ; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(9) managing the Homeland Security Informa-
20 tion Clearinghouse established under section
21 801(c).”.

22 (c) TECHNICAL AND CONFORMING AMENDMENT.—

23 The table of contents for the Homeland Security Act of
24 2002 (6 U.S.C. 101 et seq.) is amended—

1 (A) by striking the item relating to section
2 430; and

3 (B) by inserting after the item relating to
4 section 802, as added by this Act, the following:

“Sec. 803. Office for Domestic Preparedness.”.

5 (d) ESTABLISHMENT OF HOMELAND SECURITY IN-
6 FORMATION CLEARINGHOUSE.—Section 801 of the Home-
7 land Security Act of 2002 (6 U.S.C. 101 et seq.) is amend-
8 ed by adding at the end the following:

9 “(c) HOMELAND SECURITY INFORMATION CLEAR-
10 INGHOUSE.—

11 “(1) ESTABLISHMENT.—There is established
12 within the Office for State and Local Government
13 Coordination a Homeland Security Information
14 Clearinghouse (referred to in this section as the
15 ‘Clearinghouse’), which shall assist States, local gov-
16 ernments, and first responders in accordance with
17 paragraphs (2) through (5).

18 “(2) HOMELAND SECURITY GRANT INFORMA-
19 TION.—The Clearinghouse shall create and maintain
20 a web site, a toll-free number, and a single publica-
21 tion containing information regarding the homeland
22 security grant programs identified under section
23 802(a)(4)(A).

1 “(3) TECHNICAL ASSISTANCE.—The Clearing-
2 house, in consultation with the Interagency Com-
3 mittee established under section 802, shall—

4 “(A) coordinate technical assistance pro-
5 vided by any Federal agency to States and local
6 governments to conduct threat analyses and
7 vulnerability assessments; and

8 “(B) establish templates for conducting
9 threat analyses and vulnerability assessments.

10 “(4) BEST PRACTICES.—The Clearinghouse
11 shall work with States, local governments, emer-
12 gency response providers and the National Domestic
13 Preparedness Consortium, and private organizations
14 to gather, validate, and disseminate information re-
15 garding successful State and local homeland security
16 programs and practices.

17 “(5) USE OF FEDERAL FUNDS.—The Clearing-
18 house shall compile information regarding equip-
19 ment, training, and other services purchased with
20 Federal funds provided under the homeland security
21 grant programs identified under section
22 802(a)(4)(A), and make such information, and infor-
23 mation regarding voluntary standards of training,
24 equipment, and exercises, available to States, local
25 governments, and first responders.

1 “(6) OTHER INFORMATION.—The Clearing-
2 house shall provide States, local governments, and
3 first responders with any other information that the
4 Secretary determines necessary.”.

5 **SEC. 4. HOMELAND SECURITY GRANT PROGRAM.**

6 (a) DEFINITION.—In this section, the term “State”
7 has the meaning given that term in section 2 of the Home-
8 land Security Act of 2002 (6 U.S.C. 101 et seq.).

9 (b) GRANTS AUTHORIZED.—The Secretary of Home-
10 land Security (in this section referred to as the “Sec-
11 retary”) may award grants to States to enhance homeland
12 security.

13 (c) USE OF FUNDS.—

14 (1) IN GENERAL.—Grants awarded under sub-
15 section (b)—

16 (A) shall be used to address homeland se-
17 curity matters related to acts of terrorism or
18 major disasters and related capacity building;
19 and

20 (B) shall not be used to supplant ongoing
21 first responder expenses or general protective
22 measures.

23 (2) ALLOWABLE USES.—Grants awarded under
24 subsection (b) may be used to—

1 (A) develop State plans or risk assess-
2 ments (including the development of the home-
3 land security plan) to respond to terrorist at-
4 tacks and strengthen all hazards emergency
5 planning in coordination with the requirements
6 under section 201 of the Disaster Relief Act of
7 1974 (42 U.S.C 5131), and community-wide
8 plans for responding to terrorist or all hazards
9 emergency events that are coordinated with the
10 capacities of applicable Federal, State, and local
11 governments, first responders, and State and
12 local government health agencies;

13 (B) build and sustain comprehensive all-
14 hazards emergency management capacity, such
15 as planning, training, exercises, personnel, oper-
16 ational activities, equipment, early warning,
17 public information and education, mutual aid,
18 and other preparedness, response, and recovery
19 activities;

20 (C) develop State, regional, or local mutual
21 aid agreements;

22 (D) purchase or upgrade equipment based
23 on State and local needs as identified under a
24 State homeland security plan;

1 (E) conduct exercises to strengthen emer-
2 gency preparedness of State and local first re-
3 sponders including law enforcement, fire fight-
4 ing personnel, and emergency medical service
5 workers, and other emergency responders iden-
6 tified in a State homeland security plan;

7 (F) pay for overtime expenses relating to
8 training activities consistent with the goals out-
9 lined in a State homeland security plan; and

10 (G) promote training regarding homeland
11 security preparedness including—

12 (i) emergency preparedness responses
13 to a use or threatened use of a weapon of
14 mass destruction; and

15 (ii) training in the use of equipment,
16 including detection, monitoring, and decon-
17 tamination equipment, and personal pro-
18 tective gear.

