

109TH CONGRESS
1ST SESSION

S. 308

To require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. LAUTENBERG (for himself and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities.

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 “Risk-Based Homeland
5 Security Funding Act”.

6 **SEC. 2. FINDINGS.**

7 Congress agrees with the recommendation on page
8 396 of the Final Report of the National Commission on

1 Terrorist Attacks Upon the United States (commonly
2 known as the “9/11 Report”), which includes the fol-
3 lowing:

4 “Homeland security assistance should be based strictly on
5 an assessment of risks and vulnerabilities. . . . [F]ederal
6 homeland security assistance should not remain a program
7 for general revenue sharing. It should supplement state
8 and local resources based on the risks or vulnerabilities
9 that merit additional support. Congress should not use
10 this money as a pork barrel.”.

11 **SEC. 3. RISK-BASED HOMELAND SECURITY GRANT FUND-**
12 **ING.**

13 (a) **CRITERIA FOR AWARDING HOMELAND SECURITY**
14 **GRANTS.**—Except for grants awarded under any of the
15 programs listed under section 4(b), all homeland security
16 grants related to terrorism prevention and terrorism pre-
17 paredness shall be awarded based strictly on an assess-
18 ment of risk, threat, and vulnerabilities, as determined by
19 the Secretary of Homeland Security.

20 (b) **LIMITATION.**—Except for grants awarded under
21 any of the programs listed under section 4(b), none of the
22 funds appropriated for Homeland Security grants may be
23 used for general revenue sharing.

1 (c) CONFORMING AMENDMENT.—Section 1014(c)(3)
2 of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)) is re-
3 pealed.

4 **SEC. 4. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR**
5 **TRADITION FIRST RESPONDER MISSIONS.**

6 (a) SAVINGS PROVISION.—This Act shall not be con-
7 strued to affect any authority to award grants under a
8 Federal grant program listed under subsection (b), which
9 existed on September 10, 2001, to enhance traditional
10 missions of State and local law enforcement, firefighters,
11 ports, emergency medical services, or public health mis-
12 sions.

13 (b) PROGRAMS EXCLUDED.—The programs referred
14 to in subsection (a) are the following:

15 (1) The Firefighter Assistance Program author-
16 ized under section 33 of the Federal Fire Prevention
17 and Control Act of 1974 (15 U.S.C. 2229).

18 (2) The Emergency Management Performance
19 Grant Program and the Urban Search and Rescue
20 Grant Program authorized under—

21 (A) title VI of the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42
23 U.S.C. 5195 et seq.);

24 (B) the Departments of Veterans Affairs
25 and Housing and Urban Development, and

1 Independent Agencies Appropriations Act, 2000
2 (Public Law 106–74; 113 Stat. 1047 et seq.);
3 and

4 (C) the Earthquake Hazards Reduction
5 Act of 1977 (42 U.S.C. 7701 et seq.).

6 (3) The Edward Byrne Memorial State and
7 Local Law Enforcement Assistance Programs au-
8 thorized under part E of title I of the Omnibus
9 Crime Control and Safe Streets Act of 1968 (42
10 U.S.C. 3750 et seq.).

11 (4) The Public Safety and Community Policing
12 (COPS ON THE BEAT) Grant Program authorized
13 under part Q of title I of the Omnibus Crime Con-
14 trol and Safe Streets Act of 1968 (42 U.S.C.
15 3796dd et seq.).

16 (5) Grant programs under the Public Health
17 Service Act (42 U.S.C. 201 et seq.) regarding pre-
18 paredness for bioterrorism and other public health
19 emergencies;

20 (6) The Emergency Response Assistance Pro-
21 gram authorized under section 1412 of the Defense
22 Against Weapons of Mass Destruction Act of 1996
23 (50 U.S.C. 2312).

1 (7) Grant programs under the Robert T. Staf-
2 ford Disaster Relief and Emergency Act (42 U.S.C.
3 5121 et seq.).

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