

SHIELDING PUBLIC SPACES FROM VEHICULAR
TERRORISM ACT

JUNE 14, 2018.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 4627]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4627) to amend the Homeland Security Act of 2002 to authorize expenditures to combat emerging terrorist threats, including vehicular attacks, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shielding Public Spaces from Vehicular Terrorism Act”.

SEC. 2. RESEARCH AND DEVELOPMENT.

The Homeland Security Act of 2002 is amended—

(1) in paragraph (11) of section 302 (6 U.S.C. 182), by inserting “research and development to combat emerging terrorist threats, such as vehicular attacks, and” before “the long-term”; and

(2) in subparagraph (B) of section 308(b)(2) (6 U.S.C. 188(b)(2))—

(A) in the matter preceding clause (i), by striking “expertise in—” and inserting “expertise in the following:”;

(B) by redesignating clause (xiv) as clause (xv); and

(C) by inserting after clause (xiii) the following new clause:

“(xiv) Combatting emerging terrorist threats, including vehicular attacks.”

SEC. 3. ALLOWABLE USES.

Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively; and

(B) by inserting after paragraph (10) the following new paragraph:

“(11) addressing security vulnerabilities of public spaces, including through the installation of bollards and other target hardening activities;” and

(2) in subsection (b)—

(A) in paragraph (3)(B), by striking “(a)(10)” and inserting “(a)(12)”; and

(B) by adding at the end the following new paragraph:

“(6) FIREARMS.—

“(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used for the provision to any person of a firearm or training in the use of a firearm.

“(B) NO EFFECT ON OTHER LAWS.—Nothing in this paragraph may be construed to preclude or contradict any other provision of law authorizing the provision of firearms or training in the use of firearms.”.

SEC. 4. REPORT.

The Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on emerging automotive technologies that support driverless vehicles and the threat such vehicles may pose to people in public spaces. Such report shall also address risks associated with cyber terrorism and computer-dependent automotive vehicles.

PURPOSE AND SUMMARY

H.R. 4627 amends the Homeland Security Act of 2002 (Pub. L. 107–296) to authorize expenditures to combat emerging terrorist threats, including vehicular attacks. H.R. 4627 amends the responsibilities of the Under Secretary of the Department of Homeland Security’s (DHS) Science and Technology Directorate (S&T) to include research and development to combat emerging terrorist threats, such as vehicular attacks. In addition, the bill permits grants awarded under the State Homeland Security Grant Program and Urban Area Security Initiative to be used to address security vulnerabilities of public spaces.

The amendment in the nature of a substitute offered by Rep. Donovan incorporates language to codify current DHS policy that grant funding may not be used to purchase firearms or for training on the use of firearms. This language is similar to an amendment offered by Rep. Demings to this bill and to language which passed the House with bipartisan support in the STOP School Violence Act of 2018 (H.R. 4909).

BACKGROUND AND NEED FOR LEGISLATION

ISIS has been urging supporters to carry out attacks against Westerners using any means necessary, including the use of vehicles as a weapon. In September 2014, now deceased ISIS senior leader, Abu Mohammed Al Adnani, urged these attacks stating, “Smash his head with a rock, or slaughter him with a knife, or run him over with your car, or throw him down from a high place, or choke him, or poison him.”¹ To date, there have been 21 attacks against the West using vehicles as a weapon, including the October 31st attack by Sayfullo Saipov who drove a rented truck down a bicycle lane in New York City, killing eight and wounding 13.²

Subcommittee on Emergency Preparedness, Response, and Communications Chairman Dan Donovan introduced H.R. 4627 on December 12, 2017 to ensure S&T is conducting research and development to combat emerging terrorist threats, such as vehicle attacks. The bill also ensures state and local grant recipients can use grant funds to secure public spaces, including through the installation of bollards and other target hardening activities. H.R. 4627 has three bipartisan cosponsors and is supported by the Security Industry Association.

HEARINGS

The Committee did not hold hearings on H.R. 4627. However, the changing nature of the terrorist threat and the need for the U.S. Government to adapt to such emerging threats has been discussed at a number of Committee hearings in the 115th Congress, including at the Committee’s April 26th hearing, “Strengthening the Safety and Security of Our Nation: The President’s FY2019 Budget Request for the Department of Homeland Security”, at which the Secretary of Homeland Security testified.

COMMITTEE CONSIDERATION

The Committee met on June 6, 2018, to consider H.R. 4627, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. DONOVAN (#1); was AGREED TO, as amended, by unanimous consent.

An amendment by MS. JACKSON LEE to the Amendment in the Nature of a Substitute (#1A); was AGREED TO by unanimous consent.

Add at the end a new section entitled “Sec. 4. Report.”

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

¹ Yara Bayoumy, *ISIS Urges More Attacks on Western ‘Disbelievers,’* The Independent. Sept. 22, 2014.

² Committee on Homeland Security Terror Threat Snapshot, May 2018.

No recorded votes were requested during consideration of H.R. 4627.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4627, the Shielding Public Spaces from Vehicular Terrorism Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 4627 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goals and objectives of H.R. 4627 are to authorize expenditures to combat emerging terrorist threats, including vehicular attacks.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4627 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the

Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4627 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4627 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Shielding Public Spaces from Vehicular Terrorism Act”.

