

20 ~~21~~. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LOWEY OF NEW YORK, OR HER
DESIGNEE, DEBATABLE FOR 10 MINUTES:

37

**AMENDMENT TO H.R. 3199, AS REPORTED
OFFERED BY MRS. LOWEY OF NEW YORK AND
MR. SWEENEY OF NEW YORK**

At the end of the bill, insert the following new sections:

1 SECTION 10. REPEAL OF FIRST RESPONDER GRANT PRO-
2 GRAM.

3 Section 1014 of the USA PATRIOT ACT is amended
4 by striking subsection (c).

5 SEC. 11. FASTER AND SMARTER FUNDING FOR FIRST RE-
6 SPONDERS.

7 (a) IN GENERAL.—The Homeland Security Act of
8 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is
9 amended—

10 (1) in section 1(b) in the table of contents by
11 adding at the end the following:

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

- “1801. Definitions.
- “1802. Faster and Smarter Funding for First Responders.
- “1803. Covered grant eligibility and criteria.
- “1804. Risk-based evaluation and prioritization.
- “1805. Task Force on Terrorism Preparedness for First Responders.
- “1806. Use of funds and accountability requirements.
- “1807. National standards for first responder equipment and training.”.

12 (2) by adding at the end the following:



1 **“TITLE XVIII—FUNDING FOR**
2 **FIRST RESPONDERS**

3 **“SEC. 1801. DEFINITIONS.**

4 “In this title:

5 “(1) BOARD.—The term ‘Board’ means the
6 First Responder Grants Board established under
7 section 1804.

8 “(2) COVERED GRANT.—The term ‘covered
9 grant’ means any grant to which this title applies
10 under section 1802.

11 “(3) DIRECTLY ELIGIBLE TRIBE.—The term
12 ‘directly eligible tribe’ means any Indian tribe or
13 consortium of Indian tribes that—

14 “(A) meets the criteria for inclusion in the
15 qualified applicant pool for Self-Governance
16 that are set forth in section 402(c) of the In-
17 dian Self-Determination and Education Assist-
18 ance Act (25 U.S.C. 458bb(c));

19 “(B) employs at least 10 full-time per-
20 sonnel in a law enforcement or emergency re-
21 sponse agency with the capacity to respond to
22 calls for law enforcement or emergency services;
23 and

24 “(C)(i) is located on, or within 5 miles of,
25 an international border or waterway;



1 “(ii) is located within 5 miles of a facility
2 designated as high-risk critical infrastructure
3 by the Secretary;

4 “(iii) is located within or contiguous to one
5 of the 50 largest metropolitan statistical areas
6 in the United States; or

7 “(iv) has more than 1,000 square miles of
8 Indian country, as that term is defined in sec-
9 tion 1151 of title 18, United States Code.

10 “(4) ELEVATIONS IN THE THREAT ALERT
11 LEVEL.—The term ‘elevations in the threat alert
12 level’ means any designation (including those that
13 are less than national in scope) that raises the
14 homeland security threat level to either the highest
15 or second highest threat level under the Homeland
16 Security Advisory System referred to in section
17 201(d)(7).

18 “(5) EMERGENCY PREPAREDNESS.—The term
19 ‘emergency preparedness’ shall have the same mean-
20 ing that term has under section 602 of the Robert
21 T. Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5195a).

23 “(6) ESSENTIAL CAPABILITIES.—The term ‘es-
24 sential capabilities’ means the levels, availability,
25 and competence of emergency personnel, planning,



1 training, and equipment across a variety of dis-
2 ciplines needed to effectively and efficiently prevent,
3 prepare for, respond to, and recover from acts of
4 terrorism consistent with established practices.

5 “(7) FIRST RESPONDER.—The term ‘first re-
6 sponder’ shall have the same meaning as the term
7 ‘emergency response provider’.

8 “(8) INDIAN TRIBE.—The term ‘Indian tribe’
9 means any Indian tribe, band, nation, or other orga-
10 nized group or community, including any Alaskan
11 Native village or regional or village corporation as
12 defined in or established pursuant to the Alaskan
13 Native Claims Settlement Act (43 U.S.C. 1601 et
14 seq.), which is recognized as eligible for the special
15 programs and services provided by the United States
16 to Indians because of their status as Indians.

17 “(9) REGION.—The term ‘region’ means—

18 “(A) any geographic area consisting of all
19 or parts of 2 or more contiguous States, coun-
20 ties, municipalities, or other local governments
21 that have a combined population of at least
22 1,650,000 or have an area of not less than
23 20,000 square miles, and that, for purposes of
24 an application for a covered grant, is rep-
25 resented by 1 or more governments or govern-



1 mental agencies within such geographic area,
2 and that is established by law or by agreement
3 of 2 or more such governments or governmental
4 agencies in a mutual aid agreement; or

5 “(B) any other combination of contiguous
6 local government units (including such a com-
7 bination established by law or agreement of two
8 or more governments or governmental agencies
9 in a mutual aid agreement) that is formally cer-
10 tified by the Secretary as a region for purposes
11 of this Act with the consent of—

12 “(i) the State or States in which they
13 are located, including a multi-State entity
14 established by a compact between two or
15 more States; and

16 “(ii) the incorporated municipalities,
17 counties, and parishes that they encom-
18 pass.

19 “(10) TASK FORCE.—The term ‘Task Force’
20 means the Task Force on Terrorism Preparedness
21 for First Responders established under section 1805.

22 “(11) TERRORISM PREPAREDNESS.—The term
23 ‘terrorism preparedness’ means any activity designed
24 to improve the ability to prevent, prepare for, re-



1 “(1) NONDEPARTMENT PROGRAMS.—Any Fed-
2 eral grant program that is not administered by the
3 Department.

4 “(2) FIRE GRANT PROGRAMS.—The fire grant
5 programs authorized by sections 33 and 34 of the
6 Federal Fire Prevention and Control Act of 1974
7 (15 U.S.C. 2229, 2229a).

8 “(3) EMERGENCY MANAGEMENT PLANNING
9 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-
10 gency Management Performance Grant program and
11 the Urban Search and Rescue Grants program au-
12 thorized by title VI of the Robert T. Stafford Dis-
13 aster Relief and Emergency Assistance Act (42
14 U.S.C. 5195 et seq.); the Departments of Veterans
15 Affairs and Housing and Urban Development, and
16 Independent Agencies Appropriations Act, 2000
17 (113 Stat. 1047 et seq.); and the Earthquake Haz-
18 ards Reduction Act of 1977 (42 U.S.C. 7701 et
19 seq.).

20 **“SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.**

21 “(a) GRANT ELIGIBILITY.—Any State, region, or di-
22 rectly eligible tribe shall be eligible to apply for a covered
23 grant.

24 “(b) GRANT CRITERIA.—The Secretary shall award
25 covered grants to assist States and local governments in



1 achieving, maintaining, and enhancing the essential capa-
2 bilities for terrorism preparedness established by the Sec-
3 retary.

