

**(3) Construction****(A) In general**

A grant awarded under section 604 or 605 of this title may not be used to acquire land or to construct buildings or other physical facilities.

**(B) Exceptions****(i) In general**

Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 604 or 605 of this title to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

**(ii) Requirements for exception**

No grant awarded under section 604 or 605 of this title may be used for a purpose described in clause (i) unless—

(I) specifically approved by the Administrator;

(II) any construction work occurs under terms and conditions consistent with the requirements under section 5196(j)(9) of title 42; and

(III) the amount allocated for purposes under clause (i) does not exceed the greater of \$1,000,000 or 15 percent of the grant award.

**(4) Recreation**

Grants awarded under this part may not be used for recreational or social purposes.

**(c) Multiple-purpose funds**

Nothing in this part shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 604 and 605 of this title in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

**(d) Reimbursement of costs****(1) Paid-on-call or volunteer reimbursement**

In addition to the activities described in subsection (a), a grant under section 604 or 605 of this title may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this part. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

**(2) Performance of Federal duty**

An applicant for a grant under section 604 or 605 of this title may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or respond-

ing to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

**(e) Flexibility in unspent homeland security grant funds**

Upon request by the recipient of a grant under section 604 or 605 of this title, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

**(f) Equipment standards**

If an applicant for a grant under section 604 or 605 of this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 747 of this title, the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

(Pub. L. 107-296, title XX, §2008, as added Pub. L. 110-53, title I, §101, Aug. 3, 2007, 121 Stat. 283.)

## REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (d)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

## PART B—GRANTS ADMINISTRATION

**§ 611. Administration and coordination****(a) Regional coordination**

The Administrator shall ensure that—

(1) all recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) coordinate, as appropriate, their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments; and

(2) all high-risk urban areas and other recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) that include or substantially affect parts or all of more than 1 State coordinate, as appropriate, across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans.

**(b) Planning committees****(1) In general**

Any State or high-risk urban area receiving a grant under section 604 or 605 of this title shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities for grants under sections 604 and 605 of this title.

**(2) Composition****(A) In general**

The planning committee shall include representatives of significant stakeholders, including—

- (i) local and tribal government officials; and
- (ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

**(B) Geographic representation**

The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

**(3) Existing planning committees**

Nothing in this subsection may be construed to require that any State or high-risk urban area create a planning committee if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

**(c) Interagency coordination****(1) In general**

Not later than 12 months after August 3, 2007, the Secretary (acting through the Administrator), the Attorney General, the Secretary of Health and Human Services, and the heads of other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, shall jointly—

(A) compile a comprehensive list of Federal grant programs for State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters;

(B) compile the planning, reporting, application, and other requirements and guidance for the grant programs described in subparagraph (A);

(C) develop recommendations, as appropriate, to—

- (i) eliminate redundant and duplicative requirements for State, local, and tribal governments, including onerous application and ongoing reporting requirements;
- (ii) ensure accountability of the programs to the intended purposes of such programs;

(iii) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients;

(iv) make the programs more accessible and user friendly to applicants; and

(v) ensure the programs are coordinated to enhance the overall preparedness of the Nation;

(D) submit the information and recommendations under subparagraphs (A), (B), and (C) to the appropriate committees of Congress; and

(E) provide the appropriate committees of Congress, the Comptroller General, and any officer or employee of the Government Accountability Office with full access to any information collected or reviewed in preparing the submission under subparagraph (D).

**(2) Scope of task**

Nothing in this subsection shall authorize the elimination, or the alteration of the purposes, as delineated by statute, regulation, or guidance, of any grant program that exists on August 3, 2007, nor authorize the review or preparation of proposals on the elimination, or the alteration of such purposes, of any such grant program.