Sec. 2. Research and Development.

This section amends Title III of the Homeland Security Act of 2002 to include, among the responsibilities of the Under Secretary for Science and Technology, conducting research and development to combat emerging terrorist threats, such as vehicular attacks. The section also includes combatting emerging terrorist threats among the criteria used to designate S&T University Centers of Excellence.

Sec. 3. Allowable Uses.

This section authorizes the use of State Homeland Security Grant Program and Urban Area Security Initiative funding to address security vulnerabilities of public spaces, including through the installation of bollards and other target hardening activities. Similar activities have been permitted in yearly grant guidance. This section will codify these activities in law. In addition, this section includes language to codify current Department policy that grant funding may not be used to purchase firearms or for training on the use of firearms.

Sec. 4. Report.

This section requires the Secretary of Homeland Security to submit a report to the Committee on Homeland Security of the House of Representatives and Committee on Homeland Security and Governmental Affairs of the Senate on the cybersecurity threats to driverless vehicles and the threat such vehicles may pose to public spaces, including an assessment of the risks associated with cyber terrorism and computer-dependent vehicles.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

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**TITLE III—SCIENCE AND TECHNOLOGY
IN SUPPORT OF HOMELAND SECURITY**

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SEC. 302. RESPONSIBILITIES AND AUTHORITIES OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.

The Secretary, acting through the Under Secretary for Science and Technology, shall have the responsibility for—

- (1) advising the Secretary regarding research and development efforts and priorities in support of the Department's missions;
- (2) developing, in consultation with other appropriate executive agencies, a national policy and strategic plan for, identifying priorities, goals, objectives and policies for, and coordinating the Federal Government's civilian efforts to identify and develop countermeasures to chemical, biological, and other emerging terrorist threats, including the development of comprehensive, research-based definable goals for such efforts and development of annual measurable objectives and specific targets to accomplish and evaluate the goals for such efforts;
- (3) supporting the Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection, by assessing and testing homeland security vulnerabilities and possible threats;
- (4) conducting basic and applied research, development, demonstration, testing, and evaluation activities that are relevant to any or all elements of the Department, through both intramural and extramural programs, except that such responsibility does not extend to human health-related research and development activities;

(5) establishing priorities for, directing, funding, and conducting national research, development, test and evaluation, and procurement of technology and systems for—

(A) preventing the importation of chemical, biological, and related weapons and material; and

(B) detecting, preventing, protecting against, and responding to terrorist attacks;

(6) establishing a system for transferring homeland security developments or technologies to Federal, State, local government, and private sector entities;

(7) entering into work agreements, joint sponsorships, contracts, or any other agreements with the Department of Energy regarding the use of the national laboratories or sites and support of the science and technology base at those facilities;

(8) collaborating with the Secretary of Agriculture and the Attorney General as provided in section 212 of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401), as amended by section 1709(b);

(9) collaborating with the Secretary of Health and Human Services and the Attorney General in determining any new biological agents and toxins that shall be listed as “select agents” in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a);

(10) supporting United States leadership in science and technology;

(11) establishing and administering the primary research and development activities of the Department, including *research and development to combat emerging terrorist threats, such as vehicular attacks*, and the long-term research and development needs and capabilities for all elements of the Department;

(12) coordinating and integrating all research, development, demonstration, testing, and evaluation activities of the Department;

(13) coordinating with other appropriate executive agencies in developing and carrying out the science and technology agenda of the Department to reduce duplication and identify unmet needs; and

(14) developing and overseeing the administration of guidelines for merit review of research and development projects throughout the Department, and for the dissemination of research conducted or sponsored by the Department.

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SEC. 308. CONDUCT OF RESEARCH, DEVELOPMENT, DEMONSTRATION, TESTING AND EVALUATION.

(a) **IN GENERAL.**—The Secretary, acting through the Under Secretary for Science and Technology, shall carry out the responsibilities under section 302(4) through both extramural and intramural programs.

(b) **EXTRAMURAL PROGRAMS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Under Secretary for Science and Technology, shall operate extramural

research, development, demonstration, testing, and evaluation programs so as to—

- (A) ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate;
- (B) ensure that the research funded is of high quality, as determined through merit review processes developed under section 302(14); and
- (C) distribute funds through grants, cooperative agreements, and contracts.

(2) UNIVERSITY-BASED CENTERS FOR HOMELAND SECURITY.—

(A) DESIGNATION.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate a university-based center or several university-based centers for homeland security. The purpose of the center or these centers shall be to establish a coordinated, university-based system to enhance the Nation's homeland security.