19 (3) PROHIBITED USES.—

20 (A) CONSTRUCTION.—Grants awarded
21 under subsection (b) may not be used to con-
22 struct buildings or other physical facilities, ex-
23 cept those described in section 611 of the Dis-
24 aster Relief Act of 1974 (42 U.S.C. 5196), or
25 to acquire land.

1 (B) COMPENSATION.—Not more than 5
2 percent of grant funds provided under this sec-
3 tion may be expended for the compensation of
4 emergency planning personnel authorized under
5 paragraph (2)(B). The amount of any such
6 grant expended for the compensation of per-
7 sonnel shall not exceed the amount of State or
8 local government funds made available to in-
9 crease such compensation.

10 (C) OVERTIME EXPENSES.—Not more
11 than 5 percent of grant funds provided under
12 this section may be used for overtime expenses
13 for training carried out under paragraph
14 (2)(F).

15 (D) COST SHARING.—Grant funds pro-
16 vided under this section shall not be used for
17 any State or local government cost sharing con-
18 tribution request under this section.

19 (d) APPLICATION.—

20 (1) SUBMISSION.—A State may apply for a
21 grant under this section by submitting to the Sec-
22 retary an application at such time, and in such man-
23 ner, and containing such information the Secretary
24 may reasonably require.

1 (2) REVISIONS.—A State may revise a home-
2 land security plan certified under subsection (e) at
3 the time an application is submitted under para-
4 graph (1) after receiving approval from the Sec-
5 retary.

6 (3) APPROVAL.—The Secretary shall not award
7 a grant under this section unless the application
8 submitted by the State includes a homeland security
9 plan meeting the requirements of subsection (e).

10 (4) RELEASE OF FUNDS.—The Secretary shall
11 release grant funds to States with approved plans
12 after the approval of an application submitted under
13 this subsection.

14 (e) HOMELAND SECURITY PLAN.—

15 (1) IN GENERAL.—An application submitted
16 under subsection (d) shall include a certification that
17 the State has prepared a 3-year State homeland se-
18 curity plan (referred to in this subsection as the
19 “plan”) to respond to terrorist attacks and strength-
20 en all hazards emergency planning that has been ap-
21 proved by the Secretary.

22 (2) CONTENTS.—The plan shall contain meas-
23 urable goals and objectives that—

24 (A) establish a 3-year strategy to set prior-
25 ities for the allocation of funding to political

1 subdivisions based on the risk, capabilities, and
2 needs described under paragraph (3)(C);

3 (B) provide for interoperable communica-
4 tions;

5 (C) provide for local coordination of re-
6 sponse and recovery efforts, including proce-
7 dures for effective incident command in con-
8 formance with the National Incident Manage-
9 ment System;

10 (D) ensure that first responders and other
11 emergency personnel have adequate training
12 and appropriate equipment for the threats that
13 may occur;

14 (E) provide for improved coordination and
15 collaboration among police, fire, and public
16 health authorities at State and local levels;

17 (F) coordinate emergency response and
18 public health plans;

19 (G) mitigate risks to critical infrastructure
20 that may be vulnerable to terrorist attacks;

21 (H) promote regional coordination among
22 contiguous local governments;

23 (I) identify necessary protective measures
24 by private owners of critical infrastructure;

1 (J) promote orderly evacuation procedures
2 when necessary;

3 (K) ensure support from the public health
4 community for measures needed to prevent, de-
5 tect and treat bioterrorism, and radiological and
6 chemical incidents;

7 (L) increase the number of local jurisdic-
8 tions participating in local and statewide exer-
9 cises;

10 (M) meet preparedness goals as deter-
11 mined by the Secretary; and

12 (N) include a report from the relevant ad-
13 visory committee established under paragraph
14 (3)(D) that documents the areas of support,
15 disagreement, or recommended changes to the
16 plan before its submission to the Secretary.

17 (3) DEVELOPMENT PROCESS.—

18 (A) IN GENERAL.—In preparing the plan
19 under this section, a State shall—

20 (i) provide for the consideration of all
21 homeland security needs;

22 (ii) follow a process that is continuing,
23 inclusive, cooperative, and comprehensive,
24 as appropriate; and

1 (iii) coordinate the development of the
2 plan with the homeland security planning
3 activities of local governments.