4 “(c) STATE HOMELAND SECURITY PLANS.—

5 “(1) SUBMISSION OF PLANS.—The Secretary
6 shall require that any State applying to the Sec-
7 retary for a covered grant must submit to the Sec-
8 retary a 3-year State homeland security plan that—

9 “(A) describes the essential capabilities
10 that communities within the State should pos-
11 sess, or to which they should have access, based
12 upon the terrorism risk factors relevant to such
13 communities, in order to meet the Department’s
14 goals for terrorism preparedness;

15 “(B) demonstrates the extent to which the
16 State has achieved the essential capabilities
17 that apply to the State;

18 “(C) demonstrates the needs of the State
19 necessary to achieve, maintain, or enhance the
20 essential capabilities that apply to the State;

21 “(D) includes a prioritization of such needs
22 based on threat, vulnerability, and consequence
23 assessment factors applicable to the State;

24 “(E) describes how the State intends—



1 “(i) to address such needs at the city,
2 county, regional, tribal, State, and inter-
3 state level, including a precise description
4 of any regional structure the State has es-
5 tablished for the purpose of organizing
6 homeland security preparedness activities
7 funded by covered grants;

8 “(ii) to use all Federal, State, and
9 local resources available for the purpose of
10 addressing such needs; and

11 “(iii) to give particular emphasis to
12 regional planning and cooperation, includ-
13 ing the activities of multijurisdictional
14 planning agencies governed by local offi-
15 cials, both within its jurisdictional borders
16 and with neighboring States;

17 “(F) with respect to the emergency pre-
18 paredness of first responders, addresses the
19 unique aspects of terrorism as part of a com-
20 prehensive State emergency management plan;
21 and

22 “(G) provides for coordination of response
23 and recovery efforts at the local level, including
24 procedures for effective incident command in



1 conformance with the National Incident Man-
2 agement System.

3 “(2) CONSULTATION.—The State plan sub-
4 mitted under paragraph (1) shall be developed in
5 consultation with and subject to appropriate com-
6 ment by local governments and first responders
7 within the State.

8 “(3) APPROVAL BY SECRETARY.—The Sec-
9 retary may not award any covered grant to a State
10 unless the Secretary has approved the applicable
11 State homeland security plan.

12 “(4) REVISIONS.—A State may revise the appli-
13 cable State homeland security plan approved by the
14 Secretary under this subsection, subject to approval
15 of the revision by the Secretary.

16 “(d) CONSISTENCY WITH STATE PLANS.—The Sec-
17 retary shall ensure that each covered grant is used to sup-
18 plement and support, in a consistent and coordinated
19 manner, the applicable State homeland security plan or
20 plans.

21 “(e) APPLICATION FOR GRANT.—

22 “(1) IN GENERAL.—Except as otherwise pro-
23 vided in this subsection, any State, region, or di-
24 rectly eligible tribe may apply for a covered grant by
25 submitting to the Secretary an application at such



1 time, in such manner, and containing such informa-
2 tion as is required under this subsection, or as the
3 Secretary may reasonably require.

4 “(2) DEADLINES FOR APPLICATIONS AND
5 AWARDS.—All applications for covered grants must
6 be submitted at such time as the Secretary may rea-
7 sonably require for the fiscal year for which they are
8 submitted. The Secretary shall award covered grants
9 pursuant to all approved applications for such fiscal
10 year as soon as practicable, but not later than
11 March 1 of such year.

12 “(3) AVAILABILITY OF FUNDS.—All funds
13 awarded by the Secretary under covered grants in a
14 fiscal year shall be available for obligation through
15 the end of the subsequent fiscal year.

16 “(4) MINIMUM CONTENTS OF APPLICATION.—
17 The Secretary shall require that each applicant in-
18 clude in its application, at a minimum—

19 “(A) the purpose for which the applicant
20 seeks covered grant funds and the reasons why
21 the applicant needs the covered grant to meet
22 the essential capabilities for terrorism prepared-
23 ness within the State, region, or directly eligible
24 tribe to which the application pertains;



1 “(B) a description of how, by reference to
2 the applicable State homeland security plan or
3 plans under subsection (c), the allocation of
4 grant funding proposed in the application, in-
5 cluding, where applicable, the amount not
6 passed through under section 1806(g)(1), would
7 assist in fulfilling the essential capabilities for
8 terrorism preparedness specified in such plan or
9 plans;

10 “(C) a statement of whether a mutual aid
11 agreement applies to the use of all or any por-
12 tion of the covered grant funds;

13 “(D) if the applicant is a State, a descrip-
14 tion of how the State plans to allocate the cov-
15 ered grant funds to regions, local governments,
16 and Indian tribes;

17 “(E) if the applicant is a region—

18 “(i) a precise geographical description
19 of the region and a specification of all par-
20 ticipating and nonparticipating local gov-
21 ernments within the geographical area
22 comprising that region;

23 “(ii) a specification of what govern-
24 mental entity within the region will admin-



1 ister the expenditure of funds under the
2 covered grant; and

3 “(iii) a designation of a specific indi-
4 vidual to serve as regional liaison;

5 “(F) a capital budget showing how the ap-
6 plicant intends to allocate and expend the cov-
7 ered grant funds;

8 “(G) if the applicant is a directly eligible
9 tribe, a designation of a specific individual to
10 serve as the tribal liaison; and

11 “(H) a statement of how the applicant in-
12 tends to meet the matching requirement, if any,
13 that applies under section 1806(g)(2).

14 “(5) REGIONAL APPLICATIONS.—

15 “(A) RELATIONSHIP TO STATE APPLICA-
16 TIONS.—A regional application—

17 “(i) shall be coordinated with an ap-
18 plication submitted by the State or States
19 of which such region is a part;

20 “(ii) shall supplement and avoid dupli-
21 cation with such State application; and

22 “(iii) shall address the unique regional
23 aspects of such region’s terrorism pre-
24 paredness needs beyond those provided for
25 in the application of such State or States.



1 “(B) STATE REVIEW AND SUBMISSION.—

2 To ensure the consistency required under sub-
3 section (d) and the coordination required under
4 subparagraph (A) of this paragraph, an appli-
5 cant that is a region must submit its applica-
6 tion to each State of which any part is included
7 in the region for review and concurrence prior
8 to the submission of such application to the
9 Secretary. The regional application shall be
10 transmitted to the Secretary through each such
11 State within 30 days of its receipt, unless the
12 Governor of such a State notifies the Secretary,
13 in writing, that such regional application is in-
14 consistent with the State’s homeland security
15 plan and provides an explanation of the reasons
16 therefor.

