I want to thank the gentlewoman from California for her work on this bill today. I would also like to thank the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON), from the Committee on Homeland Security; as well as the gentleman from New York (Mr. KING), chairman of the Subcommittee on Emergency Preparedness, Science, and Technology; and the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure for all of their hard work and determination in bringing this bill forward. They worked well together. This is a bipartisan bill.

The Rules Committee met just several days ago and heard how the ranking member and Chairman COX put a great work package together. The Rules Committee decided to help out a little bit. We have made in order with this rule three Democrat amendments and two Republican amendments that will be part of this wonderful bill that will be debated in just a few minutes here in this House. I am very proud of the work that we have accomplished together. I am very proud of the legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution. The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE
Mr. COX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1544.

The SPEAKER pro tempore (Mr. Sessions). Is there objection to the request of the gentleman from California?

There was no objection.

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT
The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1544.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1544, the Faster and Smarter Funding for First Responders Act. I am here on the floor today with the ranking member of the Committee on Homeland Security, the gentleman from Mississippi (Mr. THOMPSON). He and I are here to argue today on behalf of a bill that is strongly endorsed by every single Republican and Democratic member of the Committee on Homeland Security. More than that, this legislation is supported by the Bush administration. We have received a formal statement of administration support for this bill. It is endorsed by scores of first responder groups, the men and women on the front lines from whom I intend. They worked with us over a period of over 2 years, first to identify the problems in the current grant-making system for billions of homeland security and terrorism preparedness dollars and, second, to develop a solution.

The solution that today’s bill presents is a simple one. We are going to move away from political formulas for allocating these billions of dollars and toward a system that relies on the intelligence that the American taxpayer already purchases at the price of billions of dollars every year, information about terrorist capabilities and intentions, information about our own critical infrastructure and vulnerabilities and information about the potential consequences of different kinds of terrorist attacks. In combination, this mix of threat, vulnerability and consequence is called risk. Funding for first responders in the future is going to be based upon risk. That is what this bill is all about.

And we solve the second problem. Of the over $30 billion in terrorism preparedness moneys that the Federal Government has made available to States and localities since September 11, some 60 percent of it is not yet spent. It is stuck in the administrative pipeline.

There are a number of reasons for this that our committee has discovered through field hearings across the country, hearings here in Washington, and our own investigation. But at bottom it is this: right now there is an ‘ad hoc’ system, where the money is spent without clear standards for the way that moneys are to be used. There is no predictability about when the funds might arrive, whether reimbursement will be there. And the planning, as a result, tends to take place after the money is received, slowing things down.

In our new system, the planning will be moved at the front end of the process. Every State which already has a statewide terrorism preparedness plan will ensure that when these applications for grants are made, they are directly tied to that statewide plan and also directly tied to the achievement of national objectives for first responder preparedness.

We will have clear standards for the first responders so that they will not have these kinds of questions about reimbursement that have plagued them in the past. We will also ensure that what we are buying in the form of equipment and training will be directly tied to national terrorism preparedness goals.

In recent days, there has been a fair amount of press coverage about abuses of homeland security spending. For example, right here in Washington, D.C., we learned that $100,000 of this grant money meant for first responder terrorism preparedness was instead spent on a Dale Carnegie course for sanitation today. Mr. Chairman, I ask that this does not happen again. We will move America in the direction that we need to go to be prepared for another terrorist attack.

These kinds of abuses will come to an end as a result of this legislation, and our money will be directed toward keeping our first responders, who are not only first in line to protect us but also first in line for the terrorists, the first to die if this system does not work right, keeping these people well trained and well equipped.

I would like to thank, in addition to the gentleman from Mississippi (Mr. THOMPSON), ranking member, the other members of the Committee on Homeland Security. There has been a great deal of work that has gone into this bill. The last step in bringing this to the floor was a 13-hour markup in our committee. I think what we will find today, Mr. Chairman, is that this debate will go forward in a very bipartisan fashion. We might not agree about all the details of this legislation. We may not agree when we go to conference with the Senate. And when we come back with an agreement, hopefully in just a few weeks or maybe a few months, we may not agree on every detail.

But there is a big change in this bill that we all agree on, and that is that henceforth moneys for terrorism preparedness that go from Washington to States and localities to our police, to our firefighters, to our EMS personnel, to people in hospitals who will be there in case of a biological attack, is indeed to treat the wounded in case of any attack, that the people who get these moneys will be assured that, first, the moneys will arrive soon, on time, right after we want them to be available; and second, they know how to spend it and they will know, when they spend it in accordance with their plans, they will get reimbursed for it. This will move America in the direction that we need to go to be prepared for another terrorist attack.

A great deal of our work in the Committee on Homeland Security is focused on preventing terrorist attacks,
as well we should be focused; but I have no doubt that someday somewhere ter-
rorists will again strike our country; and when that happens, we are going to re-
ly on our first responders just as we did on 9/11, and next time we want to make sure they have all the training and a that they have that they need. This bill is a strong step in that direc-
tion. It is something that I think we can all be very proud of.

I want to conclude by thanking the gentleman from Mississippi, who, as the leader of the minority, has made it possible for us to keep in mind that when the terrorists attack us, they are not going to attack Democrats or Rep-

dicans. They are going to attack Americans, and we are all Americans here, and we are all doing the right thing today.

Mr. Chairman, I submit the following exchange of letters for the RECORD.

H3212

as reported, is substantially similar to the

Homeland Security marked up the bill and referred solely to the Committee on

Transportation and Infrastructure Committee does not waive any jurisdicti-

on, or otherwise affects the jurisdiction of the Science Committee in matters be-

considered in H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005.

Our Committee recognizes the importance of H.R. 1544 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my deci-

dion to forego a sequential referral waives, reduces or other-

wise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Committee report and in the Congres-
sional Record when the bill is considered on the House Floor.

The Committee on Transportation and In-

frastructure also asks that you support our request to be conference on this legisla-
tion, but we have a claim to jurisdiction over section three of the bill (adding a new sec-

1807 that addresses national voluntary consensus standards for the perfor-

mance, use, and validation of first responder equipment). The de-

development of such standards is of particular jurisdictional interest to the Science Com-

mittee.

