

REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

Mr. CUELLAR. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Redundancy Elimination and Enhanced Performance for Preparedness Grants Act".

**SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.**

(a) *IN GENERAL.*—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

**"SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.**

"(a) *DEFINITION.*—In this section, the term 'covered grants' means grants awarded under section 2003, grants awarded under section 2004, and any other grants specified by the Administrator.

"(b) *INITIAL REPORT.*—Not later than 90 days after the date of enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

"(1) an assessment of redundant reporting requirements imposed by the Administrator on State, local, and tribal governments in connection with the awarding of grants, including—

"(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

"(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

"(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;

"(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and

"(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded.

"(c) *BIENNIAL REPORTS.*—Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

"(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

"(A) progress made in implementing the plan required under subsection (b)(2);

"(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;

"(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—

"(A) progress made in implementing the plan required under subsection (b)(3);

"(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

"(3) a performance assessment of each program under which the covered grants are awarded, including—

"(A) a description of the objectives and goals of the program;

"(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 2022(a)(4), and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);

"(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and

"(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

"(d) *GRANTS PROGRAM MEASUREMENT STUDY.*—

"(1) *IN GENERAL.*—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

"(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

"(B) the plan required under subsection (b)(3).

"(2) *REPORT.*—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

"(3) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection."

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"Sec. 2023. Identification of reporting redundancies and development of performance metrics."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. I rise in support of the motion to concur in the Senate amendment to H.R. 3980, and I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 3980, the Redundancy Elimination Enhanced Performance for Preparedness Grants Act, because I believe that we need greater accountability for the \$4 billion in grant funding provided annually by the Federal Emergency Management Agency.

I want to thank Chairman THOMPSON and Ranking Member KING of the committee, as well as Congresswoman RICHARDSON and Congressman ROGERS from Alabama, the chairman and the ranking member of the Subcommittee on Emergency Communications, Preparedness, and Response, as well as my good friend, Senator JOE LIEBERMAN, for the support in moving this bill, plus the staff who has worked very hard.

This bill passed unanimously, and I ask that we concur with the Senate amendment to H.R. 3980 that builds upon this legislation by directing FEMA to work with the National Academy of Public Administration to formulate performance measures for the grant programs.

This bill plus the amendment simply calls for greater accountability that we are able to measure and that we are able to see that we have results.

So I ask my colleagues to support this Senate amendment to H.R. 3980 and pass this piece of legislation.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3980 as amended by the Senate. This bill was passed by the House on December 2, 2009, by a vote of 414-0. On September 22, 2010, the bill passed the Senate, with an amendment, by unanimous consent.

H.R. 3980 requires the Federal Emergency Management Agency, FEMA, to identify and eliminate any redundant requirements that place an undue burden on State and local governments to receive grant funds under the State Homeland Security Grant Program, the Urban Area Security Initiative, and other programs as determined by the FEMA administrator. This bill will help address the issue of grant recipients oftentimes having to report similar information under numerous grant programs.

In addition, H.R. 3980 builds on the requirements in the Post-Katrina

Emergency Management Reform Act of 2006 and the 9/11 Act of 2007 by requiring FEMA to develop and implement performance measures for these vital programs and to report to Congress every 2 years on the status of these efforts.

The Post-Katrina Reform Act and the 9/11 Act both required FEMA to develop metrics to identify and close gaps in preparedness. Unfortunately, several years later, FEMA continues to struggle with integrating these requirements to produce meaningful results.

This bill also calls on FEMA to conduct an overall assessment of the State Homeland Security Grant Program, the Urban Area Security Initiatives, and other grants specified by the administrator.

Together, these requirements will help ensure that Congress is kept informed of FEMA's progress in effectively administering these grants and addressing any deficiencies that may exist.

I urge my colleagues to support this bill, and I congratulate my good friend and colleague from Texas for the bill.

I yield back the balance of my time. Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

This Senate amendment is an amendment that just adds accountability to the grant dollars, and I think it is important, just as the gentleman from Georgia. And I certainly want to thank my friend from Georgia, because we understand, just as Mr. ROGERS, also, that we have got to make sure that we provide accountability. We are talking about \$4 billion a year. We just have got to have accountability.