17 “(C) DISTRIBUTION OF REGIONAL
18 AWARDS.—If the Secretary approves a regional
19 application, then the Secretary shall distribute
20 a regional award to the State or States submit-
21 ting the applicable regional application under
22 subparagraph (B), and each such State shall,
23 not later than the end of the 45-day period be-
24 ginning on the date after receiving a regional
25 award, pass through to the region all covered



1 grant funds or resources purchased with such
2 funds, except those funds necessary for the
3 State to carry out its responsibilities with re-
4 spect to such regional application: <added-
5 phrase>Provided</added-phrase>, That in no
6 such case shall the State or States pass through
7 to the region less than 80 percent of the re-
8 gional award.

9 “(D) CERTIFICATIONS REGARDING DIS-
10 TRIBUTION OF GRANT FUNDS TO REGIONS.—
11 Any State that receives a regional award under
12 subparagraph (C) shall certify to the Secretary,
13 by not later than 30 days after the expiration
14 of the period described in subparagraph (C)
15 with respect to the grant, that the State has
16 made available to the region the required funds
17 and resources in accordance with subparagraph
18 (C).

19 “(E) DIRECT PAYMENTS TO REGIONS.—If
20 any State fails to pass through a regional
21 award to a region as required by subparagraph
22 (C) within 45 days after receiving such award
23 and does not request or receive an extension of
24 such period under section 1806(h)(2), the re-
25 gion may petition the Secretary to receive di-



1 rectly the portion of the regional award that is
2 required to be passed through to such region
3 under subparagraph (C).

4 “(F) REGIONAL LIAISONS.—A regional li-
5 aision designated under paragraph (4)(E)(iii)
6 shall—

7 “(i) coordinate with Federal, State,
8 local, regional, and private officials within
9 the region concerning terrorism prepared-
10 ness;

11 “(ii) develop a process for receiving
12 input from Federal, State, local, regional,
13 and private sector officials within the re-
14 gion to assist in the development of the re-
15 gional application and to improve the re-
16 gion’s access to covered grants; and

17 “(iii) administer, in consultation with
18 State, local, regional, and private officials
19 within the region, covered grants awarded
20 to the region.

21 “(6) TRIBAL APPLICATIONS.—

22 “(A) SUBMISSION TO THE STATE OR
23 STATES.—To ensure the consistency required
24 under subsection (d), an applicant that is a di-
25 rectly eligible tribe must submit its application



1 to each State within the boundaries of which
2 any part of such tribe is located for direct sub-
3 mission to the Department along with the appli-
4 cation of such State or States.

5 “(B) OPPORTUNITY FOR STATE COM-
6 MENT.—Before awarding any covered grant to
7 a directly eligible tribe, the Secretary shall pro-
8 vide an opportunity to each State within the
9 boundaries of which any part of such tribe is lo-
10 cated to comment to the Secretary on the con-
11 sistency of the tribe’s application with the
12 State’s homeland security plan. Any such com-
13 ments shall be submitted to the Secretary con-
14 currently with the submission of the State and
15 tribal applications.

16 “(C) FINAL AUTHORITY.—The Secretary
17 shall have final authority to determine the con-
18 sistency of any application of a directly eligible
19 tribe with the applicable State homeland secu-
20 rity plan or plans, and to approve any applica-
21 tion of such tribe. The Secretary shall notify
22 each State within the boundaries of which any
23 part of such tribe is located of the approval of
24 an application by such tribe.



1 “(D) TRIBAL LIAISON.—A tribal liaison
2 designated under paragraph (4)(G) shall—

3 “(i) coordinate with Federal, State,
4 local, regional, and private officials con-
5 cerning terrorism preparedness;

6 “(ii) develop a process for receiving
7 input from Federal, State, local, regional,
8 and private sector officials to assist in the
9 development of the application of such
10 tribe and to improve the tribe’s access to
11 covered grants; and

12 “(iii) administer, in consultation with
13 State, local, regional, and private officials,
14 covered grants awarded to such tribe.

15 “(E) LIMITATION ON THE NUMBER OF DI-
16 RECT GRANTS.—The Secretary may make cov-
17 ered grants directly to not more than 20 di-
18 rectly eligible tribes per fiscal year.

19 “(F) TRIBES NOT RECEIVING DIRECT
20 GRANTS.—An Indian tribe that does not receive
21 a grant directly under this section is eligible to
22 receive funds under a covered grant from the
23 State or States within the boundaries of which
24 any part of such tribe is located, consistent with
25 the homeland security plan of the State as de-



1 scribed in subsection (c). If a State fails to
2 comply with section 1806(g)(1), the tribe may
3 request payment under section 1806(h)(3) in
4 the same manner as a local government.

5 “(7) EQUIPMENT STANDARDS.—If an applicant
6 for a covered grant proposes to upgrade or purchase,
7 with assistance provided under the grant, new equip-
8 ment or systems that do not meet or exceed any ap-
9 plicable national voluntary consensus standards es-
10 tablished by the Secretary, the applicant shall in-
11 clude in the application an explanation of why such
12 equipment or systems will serve the needs of the ap-
13 plicant better than equipment or systems that meet
14 or exceed such standards.

15 **“SEC. 1804. RISK-BASED EVALUATION AND**
16 **PRIORITIZATION.**

17 **“(a) FIRST RESPONDER GRANTS BOARD.—**

18 **“(1) ESTABLISHMENT OF BOARD.—**The Sec-
19 retary shall establish a First Responder Grants
20 Board, consisting of—

21 **“(A) the Secretary;**

22 **“(B) the Under Secretary for Emergency**
23 **Preparedness and Response;**

24 **“(C) the Under Secretary for Border and**
25 **Transportation Security;**



1 “(D) the Under Secretary for Information
2 Analysis and Infrastructure Protection;

3 “(E) the Under Secretary for Science and
4 Technology;

5 “(F) the Director of the Office for Domes-
6 tic Preparedness;

7 “(G) the Administrator of the United
8 States Fire Administration; and

9 “(H) the Administrator of the Animal and
10 Plant Health Inspection Service.

11 “(2) CHAIRMAN.—

12 “(A) IN GENERAL.—The Secretary shall be
13 the Chairman of the Board.

14 “(B) EXERCISE OF AUTHORITIES BY DEP-
15 UTY SECRETARY.—The Deputy Secretary of
16 Homeland Security may exercise the authorities
17 of the Chairman, if the Secretary so directs.

18 “(b) FUNCTIONS OF UNDER SECRETARIES.—The
19 Under Secretaries referred to in subsection (a)(1) shall
20 seek to ensure that the relevant expertise and input of the
21 staff of their directorates are available to and considered
22 by the Board.