The Science Committee acknowledges the importance of H.R. 1544 and the need for the legislation to move expeditiously. Therefore, while we have a claim to jurisdiction over section three of the bill (adding a new sec-

1807 that addresses national voluntary consensus standards for the perfor-

mance, use, and validation of first responder equipment), I agree not to request a sequential re-

ferral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a se-

quential referral waives, reduces or other-

wise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also asks that you support our request to be conference on any provisions over which we have jurisdiction during House-Senate conference on this legis-

alization. Thank you for your attention to this mat-

er.

Sincerely,

Don Young
Chairman

Chairman.

House of Representatives
Committee on Homeland Security
Washington, DC, April 25, 2005

Hon. Don Young,
Chairman, Committee on Transportation and Infrastructure,
Rayburn House Office Building, Washington, DC

Dear Mr. Chairman: Thank you for your recent letter expressing the Transportation and Infrastructure Committee’s jurisdic-
tional interest in H.R. 1544, the “Faster and Smarter Funding for First Responders Act of 2005.” The bill was introduced on April 12, 2005, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and ordered it reported on April 21, 2005. The bill, as reported, is substantially similar to the amended version of H.R. 3266 that the Transportation and Infrastructure Committee marked up and ordered reported during the 108th Congress, and it reflects compromises reached in consultation with your Com-
mittee during the last Congress.

I appreciate your willingness to waive fur-
ther consideration of the Science Committee’s jurisdictional interest in H.R. 1544, the “Faster and Smarter Funding for First Re-

sponders Act of 2005.” The bill was intro-

duced on April 12, 2005, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and ordered it reported on April 21, 2005. The bill, as reported, is substantially similar to the amended version of H.R. 3266 that the Science agreed to discharge during the 108th Congress. Committee com-
promises reached in consultation with your Committee during the last Congress.

I appreciate your willingness to waive fur-
ther consideration of H.R. 1544 in order to ex-
pedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Transportation and Infrastructure Committee does not waive any jurisdiction it may have over H.R. 1544. In addition, I agree that if any provisions of the bill are determined to be within the ju-
risdiction of the Science and Infrastructure Committee, I will support your request to be conference with those provisions during any House-Senate con-
ference on H.R. 1544.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security’s report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work towards the enactment of H.R. 1544.

Sincerely,

Christopher Cox, Chairman

House of Representatives
Committee on Homeland Security
Washington, DC, April 25, 2005

Hon. Christopher Cox,
Chairman, Committee on Homeland Security,
Adams Building, Washington, DC

Dear Mr. Chairman: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005.

Our Committee recognizes the importance

of H.R. 1544 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor.

The Committee on Transportation and Infrastructure also asks that you support our request to be conference on this legis-
lation, but we have a claim to jurisdiction over section three of the bill (adding a new sec-

1807 that addresses national voluntary consensus standards for the perfor-

mance, use, and validation of first responder equipment). The de-

development of such standards is of particular jurisdictional interest to the Science Com-

mittee.

The Science Committee acknowledges the importance of H.R. 1544 and the need for the legislation to move expeditiously. Therefore, while we have a claim to jurisdiction over section three of the bill (adding a new sec-

1807 that addresses national voluntary consensus standards for the perfor-

mance, use, and validation of first responder equipment), I agree not to request a sequential re-

ferral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a se-

quential referral waives, reduces or other-

wise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also asks that you support our request to be conference on any provisions over which we have jurisdiction during House-Senate conference on this legis-

alization. Thank you for your attention to this mat-

er.

Sincerely,

Sherwood Boehlert, Chairman

House of Representatives
Committee on Homeland Security
Washington, DC, April 29, 2005

Hon. Sherwood Boehlert,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC

Dear Mr. Chairman: Thank you for your recent letter expressing the Transportation and Infrastructure Committee’s jurisdic-
tional interest in H.R. 1544, the “Faster and Smarter Funding for First Re-

sponders Act of 2005.” The bill was introduced on April 12, 2005, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and ordered it reported on April 21, 2005. The bill, as reported, is substantially similar to the amended version of H.R. 3266 that the Science agreed to discharge during the 108th Congress. Committee com-
promises reached in consultation with your Committee during the last Congress.

I appreciate your willingness to waive fur-
ther consideration of H.R. 1544 in order to ex-
pedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Transportation and Infrastructure Committee does not waive any jurisdiction it may have over H.R. 1544. In addition, I agree that if any provisions of the bill are determined to be within the ju-isdiction of the Science and Infrastructure Committee, I will support your request to be conference with those provisions during any House-Senate con-
ference on H.R. 1544.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security’s report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work towards the enactment of H.R. 1544.

Sincerely,

Christopher Cox, Chairman

House of Representatives
Committee on Homeland Security
Washington, DC, April 29, 2005

Hon. Christopher Cox,
Chairman, Committee on Homeland Security,
House of Representatives, Adams Building Washington, DC

Dear Chairman Cox: I am writing with re-
gard to H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005, which was ordered reported by the Com-
mittee on Homeland Security on April 21, 2005. As you know, the Energy and Com-
merce Committee has jurisdiction over matters involving public health contained within section 3 of H.R. 1544 and similar legislation.

Section 3 of H.R. 1544, as reported, requires the Secretary of Health and Human Services to appoint ex officio members and coordinate with the Secretary of Homeland Security with respect to the selection of emergency medical professionals to serve as members of a task force on terrorism preparedness. In addition, the bill requires that, in estab-
lishing any national voluntary consensus standards for first responder equipment or training that involve or relate to health pro-

fessionals, the Secretary of Homeland Secu-

rity must coordinate with the Secretary of Health and Human Services. This language is substantially similar to that contained in the Energy and Commerce reported version of H.R. 3266 from the 108th Congress.

I recognize your desire to bring this legis-

taxation to the House in an expeditious manner. Accordingly, I will not exercise my Committee’s right to a referral. By agreeing to waive its consideration of the bill, how-

ever, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 1544.