4 (B) COORDINATION WITH LOCAL PLAN-
5 NING ACTIVITIES.—The coordination under sub-
6 paragraph (A)(iii) shall allow input from local
7 stakeholders, including—

8 (i) local officials;

9 (ii) first responders and emergency re-
10 sponse providers; and

11 (iii) private sector companies, such as
12 railroads and chemical manufacturers.

13 (C) SCOPE OF PLANNING.—Each State
14 preparing a plan under this section shall, in
15 conjunction with the local stakeholders under
16 subparagraph (B), address all the information
17 requested by the Secretary, and complete a
18 comprehensive assessment of—

19 (i) risk, including a—

20 (I) vulnerability assessment;

21 (II) threat assessment; and

22 (III) public health assessment, in
23 coordination with the State bioter-
24 rorism plan; and

25 (ii) capabilities and needs, including—

1 (I) an evaluation of current pre-
2 paredness, mitigation, and response
3 capabilities based on such assessment
4 mechanisms as shall be determined by
5 the Secretary;

6 (II) an evaluation of capabilities
7 needed to address the risks described
8 under clause (i); and

9 (III) an assessment of the short-
10 fall between the capabilities described
11 under subclause (I) and the required
12 capabilities described under subclause
13 (II).

14 (D) ADVISORY COMMITTEE.—

15 (i) IN GENERAL.—Each State pre-
16 paring a plan under this section shall es-
17 tablish an advisory committee to receive
18 comments from the public and the local
19 stakeholders identified under subparagraph
20 (B).

21 (ii) COMPOSITION.—The Advisory
22 Committee shall include local officials, local
23 first responders, and emergency response
24 providers that are representative of the

1 counties, cities, and towns within the
2 State.

3 (4) PLAN APPROVAL.—The Secretary shall ap-
4 prove a plan upon finding that the plan meets the
5 requirements of—

6 (A) paragraphs (2) and (3);

7 (B) the interim performance measurements
8 under subsection (h)(1), or the national per-
9 formance standards under subsection (h)(2);
10 and

11 (C) any other criteria the Secretary deter-
12 mines necessary to the approval of a State plan.

13 (5) REVIEW OF ADVISORY COMMITTEE RE-
14 PORT.—The Secretary shall review the recommenda-
15 tions of the advisory committee report incorporated
16 into a plan under subsection (e)(2)(N) to ensure co-
17 operation and coordination between local and State
18 jurisdictions in planning the use of grant funds
19 under this section.

20 (f) DISCRETIONARY GRANT PROGRAM.—

21 (1) IN GENERAL.—The Secretary shall use 10
22 percent of the funds appropriated under this section
23 to make discretionary grants to local governments
24 that the Secretary considers to be high threat areas
25 based upon the criteria under paragraph (2).

1 (2) HIGH THREAT AREA CRITERIA.—The Sec-
2 retary shall ensure that an award of a grant under
3 this subsection is based upon the consideration of
4 the local government's—

5 (A) population and population density;

6 (B) location, risk, or vulnerability of crit-
7 ical infrastructure or key national assets; and

8 (C) any other factors determined by the
9 Secretary.

10 (3) CONSISTENCY.—Any grant awarded under
11 this subsection shall be used to supplement and sup-
12 port, in a consistent and coordinated manner with,
13 those activities and objectives described under sub-
14 section (b) or a State homeland security plan.

15 (4) COORDINATION.—The Secretary shall en-
16 sure that any grants made under this subsection en-
17 courage multiple contiguous units of local govern-
18 ment and mutual aid partners to coordinate any
19 homeland security activities.

20 (g) FUNDING—

21 (1) IN GENERAL.—The Secretary shall make
22 awards of grant funds in accordance with para-
23 graphs (2) through (7).

24 (2) MAINTAINING A BASELINE LEVEL OF SECUR-
25 ITY.—Each State whose application is approved

1 under subsection (e), including the District of Co-
2 lumbia and the Commonwealth of Puerto Rico shall
3 receive .75 percent of the total amount appropriated
4 in any fiscal year. The United States Territories (in-
5 cluding American Samoa, the Commonwealth of
6 Northern Mariana Islands, Guam, and the United
7 States Virgin Islands) shall receive .25 percent of
8 the total amount appropriated in any fiscal year.

9 (3) ASSESSMENT.—The Secretary shall dis-
10 tribute any remaining available grant funds, after
11 distribution of funds for grants under subsections
12 (d) and (f), based on—

13 (A) population and population density.

14 (B) threat, risk, and vulnerability of crit-
15 ical infrastructure or key national assets identi-
16 fied in the State homeland security plan; and

17 (C) any other factors identified by the Sec-
18 retary.