23 “(c) PRIORITIZATION OF GRANT APPLICATIONS.—

24 “(1) FACTORS TO BE CONSIDERED.—The
25 Board shall evaluate and annually prioritize all



1 pending applications for covered grants based upon
2 the degree to which they would, by achieving, main-
3 taining, or enhancing the essential capabilities of the
4 applicants on a nationwide basis, lessen the threat
5 to, vulnerability of, and consequences for persons
6 (including transient commuting and tourist popu-
7 lations) and critical infrastructure. Such evaluation
8 and prioritization shall be based upon the most cur-
9 rent risk assessment available by the Directorate for
10 Information Analysis and Infrastructure Protection
11 of the threats of terrorism against the United
12 States. The Board shall coordinate with State, local,
13 regional, and tribal officials in establishing criteria
14 for evaluating and prioritizing applications for cov-
15 ered grants.

16 “(2) CRITICAL INFRASTRUCTURE SECTORS.—
17 The Board specifically shall consider threats of ter-
18 rorism against the following critical infrastructure
19 sectors in all areas of the United States, urban and
20 rural:

21 “(A) Agriculture and food.

22 “(B) Banking and finance.

23 “(C) Chemical industries.

24 “(D) The defense industrial base.

25 “(E) Emergency services.



- 1 “(F) Energy.
- 2 “(G) Government facilities.
- 3 “(H) Postal and shipping.
- 4 “(I) Public health and health care.
- 5 “(J) Information technology.
- 6 “(K) Telecommunications.
- 7 “(L) Transportation systems.
- 8 “(M) Water.
- 9 “(N) Dams.
- 10 “(O) Commercial facilities.
- 11 “(P) National monuments and icons.

12 The order in which the critical infrastructure sectors
13 are listed in this paragraph shall not be construed
14 as an order of priority for consideration of the im-
15 portance of such sectors.

16 “(3) TYPES OF THREAT.—The Board specifi-
17 cally shall consider the following types of threat to
18 the critical infrastructure sectors described in para-
19 graph (2), and to populations in all areas of the
20 United States, urban and rural:

- 21 “(A) Biological threats.
- 22 “(B) Nuclear threats.
- 23 “(C) Radiological threats.
- 24 “(D) Incendiary threats.
- 25 “(E) Chemical threats.



1 “(F) Explosives.

2 “(G) Suicide bombers.

3 “(H) Cyber threats.

4 “(I) Any other threats based on proximity
5 to specific past acts of terrorism or the known
6 activity of any terrorist group.

7 The order in which the types of threat are listed in
8 this paragraph shall not be construed as an order of
9 priority for consideration of the importance of such
10 threats.

11 “(4) CONSIDERATION OF ADDITIONAL FAC-
12 TORS.—The Board shall take into account any other
13 specific threat to a population (including a transient
14 commuting or tourist population) or critical infra-
15 structure sector that the Board has determined to
16 exist. In evaluating the threat to a population or
17 critical infrastructure sector, the Board shall give
18 greater weight to threats of terrorism based upon
19 their specificity and credibility, including any pat-
20 tern of repetition.

21 “(5) MINIMUM AMOUNTS.—After evaluating
22 and prioritizing grant applications under paragraph
23 (1), the Board shall ensure that, for each fiscal
24 year—



1 “(A) each of the States, other than the
2 Virgin Islands, American Samoa, Guam, and
3 the Northern Mariana Islands, that has an ap-
4 proved State homeland security plan receives no
5 less than 0.25 percent of the funds available for
6 covered grants for that fiscal year for purposes
7 of implementing its homeland security plan in
8 accordance with the prioritization of needs
9 under section 1803(c)(1)(D);

10 “(B) each of the States, other than the
11 Virgin Islands, American Samoa, Guam, and
12 the Northern Mariana Islands, that has an ap-
13 proved State homeland security plan and that
14 meets one or both of the additional high-risk
15 qualifying criteria under paragraph (6) receives
16 no less than 0.45 percent of the funds available
17 for covered grants for that fiscal year for pur-
18 poses of implementing its homeland security
19 plan in accordance with the prioritization of
20 needs under section 1803(c)(1)(D);

21 “(C) the Virgin Islands, American Samoa,
22 Guam, and the Northern Mariana Islands each
23 receives no less than 0.08 percent of the funds
24 available for covered grants for that fiscal year
25 for purposes of implementing its approved State



1 homeland security plan in accordance with the
2 prioritization of needs under section
3 1803(e)(1)(D); and

4 “(D) directly eligible tribes collectively re-
5 ceive no less than 0.08 percent of the funds
6 available for covered grants for such fiscal year
7 for purposes of addressing the needs identified
8 in the applications of such tribes, consistent
9 with the homeland security plan of each State
10 within the boundaries of which any part of any
11 such tribe is located, except that this clause
12 shall not apply with respect to funds available
13 for a fiscal year if the Secretary receives less
14 than 5 applications for such fiscal year from
15 such tribes under section 1803(e)(6)(A) or does
16 not approve at least one such application.

17 “(6) ADDITIONAL HIGH-RISK QUALIFYING CRI-
18 TERIA.—For purposes of paragraph (5)(B), addi-
19 tional high-risk qualifying criteria consist of—

20 “(A) having a significant international
21 land border; or

22 “(B) adjoining a body of water within
23 North America through which an international
24 boundary line extends.



1 “(2) CONTENTS.—Each report shall—

2 “(A) include a priority ranking of essential
3 capabilities in order to provide guidance to the
4 Secretary and to the Congress on determining
5 the appropriate allocation of, and funding levels
6 for, first responder needs;

7 “(B) set forth a methodology by which any
8 State or local government will be able to deter-
9 mine the extent to which it possesses or has ac-
10 cess to the essential capabilities that States and
11 local governments having similar risks should
12 obtain;

13 “(C) describe the availability of national
14 voluntary consensus standards, and whether
15 there is a need for new national voluntary con-
16 sensus standards, with respect to first re-
17 sponder training and equipment;

18 “(D) include such additional matters as
19 the Secretary may specify in order to further
20 the terrorism preparedness capabilities of first
21 responders; and

22 “(E) include such revisions to the contents
23 of previous reports as are necessary to take into
24 account changes in the most current risk as-
25 sessment available by the Directorate for Infor-



1 mation Analysis and Infrastructure Protection
2 or other relevant information as determined by
3 the Secretary.

4 “(3) CONSISTENCY WITH FEDERAL WORKING
5 GROUP.—The Task Force shall ensure that its rec-
6 ommendations for essential capabilities for terrorism
7 preparedness are, to the extent feasible, consistent
8 with any preparedness goals or recommendations of
9 the Federal working group established under section
10 319F(a) of the Public Health Service Act (42 U.S.C.
11 247d–6(a)).

12 “(4) COMPREHENSIVENESS.—The Task Force
13 shall ensure that its recommendations regarding es-
14 sential capabilities for terrorism preparedness are
15 made within the context of a comprehensive State
16 emergency management system.

17 “(5) PRIOR MEASURES.—The Task Force shall
18 ensure that its recommendations regarding essential
19 capabilities for terrorism preparedness take into ac-
20 count any capabilities that State or local officials
21 have determined to be essential and have undertaken
22 since September 11, 2001, to prevent, prepare for,
23 respond to, or recover from terrorist attacks.