In addition, the Energy and Commerce Com-
mittee reserves its right to seek conference on any provisions of the bill that it does not join its jurisdiction during any House-Senate confer-
cence that may be convened on this legis-

lation. I ask for your commitment to support the Energy and Commerce Committee for conferences on H.R. 1544 or similar legislation.
I request that you include this letter as part of the Committee's Report on H.R. 1544 and in the Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

JOE BARTON, Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, April 28, 2005.

Hon. Joe Barton,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Washington, DC.

DEAR Mr. Chairman:

Thank you for your recent letter regarding the Energy and Commerce Committee's jurisdictional interest in H.R. 1544, the “Faster and Smarter Funding for First Responders Act of 2005.”

The Energy and Commerce Committee marked up the bill and ordered it reported on April 21, 2005. The bill, as reported, is substantially similar to the amended version of H.R. 3266 that the Judiciary Committee marked up and ordered reported during the 108th Congress; and it reflects compromises reached in consultation with the Judiciary Committee.

I appreciate your willingness to waive further consideration of H.R. 1544 in order to expedite proceedings on this legislation. I agree that by waiving further consideration of the bill, the Judiciary Committee does not waive any jurisdiction it may have over H.R. 1544 or similar legislation.

In addition, I agree that for provisions of the bill that are determined to be within the jurisdiction of the Judiciary Committee, I will support representation for your Committee during conference with the Senate.

Thank you for your cooperation as we work towards the enactment of H.R. 1544.

Sincerely,

CHRISTOPHER COX,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 28, 2005.

Hon. Christopher Cox,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR Mr. Chairman:

On April 21, 2005, the Committee on Homeland Security ordered reported H.R. 1544, the “Faster and Smarter Funding for First Responders Act of 2005.”

In recognition of the desire to expedite floor consideration of H.R. 1544, the Committee on the Judiciary hereby waives any consideration of the bill.

Several sections of H.R. 1544 contain matters within the Committee's Rule X jurisdiction. The centrality of law enforcement to the primary purposes of this legislation brings it within the Committee on the Judiciary's legislative and oversight jurisdiction under Rule X ("Criminal law enforcement") and rule X(1)(19) ("Subversive activities affecting the internal security of the United States"). A summary of principal provisions within the Committee on the Judiciary's jurisdiction follows.

Sec. 3 (new section 1802(a)(3)) -- establishes grants to States or States located in a region "established by a compact between two or more States." These matters fall within the Committee on the Judiciary's jurisdiction under rule X(1)(10) ("Inter-state compacts generally").

Sec. 3 (new section 1802(a)(4)) -- (Law Enforcement Terrorism) -- establishes grants to States or States located in a region "established by a compact between two or more States." These matters fall within the Committee's jurisdiction under rule X(1)(7) ("Criminal law enforcement") and rule X(1)(19) ("Subversive activities affecting the internal security of the United States").

I may consume.

Chairman, I yield myself such time as I may consume.

I would like at the outset to follow the conversation, saying this committee has worked very well on this legislation. It is bipartisan. The 14 hours put in working on it, the committee went very well. I would like to compliment the gentleman from New Jersey (Mr. Pascrell), the ranking member of the Emergency Preparedness, Science, and Technology Subcommittee, for his issue.

Mr. Chairman, I support H.R. 1544, the Faster and Smarter Funding for First Responders Act. Our first responders, whether they are firefighters, law enforcement, or EMS providers, are the first line of defense. We must provide them with additional resources, training, and information they need in order to meet the challenges.

Preparing for, preventing, and responding to any large incident is primarily a local responsibility. Still, the Federal Government has a significant role. H.R. 1544 was introduced in April. It was co-sponsored by all the Democrats and Republicans on the Committee on Homeland Security, and it was approved unanimously by voice vote of that same committee. In addition, this bill is supported by every major first responder organization in the country. This version is a compromise that was reached during the 108th Congress in order to pass out of the House of Representatives at that point. The current system for distributing funding to first responders is fundamentally broken and is not getting the funding where it needs to go in a timely fashion.
Currently, funding is distributed solely on the basis of an arbitrary formula that does not consider risk in any part of the country. H.R. 1544 ensures that homeland security funding for first responders is distributed on the basis of risk regardless of community type.

As a former mayor and volunteer firefighter from Mississippi, I am very concerned that the needs of rural America are not adequately being considered when DHS allocates homeland security funding. Maintaining a State minimum of .25 percent for most States and .45 for certain border States strikes a difficult, but necessary, balance. On one hand the government must consider risk in distributing the funding. On the other hand, the government must ensure that each State will have the funding to reach a minimum level of preparedness.

H.R. 1544 does not mean that all funding will go to States and communities with the worst population or highest threat. For the first time, DHS will assess risk in every community regardless of whether it is urban, suburban, or rural. After all, we do not know where terrorists will strike next.

One issue that is very important to my State is the issue of flood control levees. I worked to ensure that flood control levees are included in the definition of dams on the critical infrastructure.

This bill establishes a First Responder Grant Board to prioritize grant applications using threat, vulnerability, and consequences. Mr. Chairman, H.R. 1544 also helps target funding to the essential capabilities of first responders in order to prevent, prepare for, and respond to acts of terrorism.

But this bill is not perfect, Mr. Chairman. There are personnel shortages that ought to be covered in this program. There are a number of other things I look forward to working with the chairman on correcting in other legislation. However, for what we have before us today, I am in support of it from the outset. It is the right thing to do. We have to target the resources based on risk. This legislation does that.

Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from the State of New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I am proud to be here today to strongly urge the adoption of this legislation. It is absolutely vital for our Nation’s interests and for the interests of first responders throughout the country that this legislation be adopted and that we do all we can to have it implemented and signed into law.

At the outset, I want to commend the gentleman from California (Chairman Cox) for the leadership he has given to the Committee on Homeland Security; the gentleman from Mississippi (Mr. THOMPSON), ranking member, who has demonstrated the ultimate in bipartisanship; and the gentleman from New Jersey (Mr. PASCRELL), my old friend and ranking member of our subcommittee, who fully appreciates and understands just how vital this is.

He was there with President Bush and a number of us just 3 days after the attacks of September 11 at the World Trade Center, at Ground Zero. We saw the devastation, and all of us promised that day and afterwards never ever to allow our first responders to be put in a position where they were not adequately equipped, adequately ready, and suitably trained and prepared to cope with such a mammoth attack as that and also that they have all the equipment and everything that has to be done to be prepared.