(B) CRITERIA FOR DESIGNATION.—Criteria for the designation of colleges or universities as a center for homeland security, shall include, but are not limited to, demonstrated ~~expertise in—~~ *expertise in the following:*

- (i) The training of first responders.
- (ii) Responding to incidents involving weapons of mass destruction and biological warfare.
- (iii) Emergency and diagnostic medical services.
- (iv) Chemical, biological, radiological, and nuclear countermeasures or detection.
- (v) Animal and plant health and diagnostics.
- (vi) Food safety.
- (vii) Water and wastewater operations.
- (viii) Port and waterway security.
- (ix) Multi-modal transportation.
- (x) Information security and information engineering.
- (xi) Engineering.
- (xii) Educational outreach and technical assistance.
- (xiii) Border transportation and security.
- (xiv) *Combating emerging terrorist threats, including vehicular attacks.*
- ~~[(xiv)]~~ (xv) The public policy implications and public dissemination of homeland security related research and development.

(C) DISCRETION OF SECRETARY.—To the extent that exercising such discretion is in the interest of homeland security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in section 308(b)(2)(B) and consider additional criteria beyond those specified in section 308(b)(2)(B). Upon designation of a university-based center for homeland security, the Secretary shall that day publish in the Federal Register the criteria that were excepted or added in the selection process and the justification for the set of criteria that were used for that designation.

(D) REPORT TO CONGRESS.—The Secretary shall report annually, from the date of enactment, to Congress concerning the implementation of this section. That report shall indicate which center or centers have been designated and how the designation or designations enhance homeland security, as well as report any decisions to revoke or modify such designations.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

(c) INTRAMURAL PROGRAMS.—

(1) CONSULTATION.—In carrying out the duties under section 302, the Secretary, acting through the Under Secretary for Science and Technology, may draw upon the expertise of any laboratory of the Federal Government, whether operated by a contractor or the Government.

(2) LABORATORIES.—The Secretary, acting through the Under Secretary for Science and Technology, may establish a headquarters laboratory for the Department at any laboratory or site and may establish additional laboratory units at other laboratories or sites.

(3) CRITERIA FOR HEADQUARTERS LABORATORY.—If the Secretary chooses to establish a headquarters laboratory pursuant to paragraph (2), then the Secretary shall do the following:

(A) Establish criteria for the selection of the headquarters laboratory in consultation with the National Academy of Sciences, appropriate Federal agencies, and other experts.

(B) Publish the criteria in the Federal Register.

(C) Evaluate all appropriate laboratories or sites against the criteria.

(D) Select a laboratory or site on the basis of the criteria.

(E) Report to the appropriate congressional committees on which laboratory was selected, how the selected laboratory meets the published criteria, and what duties the headquarters laboratory shall perform.

(4) LIMITATION ON OPERATION OF LABORATORIES.—No laboratory shall begin operating as the headquarters laboratory of the Department until at least 30 days after the transmittal of the report required by paragraph (3)(E).

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TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle A—Grants to States and High-Risk Urban Areas

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SEC. 2008. USE OF FUNDS.

(a) PERMITTED USES.—The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))), through—

(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;

(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2);

(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;

(5) ensuring operability and achieving interoperability of emergency communications;

(6) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

(7) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

(8) enhancing school preparedness;

(9) enhancing the security and preparedness of secure and nonsecure areas of eligible airports and surface transportation systems;

(10) supporting public safety answering points;

(11) *addressing security vulnerabilities of public spaces, including through the installation of bollards and other target hardening activities;*

[(11)] (12) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts, regardless of whether such analysts are current or new full-time employees or contract employees;

[(12)] (13) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

[(13)] (14) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; and

[(14)] (15) any other appropriate activity, as determined by the Administrator.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Funds provided under section 2003 or 2004 may not be used—

(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

(B) for any State or local government cost-sharing contribution.

(2) PERSONNEL.—

(A) IN GENERAL.—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

(B) WAIVER.—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

(3) LIMITATIONS ON DISCRETION.—

(A) IN GENERAL.—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for personnel costs in accordance with paragraph (2) of this subsection, the Administrator may not—

(i) impose a limit on the amount of the award that may be used to pay for personnel, or personnel-related, costs that is higher or lower than the percent limit imposed in paragraph (2)(A); or

(ii) impose any additional limitation on the portion of the funds of a recipient that may be used for a specific type, purpose, or category of personnel, or personnel-related, costs.

(B) ANALYSTS.—If amounts awarded to a grant recipient under section 2003 or 2004 are used for paying salary or benefits of a qualified intelligence analyst under subsection [(a)(10)] (a)(12), the Administrator shall make such amounts available without time limitations placed on the period of time that the analyst can serve under the grant.

(4) CONSTRUCTION.—

(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

(B) EXCEPTIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

(ii) REQUIREMENTS FOR EXCEPTION.—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

- (I) specifically approved by the Administrator;
- (II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and
- (III) the amount allocated for purposes under clause (i) does not exceed the greater of \$1,000,000 or 15 percent of the grant award.

(5) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

(6) FIREARMS.—

(A) *IN GENERAL.*—A grant awarded under section 2003 or 2004 may not be used for the provision to any person of a firearm or training in the use of a firearm.

(B) *NO EFFECT ON OTHER LAWS.*—Nothing in this paragraph may be construed to preclude or contradict any other provision of law authorizing the provision of firearms or training in the use of firearms.

(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

(d) REIMBURSEMENT OF COSTS.—

(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under section 2003 or 2004, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

(f) EQUIPMENT STANDARDS.—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do

not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

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