24 “(d) MEMBERSHIP.—



1 “(1) IN GENERAL.—The Task Force shall con-
2 sist of 25 members appointed by the Secretary, and
3 shall, to the extent practicable, represent a geo-
4 graphic (including urban and rural) and substantive
5 cross section of governmental and nongovernmental
6 first responder disciplines from the State and local
7 levels, including as appropriate—

8 “(A) members selected from the emergency
9 response field, including fire service and law en-
10 forcement, hazardous materials response, emer-
11 gency medical services, and emergency manage-
12 ment personnel (including public works per-
13 sonnel routinely engaged in emergency re-
14 sponse);

15 “(B) health scientists, emergency and in-
16 patient medical providers, and public health
17 professionals, including experts in emergency
18 health care response to chemical, biological, ra-
19 diological, and nuclear terrorism, and experts in
20 providing mental health care during emergency
21 response operations;

22 “(C) experts from Federal, State, and local
23 governments, and the private sector, rep-
24 resenting standards-setting organizations, in-
25 cluding representation from the voluntary con-



1 sensus codes and standards development com-
2 munity, particularly those with expertise in first
3 responder disciplines; and

4 “(D) State and local officials with exper-
5 tise in terrorism preparedness, subject to the
6 condition that if any such official is an elected
7 official representing one of the two major polit-
8 ical parties, an equal number of elected officials
9 shall be selected from each such party.

10 “(2) COORDINATION WITH THE DEPARTMENT
11 OF HEALTH AND HEALTH SERVICES.—In the selec-
12 tion of members of the Task Force who are health
13 professionals, including emergency medical profes-
14 sionals, the Secretary shall coordinate such selection
15 with the Secretary of Health and Human Services.

16 “(3) EX OFFICIO MEMBERS.—The Secretary
17 and the Secretary of Health and Human Services
18 shall each designate one or more officers of their re-
19 spective Departments to serve as ex officio members
20 of the Task Force. One of the ex officio members
21 from the Department of Homeland Security shall be
22 the designated officer of the Federal Government for
23 purposes of subsection (e) of section 10 of the Fed-
24 eral Advisory Committee Act (5 App. U.S.C.).



1 “(5) establishing or enhancing mechanisms for
2 sharing terrorism threat information;

3 “(6) systems architecture and engineering, pro-
4 gram planning and management, strategy formula-
5 tion and strategic planning, life-cycle systems de-
6 sign, product and technology evaluation, and proto-
7 type development for terrorism preparedness pur-
8 poses;

9 “(7) additional personnel costs resulting from—

10 “(A) elevations in the threat alert level of
11 the Homeland Security Advisory System by the
12 Secretary, or a similar elevation in threat alert
13 level issued by a State, region, or local govern-
14 ment with the approval of the Secretary;

15 “(B) travel to and participation in exer-
16 cises and training in the use of equipment and
17 on prevention activities; and

18 “(C) the temporary replacement of per-
19 sonnel during any period of travel to and par-
20 ticipation in exercises and training in the use of
21 equipment and on prevention activities;

22 “(8) the costs of equipment (including software)
23 required to receive, transmit, handle, and store clas-
24 sified information;



1 “(9) protecting critical infrastructure against
2 potential attack by the addition of barriers, fences,
3 gates, and other such devices, except that the cost
4 of such measures may not exceed the greater of—

5 “(A) \$1,000,000 per project; or

6 “(B) such greater amount as may be ap-
7 proved by the Secretary, which may not exceed
8 10 percent of the total amount of the covered
9 grant;

10 “(10) the costs of commercially available inter-
11 operable communications equipment (which, where
12 applicable, is based on national, voluntary consensus
13 standards) that the Secretary, in consultation with
14 the Chairman of the Federal Communications Com-
15 mission, deems best suited to facilitate interoper-
16 ability, coordination, and integration between and
17 among emergency communications systems, and that
18 complies with prevailing grant guidance of the De-
19 partment for interoperable communications;

20 “(11) educational curricula development for
21 first responders to ensure that they are prepared for
22 terrorist attacks;

23 “(12) training and exercises to assist public ele-
24 mentary and secondary schools in developing and
25 implementing programs to instruct students regard-



1 ing age-appropriate skills to prevent, prepare for, re-
2 spond to, mitigate against, or recover from an act of
3 terrorism;

4 “(13) paying of administrative expenses directly
5 related to administration of the grant, except that
6 such expenses may not exceed 3 percent of the
7 amount of the grant;

8 “(14) paying for the conduct of any activity
9 permitted under the Law Enforcement Terrorism
10 Prevention Program, or any such successor to such
11 program; and

12 “(15) other appropriate activities as determined
13 by the Secretary.

14 “(b) PROHIBITED USES.—Funds provided as a cov-
15 ered grant may not be used—

16 “(1) to supplant State or local funds;

17 “(2) to construct buildings or other physical fa-
18 cilities;

19 “(3) to acquire land; or

20 “(4) for any State or local government cost
21 sharing contribution.

22 “(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this
23 section shall be construed to preclude State and local gov-
24 ernments from using covered grant funds in a manner
25 that also enhances first responder preparedness for emer-



1 gencies and disasters unrelated to acts of terrorism, if
2 such use assists such governments in achieving essential
3 capabilities for terrorism preparedness established by the
4 Secretary.

5 “(d) REIMBURSEMENT OF COSTS.—(1) In addition
6 to the activities described in subsection (a), a covered
7 grant may be used to provide a reasonable stipend to paid-
8 on-call or volunteer first responders who are not otherwise
9 compensated for travel to or participation in training cov-
10 ered by this section. Any such reimbursement shall not
11 be considered compensation for purposes of rendering
12 such a first responder an employee under the Fair Labor
13 Standards Act of 1938 (29 U.S.C. 201 et seq.).

14 “(2) An applicant for a covered grant may petition
15 the Secretary for the reimbursement of the cost of any
16 activity relating to prevention (including detection) of, pre-
17 paredness for, response to, or recovery from acts of ter-
18 rorism that is a Federal duty and usually performed by
19 a Federal agency, and that is being performed by a State
20 or local government (or both) under agreement with a
21 Federal agency.

22 “(e) ASSISTANCE REQUIREMENT.—The Secretary
23 may not require that equipment paid for, wholly or in part,
24 with funds provided as a covered grant be made available
25 for responding to emergencies in surrounding States, re-



1 gions, and localities, unless the Secretary undertakes to
2 pay the costs directly attributable to transporting and op-
3 erating such equipment during such response.

4 “(f) FLEXIBILITY IN UNSPENT HOMELAND SECU-
5 RITY GRANT FUNDS.—Upon request by the recipient of
6 a covered grant, the Secretary may authorize the grantee
7 to transfer all or part of funds provided as the covered
8 grant from uses specified in the grant agreement to other
9 uses authorized under this section, if the Secretary deter-
10 mines that such transfer is in the interests of homeland
11 security.