I think it is a tribute to the fact that our committee is now a permanent committee on Homeland Security is now a permanent committee that will be able to marshal these resources and bring about such a bipartisan effort.

Those of us who come from the area of Ground Zero, certainly in my district and the adjoining districts, we lost many, many hundreds of people on that day. People from the financial services community and fire service, police service, all of them lost their lives in that situation in the instant. But as a result, we have had a situation where money has not gone where it is needed. It has been spread far and wide. And as a result, the protection that those people need has not been given.

This bill we are passing today is based on threat analysis. I wish that my State was not such a high target, but it is. And so long as it is, it is important for us to fund that is needed. But there are States around the country, there are agricultural areas, rural areas, all of whom are also high targets, and they must be compensated. And that is what this bill does. It provides a threat analysis for the entire country, for areas that need it, whether they be urban, suburban, rural, agricultural. The fact is they will get the assistance they need if they need it.

And that is what this has to be about. It has to be a question of emergency preparedness for those who are the targets, those who are in the cross hairs, those of us who are directly threatened by al Qaeda.

So in the aftermath of 9/11, we said our lives will never again be the same. Unfortunately, for 3½ years, we never really faced up to that challenge. We never stood up and did what had to be done.

We are doing it today. This is the first major step since September 11 in adequately and effectively responding to the needs of our first responders who are there to respond for us. And now we are finally responding for them the way they responded for us on 9/11.

It is not just Ground Zero. It was the Pentagon. And it could be any city or State or locality afterwards. But if we are going to be effective in coming up with defenses, it must be based on threat analysis. That is what this does. It took heroic efforts on both sides of the aisle to bring this about. Today’s vote will be the culmination of that in the House, a first major step.

So I urge the adoption of H.R. 1544. I again commend both sides of the aisle and especially the gentleman from New Jersey (Mr. PASCRELL), my ranking member, for the energy and the drive and dedication that was put in to bring about this legislation.

Again, I urge adoption of the legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 5 minutes and 15 seconds to the gentleman from New Jersey (Mr. PASCRELL), ranking Democrat on the subcommittee.

Mr. PASCRELL asked and was given permission to revise and extend his remarks.

Mr. PASCRELL. Mr. Chairman, first of all, to the gentleman from New York (Mr. KING), chairman of the subcommittee, the gentleman from Mississippi (Mr. THOMPSON), my ranking member, and the gentleman from New Jersey (Mr. PASCRELL), my very good friend, for their leadership he has given to the committee; and the gentleman from New Jersey (Mr. PASCRELL), my very good friend, for their tireless work in navigating H.R. 1544 through the political maze that is Capitol Hill. Our men and women on the front lines applaud you.

We need to remember that as we battle on the floor the different issues and we forget that we are here to do the people’s business.

So I applaud the gentleman from California (Chairman Cox) and I applaud the ranking member, the gentleman from Mississippi (Mr. THOMPSON), my very good friend, for their tireless work in navigating H.R. 1544 through the political maze that is Capitol Hill. Our men and women on the front lines applaud you.

I want to commend any good friend the gentleman from New York (Mr. KING), the chairman of the Subcommittee on Emergency Preparedness, Science, and Technology for his diligent work. As the ranking member on this panel, I have seen firsthand the expertise and the passion the gentleman brings to matters affecting our Nation’s first responders.
We know that homeland defense cannot be mired with reckless partisan squabbling. We know that our Nation’s security cannot be sidetracked by the parochial concerns of the few. That is why every single member of the Committee on Homeland Security supports this legislation. Indeed, when was the last time we all supported anything?

Different Members representing widely varying regions and constituencies have all come together in a bipartisan manner to bring H.R. 1544 to the floor today. We are all aware of the culmination of a lot of work. A lot of staff members helped in bringing this before the Congress.

As we all know, our first responders, whether they are firefighters, law enforcement or EMS providers, are the first ones to arrive on the scene of any major incident and the last ones to leave. So it is crucial that we ensure that Federal money designed to better equip and train all of those first responders reaches down to where it is needed most.

Unfortunately, the system of distributing grant funding to the local level is fundamentally broken. We have a system where grant funding is distributed to a formula dependent on minimum funding allocations rather than risk. It is wrong, and it is counterproductive to national security, we have found out.

But you do not have to take my word for it. A wide array of sources have warned us of the dangers of dispensing terrorism preparedness money on arbitrary political formulas. On page 396 of the 9/11 Commission report, and I will conclude on this remark, states, “Homeland security assistance should not remain a program for general revenue sharing. It should supplement State and local resources. Congress should not use this money as a pork barrel.”

Our current distribution of funding leaves a lot to be desired. This bill changes that.

I just want to conclude with this, Mr. Chairman. Too often we here in Washington are enveloped with a partisan rancor and acrimony that stunts our ability to achieve fundamental and necessary reform. Many times we have seen good policy fall victim to short-term political calculations. This cannot happen today. It will not happen today. Passing the Faster and Smarter Funding for First Responders Act will show that we take this job seriously.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE asked and was given permission to revise and extend this remarks.)

Mr. ETHERIDGE. Mr. Chairman, I thank my colleagues from Mississippi (Mr. THOMPSON) and from North Carolina (Mr. ETHERIDGE). The funding formula proposed in this bill does that.

The funding formula proposed in this legislation will help save lives and secure our communities in North Carolina and across America. By putting the resources in place to address real risk and vulnerabilities, we can fight the threat head on. Simply put, H.R. 1544 will help save lives and secure our country. I recommend this bill to all my colleagues. Mr. Chairman, I rise today in support of H.R. 1544, the Faster and Smarter Funding for First Responders Act. I am pleased to join all the members of the House Homeland Security Committee as a cosponsor of this legislation. This bill is good for my State, North Carolina, and for the Nation. Under the current funding formula, North Carolina, the 13th largest State by population, is 49th in per capita homeland security funding. My State is certainly next to last in risks.