I urge all my colleagues to support this measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of the Senate Amendment to H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

I would like to thank Representative CUELLAR for introducing this legislation and my colleagues on the Committee on Homeland Security for helping to make this a truly bipartisan effort.

For years, FEMA has struggled to establish a system for determining the effectiveness of the billions of dollars it gives to State, local, and tribal governments to help them prepare for natural disasters, acts of terrorism and other man-made disasters.

Such a system is essential to ensure that the taxpayers' money is being used wisely and effectively.

The Senate Amendment to H.R. 3980 would address this problem by requiring the FEMA Administrator to submit a plan to Congress for developing performance measures for its preparedness grants and streamlining the grant process by eliminating duplicative reporting requirements for grant recipients.

In October of 2009, the House Committee on Homeland Security's Subcommittee on Emergency Communications, Preparedness

and Response, then chaired by Mr. CUELLAR of Texas, held an oversight hearing into whether FEMA had a plan in place for performance measures for the approximately \$29 billion in homeland security grants it had provided the nation.

At that hearing, it became evident that FEMA had not yet developed an effective system for measuring the effectiveness of its grants and that in administering them, it unnecessarily burdened State, local, and tribal governments by requiring grant recipients to submit duplicative information.

On November 2, 2009, Mr. CUELLAR translated the Committee's oversight findings into legislation—H.R. 3980.

Under this bill, FEMA is required to work with State, local, tribal and territorial stakeholders to develop a plan to:

Streamline homeland security grant reporting requirements, rules and regulations to eliminate redundant reporting;

Develop a strategy that includes a set timeline to provide much needed performance metrics for grant programs and ensure that the funds are going to the areas where they will be the most beneficial; and

Require an inventory of each homeland security grant program that incorporates the purpose, objectives and performance goals of each program.

The Redundancy Elimination and Enhanced Performance for Preparedness Grants Act would require FEMA to provide the Committee on Homeland Security with the plan required by the bill not later than 90 days after enactment of the bill.

This bill would also require biannual updates to maintain a careful and watchful eye on redundancies in the law that might hamper or confuse grant recipients.

The House unanimously passed H.R. 3980 on Dec. 2, 2009, and the Senate passed an amendment in the nature of a substitute for H.R. 3980 on September 22, 2010.

The Senate improved upon the House-passed bill by requiring FEMA to task the National Academy of Public Administration, NAPA, to study, develop and recommend performance measures for grants the Department of Homeland Security administers.

As you know, Mr. Speaker, NAPA is a congressionally-chartered nonprofit organization that has extensive experience working on performance measurement and they will provide valuable expertise to FEMA.

Mr. Speaker, this bill will ensure that FEMA takes steps to determine the Nation's overall preparedness and how homeland security grants have built the necessary capabilities to prepare for, protect against, and respond to an act of terrorism and other threats.

I urge all my colleagues to support the Senate Amendment to H.R. 3980.

Mr. CUELLAR. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MORAN of Virginia). The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3980.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### REDUCING OVER-CLASSIFICATION ACT

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 553) to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

The Clerk read the title of the bill. The text of the Senate amendment is as follows:

Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Reducing Over-Classification Act".*

##### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) *The National Commission on Terrorist Attacks Upon the United States (commonly known as the "9/11 Commission") concluded that security requirements nurture over-classification and excessive compartmentation of information among agencies.*

(2) *The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of information security, and needlessly limits stakeholder and public access to information.*

(3) *Over-classification of information causes considerable confusion regarding what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government and with State, local, and tribal entities, and with the private sector.*

(4) *Over-classification of information is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).*

(5) *Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.*

##### SEC. 3. DEFINITIONS.

*In this Act:*

(1) *DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION.—The terms "derivative classification" and "original classification" have the meanings given those terms in Executive Order No. 13526.*

(2) *EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.*

(3) *EXECUTIVE ORDER NO. 13526.—The term "Executive Order No. 13526" means Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) or any subsequent corresponding executive order.*

##### SEC. 4. CLASSIFIED INFORMATION ADVISORY OFFICER.

(a) *IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et*