**(d) Sense of Congress**

It is the sense of Congress that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, and respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants;

(2) there should be a continuing and appropriate balance between funding for terrorism-focused and all-hazards preparedness, as reflected in the authorizations of appropriations for grants under the amendments made by titles I and II, as applicable, of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

(3) with respect to terrorism-focused grants, it is necessary to ensure both that the target capabilities of the highest risk areas are achieved quickly and that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

(Pub. L. 107-296, title XX, § 2021, as added Pub. L. 110-53, title I, § 101, Aug. 3, 2007, 121 Stat. 285.)

## REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143. Section 203 of the Act is classified to section 5133 of Title 42, The Public Health and Welfare. Titles IV and V of the Act are classified generally to subchapters IV (§5170 et seq.) and IV-A (§5191 et seq.), respectively, of chapter 68 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

The Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (d)(2), is Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 266. Title I of the Act enacted this subchapter and amended sections 318, 321a, 594, 596, and 752 of this title. Title II of the Act amended

section 762 of this title and section 5196c of Title 42, The Public Health and Welfare. For complete classification of titles I and II to the Code, see Tables.

## § 612. Accountability

### (a) Audits of grant programs

#### (1) Compliance requirements

##### (A) Audit requirement

Each recipient of a grant administered by the Department that expends not less than \$500,000 in Federal funds during its fiscal year shall submit to the Administrator a copy of the organization-wide financial and compliance audit report required under chapter 75 of title 31.

##### (B) Access to information

The Department and each recipient of a grant administered by the Department shall provide the Comptroller General and any officer or employee of the Government Accountability Office with full access to information regarding the activities carried out related to any grant administered by the Department.

##### (C) Improper payments

Consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), for each of the grant programs under sections 604 and 605 of this title and section 762 of this title, the Administrator shall specify policies and procedures for—

- (i) identifying activities funded under any such grant program that are susceptible to significant improper payments; and
- (ii) reporting any improper payments to the Department.

#### (2) Agency program review

##### (A) In general

Not less than once every 2 years, the Administrator shall conduct, for each State and high-risk urban area receiving a grant administered by the Department, a programmatic and financial review of all grants awarded by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).

##### (B) Contents

Each review under subparagraph (A) shall, at a minimum, examine—

- (i) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans or other applicable plans; and
- (ii) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism, and other man-made disasters.

##### (C) Authorization of appropriations

In addition to any other amounts authorized to be appropriated to the Adminis-

trator, there are authorized to be appropriated to the Administrator for reviews under this paragraph—

- (i) \$8,000,000 for each of fiscal years 2008, 2009, and 2010; and
- (ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.

#### (3) Office of Inspector General performance audits

##### (A) In general

In order to ensure the effective and appropriate use of grants administered by the Department, the Inspector General of the Department each year shall conduct audits of a sample of States and high-risk urban areas that receive grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).

##### (B) Determining samples

The sample selected for audits under subparagraph (A) shall be—

- (i) of an appropriate size to—
  - (I) assess the overall integrity of the grant programs described in subparagraph (A); and
  - (II) act as a deterrent to financial mismanagement; and
- (ii) selected based on—
  - (I) the size of the grants awarded to the recipient;
  - (II) the past grant management performance of the recipient;
  - (III) concerns identified by the Administrator, including referrals from the Administrator; and
  - (IV) such other factors as determined by the Inspector General of the Department.

##### (C) Comprehensive auditing

During the 7-year period beginning on August 3, 2007, the Inspector General of the Department shall conduct not fewer than 1 audit of each State that receives funds under a grant under section 604 or 605 of this title.

#### (D) Report by the Inspector General

##### (i) In general

The Inspector General of the Department shall submit to the appropriate committees of Congress an annual consolidated report regarding the audits completed during the fiscal year before the date of that report.

##### (ii) Contents

Each report submitted under clause (i) shall describe, for the fiscal year before the date of that report—

- (I) the audits conducted under subparagraph (A);
- (II) the findings of the Inspector General with respect to the audits conducted under subparagraph (A);