The funding formula proposed in H.R. 1544 will allow Federal homeland security funds to be distributed on the basis of threat, risk and vulnerability. This formula follows the recommendation of the 9/11 Commission. The Committee said, “Homeland security funds should supplement State and local resources based on the risks or vulnerabilities that merit additional support.” This bill does that.

North Carolina and its critical infrastructures have significance far beyond the borders of our State. The State is home to the Nation’s largest army base, the Nation’s second largest financial center, three nuclear power plants, major highways, ports and airports and an agricultural economy that supplies goods to one in ten people in this country.
State is home to the Nation’s largest Army base, the Nation’s second largest financial center, three nuclear power plants, major highways, port and airports, and an agricultural economy that supplies food to one in ten people in our country.

I am confident that the formula in H.R. 1544 will give every State the opportunity to receive adequate and appropriate funds for terrorism and prevention and response. H.R. 1544 is good public policy that will make a difference to strengthen the security and safety of communities in North Carolina and across the country. By putting the resources in place to address real risks and vulnerabilities, we confront the threat head on. Simply put, H.R. 1544 will help to save lives.

I recommend the bill to all my colleagues in the House.

Mr. COX. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from North Carolina (Mr. PRICE of North Carolina) for yielding me to Mr. SMITH of Texas, the chairman of the Committee on Homeland Security, for yielding me time.

Mr. Chairman, I support H.R. 1544, the Fair and Smarter Funding For First Responders Act of 2005. In its report, the 9/11 Commission stated, “Homeland security assistance should be based strictly on an assessment of risk and vulnerabilities.” This bill overhauls the current system for first responder grants and follows the recommendations of the 9/11 Commission to allow for greater allocation on the basis of a State’s or region’s vulnerability to terrorist attack.

The current formula has adversely affected my State. In Federal funding per capita for first responders, Texas ranks 50th of the 50 States, despite the fact that Houston, Dallas and San Antonio are three of the Nation’s largest cities. Texas also shares a 1,200 mile porous border with Mexico, 14 maritime ports and an airport, Dallas-Fort Worth, that is bigger than New York City’s Manhattan Island. Clearly, Texas faces a more grave threat than some other parts of the country.

The bill we are considering today provides assistance to first responders serving where the risk is greatest, determines the essential capabilities of communities and encourages regional cooperation and mutual aid agreements through regional grant applications.

Mr. Chairman, these changes to the current grant allocation procedure are essential if we are to be ready for another attack. We hope all this preparation is for nothing, but we must be prepared. H.R. 1544 ensures that we are as prepared as possible.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE), a member of the Committee on Appropriations Subcommittee on Homeland Security.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 2 minutes to the distinguished vice chairman of the full Committee on Homeland Security, the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me time to extend his remarks.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding and thank the chairman and ranking member for their outstanding work, and the full committee chairs and ranking members as well.

This bill is the best indication to the first responder community across the country that Congress was listening. It was not this way 5, 6 or 7 years ago when the first group of first responders being was developed by bureaucrats in Washington, who had no idea of what the real threats were out there across America.

It was not the case over the past several years as States and counties spirited off administrative dollars that should have gone for the first responders.

This bill changes all that because this bill is based upon the committee listening to the first responder community. We have incorporated the work of the 9/11 Commission that is a consistent approach that is based on the threats that we see out there, and it responds to the needs that were presented to us by the representative groups of the first responder community. In fact, Mr. PRICE of North Carolina, that is why every first responder organization in America supports this legislation. I applaud my colleagues for this outstanding work.

As to the other programs that we find, like the great program for firefighters which my colleague just spoke on of, I am proud of the fact that in a tough budget environment, separate from this legislation, we have appropriated over $3 billion to almost 20,000 fire and EMS departments across the country, directly or allocations, not through any bureaucracy, but directly through firefighters deciding on the priorities of fire groups and EMS groups across the country. That program will see another one-half billion dollars at a minimum in the next fiscal year.

So we are taking care of the priorities and the needs, we are responding to local concerns, and the key message of this legislation is that we have listened to those who are across America in 32,000 fire and EMS departments, thousands of police departments who every day for every call respond to America’s needs.

I commend, again, the committee for its outstanding work, and I look forward to continuing the aggressive schedule the chairman has laid out before us for the Committee on Homeland Security in this session of Congress.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), a member of the Committee on Homeland Security as well as the ranking Democrat on the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me time and commend him for his leadership on our new permanent committee. It is a great thing that we finally have a committee in the House to focus on what I believe is the most urgent business confronting us.

Mr. Chairman, I strongly support this legislation and I want to underscore that it is about money, but it is not primarily about money. It is really primarily about strategy.

The purpose in forming a Homeland Security Department was not to rearrange the deck chairs but was to create one deck, one national, integrated strategy for homeland security. And by passing this legislation, which I am sure we will do later today, we now will have a strategy based on risk for distributing needed funds to our very impressive first responders.

We should not use the squeaky wheel theory for homeland security funding;
As a member of the Committee on Homeland Security, I am proud to cosponsor this legislation. It is the product of a uniquely thoughtful process with support from across the aisle and across the country. I urge my colleagues to join me in supporting this bill.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY), who has been a constant reminder to us all about needing to do it better.

Mrs. LOWEY. Mr. Chairman, I want to thank my colleague, the gentleman from Mississippi, for his leadership on this committee and our chairman, the gentleman from California (Mr. COX). The day has come. I am delighted to be here with all of the members of the committee, and I know this will receive unanimous approval from this body.

Many of my colleagues have worked hard to ensure that the areas of our country facing the greatest threat receive their fair share of homeland security funds. Quite frankly, it amazes me that we have gone this long allocating such a large portion of homeland security funding on everything but the threat of a terrorist attack to a particular area or region. The 9/11 Commission’s report specifically states that Congress should not use this money as a pork barrel; yet, we seem to have been doing just that. We should not play politics with public safety.

There are six grant programs administered by the Department of Homeland Security. Five of these six programs are distributed based on a formula that does not take risk or threat into account. In fiscal year 2005, New York, which suffered the most catastrophic damage from terrorism on September 11, was not even in the top 10 for per capita funding. I challenge anyone who opposes risk-based funding to sit down with the first responders in New York or Virginia, that is, our police, our firefighters, our EMS workers. These are the people who responded on September 11. They should tell them that funding should be based on anything but risk.

