

111th CONGRESS

1st Session

H. R. 3837

To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

**October 15, 2009**

Ms. KILROY (for herself, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. PASCARELL, Ms. CLARKE, Mr. DEFAZIO, Ms. RICHARDSON, Ms. NORTON, Mr. SIRES, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Strengthening and Updating Resources and Equipment Act' or the 'SURE Act'.

#### **SEC. 2. CLARIFICATION ON USE OF FUNDS RELATING TO CERTAIN HOMELAND SECURITY GRANTS.**

(a) In General- Section 2008 of the Homeland Security Act of 2002 ([6 U.S.C. 609](#)) is amended--

(1) in subsection (a)(4), by inserting before the semicolon at the end the following: ', and any related maintenance agreements, user fees, or sustainment costs';

(2) in subsection (b)(3), by adding at the end the following new subparagraph:

'(C) EQUIPMENT MAINTENANCE- With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for equipment purchase and maintenance costs, the Administrator may not--

'(i) impose a limit on the amount of any such award that may be used to pay for such purchase and maintenance costs, including any costs referred to in subsection (a)(4); or

'(ii) impose any additional limitation, including any fiscal year limitation, beyond the limitations described in the matter preceding paragraph (1) and in paragraph (4) of subsection (a), on the amount of any such award that may be used for a specific type, purpose, or category of equipment purchase or maintenance cost.'

(b) Effective Date- The amendments made by subsection (a) shall take effect on the date of the enactment of this section and shall apply to grants made under section 2003 or 2004 of the Homeland Security Act of 2002 ([6 U.S.C. 604](#) and [605](#)), in accordance with the provisions specified in section 2008 of such Act ([6 U.S.C. 609](#)), as amended by subsection (a) of this section, on or after October 1, 2008.

November 10, 2009

(DRAFT)

Representative Lynn Woolsey  
United States House of Representative  
1237 Longworth HOB  
Washington, D.C. 20515

RE: H.R. 3837 – Support

Dear Representative Woolsey:

On behalf of the Sonoma County Board of Supervisors, I am asking you to support House Resolution 3837 – the Strengthening and Updating Resources and Equipment Act (SURE Act) of 2009. We appreciate your responsiveness to local government's concerns and the need to ensure that we maintain access to vital funding for critical homeland security equipment.

With the passage and signing of the Homeland Security Act of 2002, Homeland Security Grant Program monies could be used for purchasing, upgrading storing , or maintaining equipment, including computer software and hardware for response to disasters and acts of terrorism.. Congress did not place limits or restrictions on the permissible use of such funds for maintenance and sustainment costs of said equipment. On September 22<sup>nd</sup>, 2009 this policy was revised by the Federal Emergency Management Agency's Grant Program Directorate to limit how these funds could be used to maintain previously purchased equipment.

The impact of this new policy would be to require local governments to cover all out-year maintenance costs or require the purchase of new equipment with limited federal funds. Homeland Security equipment is specialized and expensive. Maintenance efforts are far less costly. This new policy would create an ineffective use of scarce resources as well as a burden to local governments who are struggling to maintain services.

H.R. 3837 was recently introduced by Representative Mary Jo Kilroy and would reverse the new policy and restore the program funding uses to their original Congressional intent. We are asking for your support of H.R. 3837.

If we can provide any additional information, please feel free to contact Chief Mark Aston, Head of Sonoma County Emergency Services at (707) 565-1152.

Thank you.

Sincerely,

Paul L. Kelley

Chair and Fourth District Supervisor

CC: Secretary Janet Napolitano, Department of Homeland Security  
Representative Mary Jo Kilroy  
National Association of Governors  
National Association of Counties  
Board of Supervisors  
Chris Thomas, Acting County Administrator  
Lori Norton, Deputy County Administrator  
Paul Schlesinger,