12 “(g) STATE, REGIONAL, AND TRIBAL RESPONSIBIL-
13 ITIES.—

14 “(1) PASS-THROUGH.—The Secretary shall re-
15 quire a recipient of a covered grant that is a State
16 to obligate or otherwise make available to local gov-
17 ernments, first responders, and other local groups,
18 to the extent required under the State homeland se-
19 curity plan or plans specified in the application for
20 the grant, not less than 80 percent of the grant
21 funds, resources purchased with the grant funds
22 having a value equal to at least 80 percent of the
23 amount of the grant, or a combination thereof, by
24 not later than the end of the 45-day period begin-



1 ning on the date the grant recipient receives the
2 grant funds.

3 “(2) COST SHARING.—

4 “(A) IN GENERAL.—The Federal share of
5 the costs of an activity carried out with a cov-
6 ered grant to a State, region, or directly eligible
7 tribe awarded after the 2-year period beginning
8 on the date of the enactment of this section
9 shall not exceed 75 percent.

10 “(B) INTERIM RULE.—The Federal share
11 of the costs of an activity carried out with a
12 covered grant awarded before the end of the 2-
13 year period beginning on the date of the enact-
14 ment of this section shall be 100 percent.

15 “(C) IN-KIND MATCHING.—Each recipient
16 of a covered grant may meet the matching re-
17 quirement under subparagraph (A) by making
18 in-kind contributions of goods or services that
19 are directly linked with the purpose for which
20 the grant is made, including, but not limited to,
21 any necessary personnel overtime, contractor
22 services, administrative costs, equipment fuel
23 and maintenance, and rental space.

24 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
25



1 Any State that receives a covered grant shall certify
2 to the Secretary, by not later than 30 days after the
3 expiration of the period described in paragraph (1)
4 with respect to the grant, that the State has made
5 available for expenditure by local governments, first
6 responders, and other local groups the required
7 amount of grant funds pursuant to paragraph (1).

8 “(4) QUARTERLY REPORT ON HOMELAND SECUR-
9 RITY SPENDING.—The Federal share described in
10 paragraph (2)(A) may be increased by up to 2 per-
11 cent for any State, region, or directly eligible tribe
12 that, not later than 30 days after the end of each
13 fiscal quarter, submits to the Secretary a report on
14 that fiscal quarter. Each such report must include,
15 for each recipient of a covered grant or a pass-
16 through under paragraph (1)—

17 “(A) the amount obligated to that recipient
18 in that quarter;

19 “(B) the amount expended by that recipi-
20 ent in that quarter; and

21 “(C) a summary description of the items
22 purchased by such recipient with such amount.

23 “(5) ANNUAL REPORT ON HOMELAND SECUR-
24 RITY SPENDING.—Each recipient of a covered grant
25 shall submit an annual report to the Secretary not



1 later than 60 days after the end of each Federal fis-
2 cal year. Each recipient of a covered grant that is
3 a region must simultaneously submit its report to
4 each State of which any part is included in the re-
5 gion. Each recipient of a covered grant that is a di-
6 rectly eligible tribe must simultaneously submit its
7 report to each State within the boundaries of which
8 any part of such tribe is located. Each report must
9 include the following:

10 “(A) The amount, ultimate recipients, and
11 dates of receipt of all funds received under the
12 grant during the previous fiscal year.

13 “(B) The amount and the dates of dis-
14 bursements of all such funds expended in com-
15 pliance with paragraph (1) or pursuant to mu-
16 tual aid agreements or other sharing arrange-
17 ments that apply within the State, region, or di-
18 rectly eligible tribe, as applicable, during the
19 previous fiscal year.

20 “(C) How the funds were utilized by each
21 ultimate recipient or beneficiary during the pre-
22 ceding fiscal year.

23 “(D) The extent to which essential capa-
24 bilities identified in the applicable State home-
25 land security plan or plans were achieved, main-



1 tained, or enhanced as the result of the expend-
2 iture of grant funds during the preceding fiscal
3 year.

4 “(E) The extent to which essential capa-
5 bilities identified in the applicable State home-
6 land security plan or plans remain unmet.

7 “(6) INCLUSION OF RESTRICTED ANNEXES.—A
8 recipient of a covered grant may submit to the Sec-
9 retary an annex to the annual report under para-
10 graph (5) that is subject to appropriate handling re-
11 strictions, if the recipient believes that discussion in
12 the report of unmet needs would reveal sensitive but
13 unclassified information.

14 “(7) PROVISION OF REPORTS.—The Secretary
15 shall ensure that each annual report under para-
16 graph (5) is provided to the Under Secretary for
17 Emergency Preparedness and Response and the Di-
18 rector of the Office for Domestic Preparedness.

19 “(h) INCENTIVES TO EFFICIENT ADMINISTRATION
20 OF HOMELAND SECURITY GRANTS.—

21 “(1) PENALTIES FOR DELAY IN PASSING
22 THROUGH LOCAL SHARE.—If a recipient of a cov-
23 ered grant that is a State fails to pass through to
24 local governments, first responders, and other local
25 groups funds or resources required by subsection



1 (g)(1) within 45 days after receiving funds under
2 the grant, the Secretary may—

3 “(A) reduce grant payments to the grant
4 recipient from the portion of grant funds that
5 is not required to be passed through under sub-
6 section (g)(1);

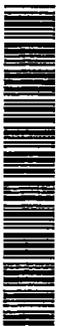
7 “(B) terminate payment of funds under
8 the grant to the recipient, and transfer the ap-
9 propriate portion of those funds directly to local
10 first responders that were intended to receive
11 funding under that grant; or

12 “(C) impose additional restrictions or bur-
13 dens on the recipient’s use of funds under the
14 grant, which may include—

15 “(i) prohibiting use of such funds to
16 pay the grant recipient’s grant-related
17 overtime or other expenses;

18 “(ii) requiring the grant recipient to
19 distribute to local government beneficiaries
20 all or a portion of grant funds that are not
21 required to be passed through under sub-
22 section (g)(1); or

23 “(iii) for each day that the grant re-
24 cipient fails to pass through funds or re-
25 sources in accordance with subsection



1 (g)(1), reducing grant payments to the
2 grant recipient from the portion of grant
3 funds that is not required to be passed
4 through under subsection (g)(1), except
5 that the total amount of such reduction
6 may not exceed 20 percent of the total
7 amount of the grant.

8 “(2) EXTENSION OF PERIOD.—The Governor of
9 a State may request in writing that the Secretary
10 extend the 45-day period under section
11 1803(e)(5)(E) or paragraph (1) for an additional
12 15-day period. The Secretary may approve such a
13 request, and may extend such period for additional
14 15-day periods, if the Secretary determines that the
15 resulting delay in providing grant funding to the
16 local government entities that will receive funding
17 under the grant will not have a significant detri-
18 mental impact on such entities’ terrorism prepared-
19 ness efforts.