This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005. This is not about politics; it is about common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Commission on Homeland Security Act of 2005.
H.R. 1544 also enables regional planning and coordination—allowing localities and States to jointly apply for terrorism preparedness grants, which must remain consistent with State homeland security plans.

Mr. Chairman, this legislation constitutes a long overdue common sense approach. Chairman COX and Ranking Member THOMPSON have already proven the wisdom of establishing the Homeland Security Committee through their vision and leadership in producing this legislation so quickly.

The gentleman from Mississippi (Mr. CHRISTENSEN). Mr. Chairman, I yield 2 minutes to the gentleman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I am proud to join my fellow committee members of the Committee on Homeland Security in strong support of H.R. 1544, the Faster and Smarter Funding For the First Responders Act of 2005. This bipartisan legislation was unanimously supported at both the subcommittee and full committee levels of the Committee on Homeland Security.

The chairman of the Committee on Homeland Security, the gentleman from California (Mr. COX), and the gentleman from Mississippi (Ranking Member THOMPSON) should receive high praise, as they have on the floor already this morning, for the skillful manner in which they worked so swiftly to shepherd this important bill through our committee and to the floor of the House.

Over the past 2 years, the committee has traveled around the country to listen to the first responders. We used the information garnered from these meetings as a guide in developing the first piece of legislation. H.R. 1544 seeks to remedy the problems first responders face because of a lack of guidance and standards, the need for flexibility in how they can use first responder funding, as well as just getting the money to them in the first place. It also provides a vehicle for ongoing first responder participation and planning and updating essential capabilities with the department and responds to the issue of how grants will be distributed and on what basis.

My own district, the U.S. Virgin Islands, came under scrutiny this year, particularly because of poor funding levels. When one assesses vulnerability and risk, as this bill lays out very clearly, for distributing Federal Homeland Security dollars, my district would still be fairly treated and receive the funding that they need. And, importantly, H.R. 1544 will provide monitoring of the use of the funds provided for under this bill, through an office of the comptroller, which responds to the rightful concerns of the appropriators.

Mr. Chairman, most importantly, H.R. 1544 implements relevant 9/11 Commission recommendations to allocate Federal homeland security funds to first responders based on risk rather than political formulas. In doing so, we not only do what is right, but we honor the sacrifice of those who were killed and their families; and this is a bill we can all be proud of. I urge my colleagues to support its passage.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, given the evacuation yesterday that we had here at the Capitol, it is so appropriate that we are taking this bill up today. We all know that there is always room for improvement in our Nation’s homeland security. I want to recognize the gentleman from California (Chairman COX) and his committee. They have done a great job in taking on a serious problem in our homeland security funding process.

The Faster and Smarter Funding For First Responders Act recognizes that, while we are sending significant funding out to the States for emergency preparedness, that funding and support is not always used in a timely fashion. In Tennessee, my home State, we found that between 2002 and 2004, there was nearly $85 million in Federal homeland security funds that had been unspent and not allocated.

And there is a problem when states like mine have the Federal funds but are not disbursing them as quickly as is needed by our local communities. We have appropriated Homeland Security dollars to the States in order to ensure that funding is flexible and can be targeted to the specific needs of our local communities, and we need to work to be sure that those funds are being used appropriately.

Mr. Chairman, this bill really clarifies the appropriate uses for Federal Homeland Security grants and evaluates and annually prioritizes pending grant applications, and it is great that our local communities and our States are able to share how they need the funds in the communities, the guidance that they need to appropriately use the funds and put it to work, put it to good use in our communities.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Ms. JACKSON-LEE), a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from California (Mr. COX), the distinguished Chairman for his leadership, and the gentleman from Mississippi (Mr. THOMPSON), the ranking member for yielding. This truly is a bipartisan bill, and it falls on the backdrop of an administration that has traveled around the country to listen to the issue of how grants will be distributed and on what basis.

First of all, let me thank the Capitol Hill staff and the Capitol Hill police, all of the Sergeant of Arms staff. Sometimes we do not share the appreciation for the work that they have to do. And I want to acknowledge them for doing it in a very difficult scenario.

I think yesterday, as I rise to support this bill, particularly, as it is focused on risk analysis, which means that we will do our very best as we support our first responders in the Faster and Smarter Funding for Our First Responders Act, that we will reach out to the most vulnerable cities and areas, but in fact, we will not rest until the entire homeland is secure and very clear that we will be working on empowering what we call citizen corps and to develop what I think is very important, citizen volunteers to perform critical functions in assisting, in preventing and responding to terrorist attacks. And that they should be integrated in through this process in our State and local planning.

But as I looked yesterday and determined that a small Cessna plane could come between or come near the no-fly area of this particular region, I know that we are in some troubling times. Yes, we survived yesterday, but we survived it because it was a mistake and because there were no intentions for terrorist acts.

This speaks to the need for this legislation, in particular, as we focus on the more troubling areas or the more vulnerable areas to terrorist attacks, but it also speaks to moving quickly to authorize our Homeland Security legislation.

More importantly, one of the concerns I have, Mr. Chairman, is the whole idea of cutting-edge technology. Technology is going to be the key to the whole focus of Homeland Security. Technology at the border, technology as it relates to cybersecurity, technology in airport screening. This is a first step. And because of the heroic efforts of our first responders on 9/11 and the acts of theirs throughout this time frame, this is an outstanding legislative initiative that will set, if you will, us on a pathway of securing our local communities. I hope that we will be smart in our legislative amendments. And I do not believe we need to move forward on the Castle amendment. If there is a certificate of the donated equipment that will come to our Fire Departments, then so be it. But on liability, even volunteer or donated equipment should not endanger our Fire Departments.

This is the right decision to make with respect to this legislation. I hope my colleagues will pass it, but I hope it will be a signal that more work needs to be done.

Mr. Chairman, I rise in strong support of the legislation we consider today, H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005. On April 21, 2005, I joined my colleagues in the Committee on Homeland Security to pass this important measure unanimously, and I urge my colleagues to do so. I thank Chairman Cox and Ranking Member THOMPSON for their tremendous efforts to make this legislation bipartisan. I am an original cosponsor of this measure just as I was for that introduced in the 108th Congress, H.R. 3266, so my overall support for this initiative is abundantly clear.