19 (4) FUNDING FOR LOCAL ENTITIES AND FIRST
20 RESPONDERS.—The Secretary shall require grant re-
21 cipients to provide local governments, first respond-
22 ers, and other local groups, consistent with the ap-
23 plicable State homeland security plan, with not less
24 than 80 percent of the grant funds, the resources
25 purchased with such grant funds, or a combination

1 thereof, not later than 60 days after receiving grant
2 funds under this section.

3 (5) STATE AND LOCAL MATCH.—

4 (A) IN GENERAL.—The Secretary shall re-
5 quire a recipient of a grant under this section
6 to make available non-Federal contributions in
7 an amount equal to 25 percent of the Federal
8 funds provided under the grant.

9 (B) EFFECTIVE DATE.—The matching re-
10 quirement under subparagraph (A) shall take
11 effect 2 years after the date of enactment of
12 this Act.

13 (6) REPORT ON HOMELAND SECURITY SPEND-
14 ING.—Each recipient of a grant under this section
15 shall annually submit a report to the Secretary that
16 contains—

17 (A) an accounting of the amount of State
18 and local funds spent on homeland security ac-
19 tivities under the applicable State homeland se-
20 curity plan; and

21 (B) information regarding the use of grant
22 funds by units of local government as required
23 by the Secretary.

24 (7) SUPPLEMENT NOT SUPPLANT.—Amounts
25 appropriated for grants under this section shall be

1 used to supplement and not supplant other State
2 and local public funds obligated for the purposes
3 provided under this Act.

4 (h) ACCOUNTABILITY.—

5 (1) INTERIM PERFORMANCE MEASURES.—

6 (A) IN GENERAL.—Before establishing per-
7 formance standards under paragraph (2), the
8 Secretary shall assist each State in establishing
9 interim performance measures based upon—

10 (i) the goals and objectives under sub-
11 section (e)(2); and

12 (ii) any other factors determined by
13 the Secretary.

14 (B) ANNUAL REPORT.—Before estab-
15 lishing performance measures under paragraph
16 (2), each State with an approved State plan
17 shall submit to the Secretary a report detailing
18 the progress the State has made in meeting the
19 interim performance measures established
20 under subparagraph (A).

21 (2) NATIONAL PERFORMANCE STANDARDS.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this Act, the Sec-
24 retary shall set national performance standards
25 based in part on the goals and objectives under

1 subsection (e)(2) and any other factors the Sec-
2 retary determines relevant.

3 (B) COMPLIANCE.—The Secretary shall
4 ensure that State plans are in conformance
5 with the standards set under subparagraph (A).

6 (C) ANNUAL REPORT.—After the establish-
7 ment of performance standards under subpara-
8 graph (A), each State with an approved State
9 homeland security plan shall submit to the Sec-
10 retary a report on the progress the State has
11 made in meeting such standards.

12 (3) GENERAL ACCOUNTING OFFICE ACCESS TO
13 INFORMATION.—Each recipient of a grant under this
14 section and the Department of Homeland Security
15 shall provide the General Accounting Office with full
16 access to information regarding the activities carried
17 out under this section.

18 (4) AUDIT.—Grant recipients that expend
19 \$300,000 or more in Federal funds during any fiscal
20 year shall submit to the Secretary an organization
21 wide financial and compliance audit report in con-
22 formance with the requirements of chapter 75 of
23 title 31, United States Code.

24 (i) REMEDIES FOR NON-COMPLIANCE.—

1 (1) IN GENERAL.—If the Secretary finds, after
2 reasonable notice and an opportunity for a hearing,
3 that a recipient of a grant under this section has
4 failed to substantially comply with any provision of
5 this section, the Secretary shall—

6 (A) terminate any payment of grant funds
7 to be made to the recipient under this section;

8 (B) reduce the amount of payment of
9 grant funds to the recipient by an amount equal
10 to the amount of grants funds that were not ex-
11 pended by the recipient in accordance with this
12 section; or

13 (C) limit the use of grant funds received
14 under this section to programs, projects, or ac-
15 tivities not affected by the failure to comply.

16 (2) DURATION OF PENALTY.—The Secretary
17 shall apply an appropriate penalty under paragraph
18 (1) until such time as the Secretary determines that
19 the grant recipient is in full compliance with this
20 section.

21 (j) REPORTS TO CONGRESS.—The Secretary shall
22 submit an annual report to Congress that provides—

23 (1) findings relating to the performance stand-
24 ards established under subsection (h);

1 among the 4 categories of equipment, training, exercises,
2 and planning.

3 (b) APPROVAL OF REALLOCATION REQUESTS.—The
4 Director shall approve reallocation requests under sub-
5 section (a) in accordance with the State plan and any
6 other relevant factors that the Secretary of Homeland Se-
7 curity determines to be necessary.

8 (c) LIMITATION.—A waiver under this section shall
9 not affect the obligation of a State to pass through 80
10 percent of the amount appropriated for equipment to units
11 of local government.