20 “(3) PROVISION OF NON-LOCAL SHARE TO
21 LOCAL GOVERNMENT.—

22 “(A) IN GENERAL.—The Secretary may
23 upon request by a local government pay to the
24 local government a portion of the amount of a



1 covered grant awarded to a State in which the
2 local government is located, if—

3 “(i) the local government will use the
4 amount paid to expedite planned enhance-
5 ments to its terrorism preparedness as de-
6 scribed in any applicable State homeland
7 security plan or plans;

8 “(ii) the State has failed to pass
9 through funds or resources in accordance
10 with subsection (g)(1); and

11 “(iii) the local government complies
12 with subparagraphs (B) and (C).

13 “(B) SHOWING REQUIRED.—To receive a
14 payment under this paragraph, a local govern-
15 ment must demonstrate that—

16 “(i) it is identified explicitly as an ul-
17 timate recipient or intended beneficiary in
18 the approved grant application;

19 “(ii) it was intended by the grantee to
20 receive a severable portion of the overall
21 grant for a specific purpose that is identi-
22 fied in the grant application;

23 “(iii) it petitioned the grantee for the
24 funds or resources after expiration of the
25 period within which the funds or resources



1 were required to be passed through under
2 subsection (g)(1); and

3 “(iv) it did not receive the portion of
4 the overall grant that was earmarked or
5 designated for its use or benefit.

6 “(C) EFFECT OF PAYMENT.—Payment of
7 grant funds to a local government under this
8 paragraph—

9 “(i) shall not affect any payment to
10 another local government under this para-
11 graph; and

12 “(ii) shall not prejudice consideration
13 of a request for payment under this para-
14 graph that is submitted by another local
15 government.

16 “(D) DEADLINE FOR ACTION BY SEC-
17 RETARY.—The Secretary shall approve or dis-
18 approve each request for payment under this
19 paragraph by not later than 15 days after the
20 date the request is received by the Department.

21 “(i) REPORTS TO CONGRESS.—The Secretary shall
22 submit an annual report to the Congress by January 31
23 of each year covering the preceding fiscal year—

24 “(1) describing in detail the amount of Federal
25 funds provided as covered grants that were directed



1 to each State, region, and directly eligible tribe in
2 the preceding fiscal year;

3 “(2) containing information on the use of such
4 grant funds by grantees; and

5 “(3) describing—

6 “(A) the Nation’s progress in achieving,
7 maintaining, and enhancing the essential capa-
8 bilities established by the Secretary as a result
9 of the expenditure of covered grant funds dur-
10 ing the preceding fiscal year; and

11 “(B) an estimate of the amount of expend-
12 itures required to attain across the United
13 States the essential capabilities established by
14 the Secretary.

15 **“SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER**
16 **EQUIPMENT AND TRAINING.**

17 “(a) EQUIPMENT STANDARDS.—

18 “(1) IN GENERAL.—The Secretary, in consulta-
19 tion with the Under Secretaries for Emergency Pre-
20 paredness and Response and Science and Tech-
21 nology and the Director of the Office for Domestic
22 Preparedness, shall, not later than 6 months after
23 the date of enactment of this section, support the
24 development of, promulgate, and update as nec-
25 essary national voluntary consensus standards for



1 the performance, use, and validation of first re-
2 sponder equipment for purposes of section
3 1805(e)(7). Such standards—

4 “(A) shall be, to the maximum extent prac-
5 ticable, consistent with any existing voluntary
6 consensus standards;

7 “(B) shall take into account, as appro-
8 priate, new types of terrorism threats that may
9 not have been contemplated when such existing
10 standards were developed;

11 “(C) shall be focused on maximizing inter-
12 operability, interchangeability, durability, flexi-
13 bility, efficiency, efficacy, portability, sustain-
14 ability, and safety; and

15 “(D) shall cover all appropriate uses of the
16 equipment.

17 “(2) REQUIRED CATEGORIES.—In carrying out
18 paragraph (1), the Secretary shall specifically con-
19 sider the following categories of first responder
20 equipment:

21 “(A) Thermal imaging equipment.

22 “(B) Radiation detection and analysis
23 equipment.

24 “(C) Biological detection and analysis
25 equipment.



1 “(D) Chemical detection and analysis
2 equipment.

3 “(E) Decontamination and sterilization
4 equipment.

5 “(F) Personal protective equipment, in-
6 cluding garments, boots, gloves, and hoods and
7 other protective clothing.

8 “(G) Respiratory protection equipment.

9 “(H) Interoperable communications, in-
10 cluding wireless and wireline voice, video, and
11 data networks.

12 “(I) Explosive mitigation devices and ex-
13 plosive detection and analysis equipment.

14 “(J) Containment vessels.

15 “(K) Contaminant-resistant vehicles.

16 “(L) Such other equipment for which the
17 Secretary determines that national voluntary
18 consensus standards would be appropriate.

19 “(b) TRAINING STANDARDS.—

20 “(1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Under Secretaries for Emergency Pre-
22 paredness and Response and Science and Tech-
23 nology and the Director of the Office for Domestic
24 Preparedness, shall support the development of, pro-
25 mulgate, and regularly update as necessary national



1 voluntary consensus standards for first responder
2 training carried out with amounts provided under
3 covered grant programs, that will enable State and
4 local government first responders to achieve optimal
5 levels of terrorism preparedness as quickly as prac-
6 ticable. Such standards shall give priority to pro-
7 viding training to—

8 “(A) enable first responders to prevent,
9 prepare for, respond to, mitigate against, and
10 recover from terrorist threats, including threats
11 from chemical, biological, nuclear, and radio-
12 logical weapons and explosive devices capable of
13 inflicting significant human casualties; and

14 “(B) familiarize first responders with the
15 proper use of equipment, including software,
16 developed pursuant to the standards established
17 under subsection (a).

18 “(2) REQUIRED CATEGORIES.—In carrying out
19 paragraph (1), the Secretary specifically shall in-
20 clude the following categories of first responder ac-
21 tivities:

22 “(A) Regional planning.

23 “(B) Joint exercises.

24 “(C) Intelligence collection, analysis, and
25 sharing.



1 “(D) Emergency notification of affected
2 populations.

3 “(E) Detection of biological, nuclear, radi-
4 ological, and chemical weapons of mass destruc-
5 tion.

6 “(F) Such other activities for which the
7 Secretary determines that national voluntary
8 consensus training standards would be appro-
9 priate.

10 “(3) CONSISTENCY.—In carrying out this sub-
11 section, the Secretary shall ensure that such training
12 standards are consistent with the principles of emer-
13 gency preparedness for all hazards.