I offered an amendment in the context of H.R. 3266, the rendition of today’s legislation
that was introduced in the 108th Congress that proposed to increase the scope of the terror-
ism exercise programs that will be adminis-
tered by the Secretary of DHS to include Cit-
izen Corps Councils. Since the creation of this
committee even as a select body, I have found it increasingly important that we include
the local “second responders” as often as pos-
sible when advancing emergency prepared-
ness legislative initiatives. This body’s crafting of a first responder bill as well as an author-
ization bill has given us an opportunity to make emergency preparedness exercises more thor-
ough and “simulated.”

A sense of Congress provision was accept-
et in the bill introduced in the 108th Con-
gress. However, I offered and withdrew this
amendment at the markup of H.R. 1544 be-
cause a similar provision, paragraph (11) has
been included in House Report 109–65. In ad-
dition, I intend to pursue this initiative in
the context of the authorization bill that will come before the House likely next week. I hope that
my colleagues will work with me to further this
important goal. Section 2, paragraph (11) of
this report reads:

(11) Private sector resources and citizen volunteers can perform critical functions in as-
sisting in preventing and responding to ter-orist attacks, and should be integrated into State and local planning efforts to ensure that
t heir capabilities and roles are under-
stood, so as to provide enhanced State and local operational capability and surge capac-
ity (emphasis added).

The Citizen Corps program was launched by
President George W. Bush himself during the
2002 State of the Union address as part of the
USA Freedom Corps initiative to engage our
citizens in emergency preparedness and to or-
ganize and expand opportunities for volunteer participation in homeland security efforts and make our communities safer. Fifty-
two states and territories also formed State level Citizen Corps Councils to support local efforts.

Our families need to be aware of the threats
that exist from abroad. Homeland security is a
very important issue that we may not think
about in our daily lives.

The Houston branch of the Citizen Corps
Council is headquartered in my Congressional
District, Harris County, which is in south-
eastern Texas, comprises 1,779 square miles, and encompasses the city of Houston, 32 ad-
ditional smaller cities, and is the home for
nearly 4 million residents. Harris County is the
third most populous county in the United States and the most culturally diverse.

This report language that I cited above is a
good step toward getting the necessary fund-
ings for first responders. I was proud to be an original cosponsor of the Fast-
er Smarter Funding for First Responders Act, and I am also proud to be an original cosponsor of this bill.

Mr. Chairman, H.R. 1544 will help the De-
partment of Homeland Security allocate the first responder grant funds more prudently and
expeditiously. I support the legislation and
urge my colleagues to join me.

Mr. COX. Mr. Chairman, I yield 2
minutes to the distinguished gen-
tleman from the State of Washington
(Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I am
proud to be a member of the Homeland Security Committee. I am also proud to be an original cosponsor of the Fast-
er Smarter Funding for First Responders Act. I spent 33 years on the front lines as a law enforcement officer, and
I know that this legislation is vital.

I would like to thank the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), the ranking member, for their leadership on this important legis-
lation.

My home, Seattle region, is unique, sharing 150 nautical miles of maritime border with Canada and acting as hub for international trade and travel. It includes businesses such as Microsoft and Boeing. All these factors combine to create an area vulnerable to a ter-
orrist attack.

We must make sure that Homeland Security dollars are going where they are needed, as the 9/11 commission re-
ported. We must also ensure that they are properly spent once they are allocated.

This legislation addresses the most important aspect of Homeland Secu-

rity, and that is evaluation of threat and risk. In this bill, we make sure that the majority of first-responder funding is threat-based. The current model is out-
dated, distributing more money to areas with fairly benign risks than to areas that we know terrorists would like to attack.

Mr. REICHERT. Mr. Chairman, I yield 2
minutes to the distinguished gen-
tleman from the State of Texas (Mr. McCaul).

Mr. McCaul of Texas, Mr. Chair-
man, I would like to also thank the
gentleman from California (Chairman COX) and the gentleman from Mis-
sissippi (Mr. THOMPSON), the ranking
member, for their bipartisan leadership on
this very important legislation.

Mr. Chairman, I rise today in strong
support of the Faster and Smarter Funding for First Responders Act, and I am proud to be an original cosponsor of this bill.

Among its provisions, this historic legislation changes the current process by which our first responders get their
much-needed resources.

It is clear that the Nation is moving in the right direction in its attempt to meet the security challenges of its
post-9/11 world. All involved should be commended.

However, the current first responder grant system is in need of repair. We
must make sure that those who stand on the front lines and answer the call
have the vital resources immediately.

This commonsense bill accomplishes
this.

Despite the fact that my State of Texas is home to the President’s ranch,
the largest port in the United States, the Port of Houston, and has an
international border with Mexico, it ranks
dead last in the amount of Homeland Security security money it receives per person.

Unfortunately, many other key tar-
get states like California, New York, Pennsylvania, Florida, Illinois, and Virginia, join Texas in this distinction. We must
ensure that the biggest risks and threats get the nec-

tessary money to protect themselves,
our Nation must move towards a risk-
based funding system.

Those like al Qaeda, who wish to do
damages to America, have a track record of being patient and conspiring until
they succeed in their terrorist agenda.

By passing the Faster and Smarter Funding for First Responders Act, we
are placing a priority on securing our posture most essential and at-risk tar-
gels as quickly as possible.

Mr. THOMPSON of Mississippi. Mr.
Chairman, I continue to reserve the
balance of my time.

Mr. COX. Mr. Chairman, I yield 3
minutes to the distinguished gentle-
man from the State of New York
(Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given
permission to revise and extend his re-
marks.)

