

117TH CONGRESS
1ST SESSION

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.

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

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”.

1 **SEC. 2. PRESERVATION OF HOMELAND SECURITY CAPA-**
2 **BILITIES.**

3 (a) PLAN.—

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

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

12 (A) such eligibility for such Federal assist-
13 ance; or

14 (B) such receipt of such grant funding.

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

19 (1) did not receive grant funding under the
20 Urban Area Security Initiative under section 2003
21 of the Homeland Security Act of 2002 in the current
22 fiscal year concerning homeland security capabilities
23 related to preventing, preparing for, protecting
24 against, and responding to acts of terrorism that
25 had been developed or otherwise supported through

1 funding under such Initiative that are at risk of
2 being reduced or eliminated without such Federal
3 assistance;

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

8 (3) any other urban areas the Secretary deter-
9 mines appropriate.

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

18 (d) CONTENTS.—The plan required under subsection
19 (a) shall—

20 (1) establish eligibility criteria for urban areas
21 to receive Federal assistance pursuant to such plan
22 to provide assistance for the purpose described in
23 such subsection;

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

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

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

12 (B) the establishment of a competitive
13 grant program;

14 (C) the establishment of a formula grant
15 program; and

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

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