

108TH CONGRESS  
2D SESSION

# **S. 2635**

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## **AN ACT**

To establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds the following:

3 (1) The development and implementation of  
4 technology is a crucial component of combating ter-  
5 rorism and implementing homeland security strate-  
6 gies.

7 (2) The Government of Israel and companies in  
8 Israel have extensive experience with matters per-  
9 taining to homeland security generally, and  
10 antiterrorism specifically, including expertise in the  
11 fields of border integrity, transportation security,  
12 first responder equipment, and civil defense plan-  
13 ning.

14 (3) The United States and Israel have an ex-  
15 tensive history of working cooperatively and success-  
16 fully to assist with the development of agricultural,  
17 defense, telecommunications, and other technologies  
18 that are mutually beneficial to each country, as ex-  
19 emplified by the success of the Binational Industrial  
20 Research and Development Foundation (referred to  
21 in this section as the “BIRD Foundation”).

22 (4) Initiated in 1977 as a grant program, fund-  
23 ed equally by the Governments of the United States  
24 and Israel in support of joint ventures between busi-  
25 nesses in the United States and in Israel, the BIRD  
26 Foundation has invested \$180,000,000 in 600

1 projects over the past 27 years and has realized  
2 \$7,000,000,000 in sales and the development of a  
3 number of important technologies.

4 (5) The establishment of a similar binational  
5 program, or the expansion of the BIRD Foundation,  
6 to support the development of technologies and serv-  
7 ices applicable to homeland security would be bene-  
8 ficial to the security of the United States and Israel  
9 and would strengthen the economic ties between the  
10 two countries.

11 **SEC. 2. UNITED STATES-ISRAEL HOMELAND SECURITY**  
12 **GRANT PROGRAM.**

13 (a) ESTABLISHMENT.—There is established a pro-  
14 gram between the United States and Israel to identify, de-  
15 velop, or modify existing or near term homeland security  
16 information, equipment, capabilities, technologies, and  
17 services to further the homeland security of the United  
18 States and to address the homeland security needs of Fed-  
19 eral, State, and local governments.

20 (b) HOMELAND SECURITY NEEDS ASSESSMENT.—In  
21 carrying out the program established under subsection (a),  
22 the Secretary of Homeland Security shall—

23 (1) conduct a needs assessment of Federal,  
24 State, and local governments and first responders to  
25 identify—

1 (A) the homeland security needs of Fed-  
2 eral, State, and local governments and first re-  
3 sponders; and

4 (B) areas where specific homeland security  
5 information, equipment, capabilities, tech-  
6 nologies, and services could address those  
7 needs;

8 (2) survey near term and existing homeland se-  
9 curity information, equipment, capabilities, tech-  
10 nologies, and services developed within the United  
11 States and Israel; and

12 (3) provide grants, directly or through a non-  
13 profit, nongovernmental organization, to eligible ap-  
14 plicants to develop, manufacture, sell, or otherwise  
15 provide homeland security information, equipment,  
16 capabilities, technologies, and services to address the  
17 needs identified under paragraph (1).

18 (c) ELIGIBLE APPLICANTS.—An applicant is eligible  
19 to receive a grant under this section if the applicant—

20 (1) addresses one or more needs of Federal,  
21 State, and local governments and first responders,  
22 as identified through the assessment conducted  
23 under subsection (b)(1) or homeland security needs  
24 otherwise identified by the Department of Homeland  
25 Security;

1 (2) is a joint venture between—

2 (A) a for profit business entity, academic  
3 institution, Department of Energy national lab-  
4 oratory, or non-profit entity in the United  
5 States and a for profit business entity, aca-  
6 demic institution, or non-profit entity in Israel;  
7 or

8 (B) the government of the United States  
9 and the government of Israel; and

10 (3) meets any other qualifications that the Sec-  
11 retary may reasonably require.

12 (d) APPLICATION.—Each eligible applicant seeking a  
13 grant under this section shall submit to the Secretary of  
14 Homeland Security, or the head of a nonprofit, nongovern-  
15 mental organization authorized by the Secretary to award  
16 such grants, an application that contains—

17 (1) the identification of the joint venture apply-  
18 ing for the grant and the identity of each entity par-  
19 ticipating in the joint venture;

20 (2) a description of the product or service with  
21 applications related to homeland security that the  
22 applicant is developing, manufacturing, or selling;

23 (3) the development, manufacturing, sales, or  
24 other activities related to such product or service

1 that the applicant is seeking to carry out with grant  
2 funds;

3 (4) a detailed capital budget for such product  
4 or service, including the manner in which the grant  
5 funds will be allocated and expended; and

6 (5) such other information as the Secretary of  
7 Homeland Security may reasonably require.

8 (e) ADVISORY BOARD.—

9 (1) ESTABLISHMENT.—If the Secretary of  
10 Homeland Security makes funds available to a non-  
11 profit, nongovernmental organization to award  
12 grants to eligible applicants, the Secretary shall es-  
13 tablish an advisory board to monitor how such  
14 grants are awarded.

15 (2) MEMBERSHIP.—The advisory board shall be  
16 comprised of—

17 (A) an appropriate representative of the  
18 Government of the United States, as designated  
19 by the Secretary of Homeland Security; and

20 (B) an official designated by the Govern-  
21 ment of Israel.

22 (f) ADDITIONAL CONDITION.—

23 (1) IN GENERAL.—The Secretary of Homeland  
24 Security may impose a condition that the Govern-  
25 ment of Israel contribute an amount that the Sec-

1       retary determines to be appropriate toward a project  
2       to be funded by a grant under this section before the  
3       disbursement of proceeds of such grant.

4           (2) LIMITATION.—The Secretary may not pre-  
5       scribe a condition that requires a contribution to-  
6       ward the project from the Government of Israel of  
7       an amount in excess of the amount of the grant  
8       awarded under this section for such project.

9       (g) PRIORITY.—The Secretary of Homeland Security  
10      shall give priority to those applicants who propose to mar-  
11      ket the homeland security information, equipment, tech-  
12      nologies, or services developed or modified with grant  
13      funds to Federal, State, and local governments and first  
14      responders.

15      (h) MATCHING REQUIREMENT.—The Secretary of  
16      Homeland Security may require a recipient of a grant  
17      under this section to make available non-Federal matching  
18      contributions in an amount equal to up to 50 percent of  
19      the total proposed cost of the project for which the grant  
20      was awarded.

21      (i) GRANT REPAYMENT.—The Secretary of Home-  
22      land Security may, as appropriate, require a recipient of  
23      a grant under this section to repay to the Secretary, or  
24      the nonprofit, nongovernmental entity designated by the  
25      Secretary, the amount of the grant, interest at an appro-

1 piate rate, and such charges for administration of the  
2 grant as the Secretary determines appropriate. The Sec-  
3 retary may not require that such repayment be more than  
4 150 percent of the amount of the grant, adjusted for infla-  
5 tion on the basis of the Consumer Price Index.

6 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the Department of  
8 Homeland Security to carry out the grant program estab-  
9 lished under this section—

10 (1) \$25,000,000 for fiscal year 2005; and

11 (2) such sums as may be necessary for fiscal  
12 year 2006.

Passed the Senate November 21 (legislative day, No-  
vember 20), 2004.

Attest:

*Secretary.*

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