The “Homeland Security Capabilities Preservation Act”
As Introduced by Representative Val Demings (D-FL) & Representative Don Bacon (R-NE)

Endorsed by Major Cities Chiefs Association (MCCA), National Association of Counties (NACo),
National League of Cities (NLC), The United States Conference of Mayors (USCM), The National
Fusion Center Association (NFCA), Major County Sheriffs Association (MCSA), & Fraternal Order of
Police (FOP)

In the wake of September 11, 2001, there was a recognition that U.S. urban centers could be targeted for
future terrorism and cities did not have the resources to develop core capabilities to prevent, protect
against, and respond to terrorist attacks and other catastrophic events on their own. Starting in 2003,
cities across the nation began receiving dedicated counter-terrorism grant funding from the Department
of Homeland Security through the Urban Area Security Initiative (UASI) grant program.

The UASI program was established with the goal of enhancing “regional preparedness and capabilities
in designated high-threat, high-density areas” and, over the past 18 years, has played an instrumental
role in helping cities prevent and respond to terrorist threats and attacks. Earlier this year, Orlando
Police Chief Orlando Rolon explained, in testimony before the Committee, that for local law
enforcement who are on the “front lines of responding to any emergency, whether it be a terrorist attack,
natural disaster, or global pandemic, FEMA preparedness grants are critical resources that bolster law
enforcement’s ability to prevent and respond to terrorist attacks and other associated threats.”

UASI funding is used to provide first responders with the tools, resources, and training they need to do their
jobs safely and effectively. UASI grant recipients are determined based on a risk formula that has been
modified over time.

In recent years, the number of jurisdictions participating in the UASI program has been about 30, which
is about half of what it was in FY 2011. While the top tier of at-risk jurisdictions have stayed constant,
cities that fall lower on the list face uncertainty year to year about whether they will continue to receive
needed UASI funding. Year to year changes in the terrorism risk picture, fluctuations in grant funding
levels, and changes in DHS’ risk formula have resulted in some at-risk jurisdictions being suddenly
dropped from the program.

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https://www.fema.gov/grants/preparedness/homeland-security


3 Id.

Cities that have received UASI funding credit it with helping them create programs or initiatives to strengthen their core capabilities to prevent, protect against, and respond to terrorist attacks.\(^5\) The sudden loss of Federal support for maintaining such core homeland security capabilities places great strain on jurisdictions who may not have the resources to cover such costs.\(^6\) Jurisdictions that have fallen off the UASI grantee list need partnership with DHS to ensure that they are positioned to maintain security capabilities achieved with UASI grant funding. To foster this partnership and help impacted cities, Congresswoman Demings & Congressman Bacon introduced the *Homeland Security Capabilities Preservation Act*.

The *Homeland Security Capabilities Preservation Act* recognizes the evolving nature of terrorism threats and the importance of preserving capabilities achieved with Federal grant dollars by directing DHS to, for the first time, develop a plan for how to support the transition of costs associated with maintaining UASI-funded homeland security core capabilities to jurisdictions that are willing to take it on. Specifically, the *Homeland Security Capabilities Preservation Act* would direct DHS, acting through the Federal Emergency Management Agency to:

- survey certain current and former UASI jurisdictions regarding capabilities that were achieved through UASI grant funding that are at risk of being reduced or eliminated without Federal assistance; and
- submit a plan to Congress, within a year of enactment, for how to make Federal assistance available to former UASI jurisdictions to help such jurisdictions take on the costs of preserving UASI-funded homeland security capabilities. The plan is to be informed by the survey and is to contain the following:
  - information on eligibility criteria for a jurisdiction to receive Federal UASI homeland security capabilities preservation funding;
  - information on a range of approaches to make funding available to include the modifications of the UASI program and the establishment of a competitive grant or formula grant program; and
  - a timeline for implementation together with a legislative proposal, if necessary.

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