14 “(c) CONSULTATION WITH STANDARDS ORGANIZA-
15 TIONS.—In establishing national voluntary consensus
16 standards for first responder equipment and training
17 under this section, the Secretary shall consult with rel-
18 evant public and private sector groups, including—

19 “(1) the National Institute of Standards and
20 Technology;

21 “(2) the National Fire Protection Association;

22 “(3) the National Association of County and
23 City Health Officials;

24 “(4) the Association of State and Territorial
25 Health Officials;



1 “(5) the American National Standards Insti-
2 tute;

3 “(6) the National Institute of Justice;

4 “(7) the Inter-Agency Board for Equipment
5 Standardization and Interoperability;

6 “(8) the National Public Health Performance
7 Standards Program;

8 “(9) the National Institute for Occupational
9 Safety and Health;

10 “(10) ASTM International;

11 “(11) the International Safety Equipment Asso-
12 ciation;

13 “(12) the Emergency Management Accredita-
14 tion Program; and

15 “(13) to the extent the Secretary considers ap-
16 propriate, other national voluntary consensus stand-
17 ards development organizations, other interested
18 Federal, State, and local agencies, and other inter-
19 ested persons.

20 “(d) COORDINATION WITH SECRETARY OF HHS.—

21 In establishing any national voluntary consensus stand-
22 ards under this section for first responder equipment or
23 training that involve or relate to health professionals, in-
24 cluding emergency medical professionals, the Secretary



1 shall coordinate activities under this section with the Sec-
2 retary of Health and Human Services.”.

3 (b) DEFINITION OF EMERGENCY RESPONSE PRO-
4 VIDERS.—Paragraph (6) of section 2 of the Homeland Se-
5 curity Act of 2002 (Public Law 107–296; 6 U.S.C.
6 101(6)) is amended by striking “includes” and all that
7 follows and inserting “includes Federal, State, and local
8 governmental and nongovernmental emergency public
9 safety, law enforcement, fire, emergency response, emer-
10 gency medical (including hospital emergency facilities),
11 and related personnel, organizations, agencies, and au-
12 thorities.”.

13 **SEC. 12. OVERSIGHT.**

14 The Secretary of Homeland Security shall establish
15 within the Office for Domestic Preparedness an Office of
16 the Comptroller to oversee the grants distribution process
17 and the financial management of the Office for Domestic
18 Preparedness.

19 **SEC. 13. GAO REPORT ON AN INVENTORY AND STATUS OF**
20 **HOMELAND SECURITY FIRST RESPONDER**
21 **TRAINING.**

22 (a) IN GENERAL.—The Comptroller General of the
23 United States shall report to the Congress in accordance
24 with this section—



1 (1) on the overall inventory and status of first
2 responder training programs of the Department of
3 Homeland Security and other departments and
4 agencies of the Federal Government; and

5 (2) the extent to which such programs are co-
6 ordinated.

7 (b) CONTENTS OF REPORTS.—The reports under this
8 section shall include—

9 (1) an assessment of the effectiveness of the
10 structure and organization of such training pro-
11 grams;

12 (2) recommendations to—

13 (A) improve the coordination, structure,
14 and organization of such training programs;
15 and

16 (B) increase the availability of training to
17 first responders who are not able to attend cen-
18 tralized training programs;

19 (3) the structure and organizational effective-
20 ness of such programs for first responders in rural
21 communities;

22 (4) identification of any duplication or redun-
23 dancy among such programs;

24 (5) a description of the use of State and local
25 training institutions, universities, centers, and the



1 National Domestic Preparedness Consortium in de-
2 signing and providing training;

3 (6) a cost-benefit analysis of the costs and time
4 required for first responders to participate in train-
5 ing courses at Federal institutions;

6 (7) an assessment of the approval process for
7 certifying non-Department of Homeland Security
8 training courses that are useful for anti-terrorism
9 purposes as eligible for grants awarded by the De-
10 partment;

11 (8) a description of the use of Department of
12 Homeland Security grant funds by States and local
13 governments to acquire training;

14 (9) an analysis of the feasibility of Federal,
15 State, and local personnel to receive the training
16 that is necessary to adopt the National Response
17 Plan and the National Incident Management Sys-
18 tem; and

19 (10) the role of each first responder training in-
20 stitution within the Department of Homeland Secu-
21 rity in the design and implementation of terrorism
22 preparedness and related training courses for first
23 responders.

24 (c) DEADLINES.—The Comptroller General shall—



1 (1) submit a report under subsection (a)(1) by
2 not later than 60 days after the date of the enact-
3 ment of this Act; and

4 (2) submit a report on the remainder of the
5 topics required by this section by not later than 120
6 days after the date of the enactment of this Act.

7 **SEC. 14. REMOVAL OF CIVIL LIABILITY BARRIERS THAT**
8 **DISCOURAGE THE DONATION OF FIRE EQUIP-**
9 **MENT TO VOLUNTEER FIRE COMPANIES.**

10 (a) **LIABILITY PROTECTION.**—A person who donates
11 fire control or fire rescue equipment to a volunteer fire
12 company shall not be liable for civil damages under any
13 State or Federal law for personal injuries, property dam-
14 age or loss, or death caused by the equipment after the
15 donation.

16 (b) **EXCEPTIONS.**—Subsection (a) does not apply to
17 a person if—

18 (1) the person's act or omission causing the in-
19 jury, damage, loss, or death constitutes gross neg-
20 ligence or intentional misconduct; or

21 (2) the person is the manufacturer of the fire
22 control or fire rescue equipment.

23 (c) **PREEMPTION.**—This section preempts the laws of
24 any State to the extent that such laws are inconsistent
25 with this section, except that notwithstanding subsection



1 (b) this section shall not preempt any State law that pro-
2 vides additional protection from liability for a person who
3 donates fire control or fire rescue equipment to a volunteer
4 fire company.

5 (d) DEFINITIONS.—In this section:

6 (1) PERSON.—The term “person” includes any
7 governmental or other entity.

8 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—
9 The term “fire control or fire rescue equipment” in-
10 cludes any fire vehicle, fire fighting tool, communica-
11 tions equipment, protective gear, fire hose, or
12 breathing apparatus.

13 (3) STATE.—The term “State” includes the
14 several States, the District of Columbia, the Com-
15 monwealth of Puerto Rico, the Commonwealth of the
16 Northern Mariana Islands, American Samoa, Guam,
17 the Virgin Islands, any other territory or possession
18 of the United States, and any political subdivision of
19 any such State, territory, or possession.

20 (4) VOLUNTEER FIRE COMPANY.—The term
21 “volunteer fire company” means an association of
22 individuals who provide fire protection and other
23 emergency services, where at least 30 percent of the
24 individuals receive little or no compensation com-
25 pared with an entry level full-time paid individual in



1 that association or in the nearest such association
2 with an entry level full-time paid individual.

3 (e) EFFECTIVE DATE.—This section applies only to
4 liability for injury, damage, loss, or death caused by equip-
5 ment that, for purposes of subsection (a), is donated on
6 or after the date that is 30 days after the date of the
7 enactment of this section.