Mr. FOSSELLA. Mr. Chairman, at the
outset, let me thank the gentleman from Mississippi (Mr. THOMPSON), the ranking
member, and especially the gentleman from California (Chairman COX) for his leadership and understanding of this very complex but crit-
ical issue, as well as all Members, espe-
cially those from New York who have
worked on this, such as the gentleman from New York (Mr. KING) and espe-
cially the gentleman from New York (Mr. Sweeney). We have been dogged in

ensuring that New York as well as all communities get their fair share to
deal with Homeland Security.
Currently, Federal Homeland Security funds, and I would like to engage the Chairman in a colloquy, if I may, can be used for overtime but cannot be used to provide any support to law enforcement activities dedicated exclusively to counterterrorism. Every single day, we have hundreds, if not thousands of police officers protecting the lives of not just New Yorkers, but the millions who come to New York City to work and to vacation. Its officers span the globe, from Guantanamo Bay to Israel to Afghanistan, working in many instances with federal and foreign officials on intelligence initiatives. These officers have the unique role of safeguarding America's largest city, home to some of the most symbolic buildings and landmarks, several Federal assets and the country's economic center.

Just as the unique nature of the Capitol calls for a dedicated force, the Capitol police, which does not have the luxury of overtime, protects tourists, American lawmakers and their families, and visitors. It is also prohibited to use the money for construction, which is often the very thing most needed for hardened targets.

New York City has by far the largest force dedicated exclusively to counterterrorism. It is also the most hard-hit area, as it requires a dedicated force, just as every single day, New York needs its own dedicated force to help prevent terrorist attacks against New York's 8 million residents, its millions of tourists, and its numerous national landmarks and those Federal assets I mentioned.

I submitted an amendment addressing these issues to the Rules Committee. I understand the Chairman and others continue to work on an amendment, and given the situation, I withdrew the amendment and asked the Chairman to work with me on this important issue as the bill moves forward towards conference.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FOSSELLA. I would be delighted to yield to the gentleman from California.

Mr. COX. Mr. Chairman, I would like to note that the bill before us today expressly permits grant recipients to use, with the approval of the Secretary of Homeland Security, up to 10 percent of their covered grant funds for measures to protect critical infrastructure, and this would include building barriers, fences, gates and so on. In the case of New York, that would mean that $21 million would be available for this purpose.

The question of using Federal grant funds to pay for the salaries of local law enforcement officers is a very consequential one with impacts far beyond New York. The resolution of that question and its complexity is beyond the scope of this bill, but I want the gentleman to know that I appreciate the gentleman's comments, and I will look forward to working with him on these issues in the future.

Mr. FOSSELLA. Mr. Chairman, reclaiming my time, I thank the chairman again for this and what we will seek to achieve as well in the future.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of New Mexico (Mr. Pearce), the ranking member, for bringing this legislation to the floor.

Mr. PEARCE. Mr. Chairman, I would like to thank the gentleman from California (Chairman Cox) and the gentleman from Mississippi (Mr. Thompson), the ranking member, for bringing this legislation to the floor.

All of us are engaged in trying to make America safer during these times of turmoil and terrorism. Currently, what we are doing is distributing money based on formula, where the only variable is based on population. We are recognizing that terrorists are going to work one step ahead of us. We are recognizing that the threats will be imminent, and we must have a better way to assess our funding process. In this bill, H.R. 1544, the Faster and Smarter Funding for Our First Responders, we begin to recognize that funding should be risk-based, where we assess the threats, and we are accomplishing that.

It is the first time since 9/11 that we have wrestled with the complex formulation of how to distribute funds out and to achieve better and safer Homeland Security.

In this bill, for the first time, risk and threat assessments are being included. And for myself, representing a rural district where we have 180 miles of Mexico border, with only 150 miles of that simply with no fence, we are interested in threat assessment and risk assessment.

New Mexico also has agriculture, food, energy, dams and health care facilities, as well as energy, oil and gas, and we must consider the risk of those facilities and to those industries, as well as simply population-based risks. So for the first time, rural America is being able to define the capability with which they should have to prepare for this.

The Task Force on Terrorism Preparedness will assist the Secretary of Homeland Security in updating, revising and replacing essential capability for terrorism preparedness, and will consist of members from both rural and urban areas.

Mr. Chairman, I again thank the ranking member and the chairman for bringing this bill forward. I think America will be better served.

The Acting CHAIRMAN (Mr. Terry). The gentleman from California (Mr. Cox) has 1 minute remaining.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me again thank the chairman of the committee for working with the minority on this legislation. It has been a very bipartisan effort. It speaks well for his leadership. I compliment him on it.

I look forward to the passage of this legislation and working on other pieces of legislation of mutual agreement which we have already discussed. It appears that additional legislation will be forthcoming. I would like to thank the ranking member of the committee, the gentleman from New Jersey (Mr. Pascrell), for providing me significant leadership in this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to return the compliment to the gentleman from Mississippi (Mr. Thompson). This has been a collaborative effort for several years now. I also want to pay homage to the gentleman from Mississippi's (Mr. Thompson) predecessor, Mr. Turner of Texas, who also led the minority on this issue.

Today we have an opportunity to establish a new grant process to provide support to local and rural areas and women who are the first to rush into burning buildings, the people who place themselves in the line of fire to protect the innocent, the ones who save the sick and wounded under the most trying of circumstances.

It is no accident that this bill has been endorsed by every major first responders group in America, by the Bush administration, by the 9/11 Commission; and, indeed, I expect it will receive a strong endorsement from our colleagues on both sides of the aisle.

I encourage my colleagues to vote in favor of H.R. 1544. By passing this bill, we will take yet another important step since September 11 to help our Nation meet the urgent challenge of terrorism in our cities and hometowns.

Mr. HASTERT. Mr. Chairman, just yesterday we saw the important role that first responders play in keeping our nation safe. I want to commend Police Chief Terrance Gainer and the U.S. Capitol Police for the exceptional response that protected the Members of the House of Representatives, our employees as well as the Capitol visitors.

We live in a new day when homeland security threats can come at any time, in any form. Yesterday's events highlight how important it is that the United States stays vigilant and prepared. H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005, is a much-needed step towards that effort.

This legislation cuts the red tape and streamlines the grant process. It establishes measurable goals so that local authorities can achieve a baseline of security for their communities. And, because we all know how much can be done working together, this bill encourages States, localities and communities to pool their resources and apply jointly for these grants. Such regional cooperation can ensure a tighter net while incurring less cost.

The bill focuses on getting funds to the communities that need them, while protecting valuable taxpayer dollars from misuse. Misuse has occurred. Shortly after the September
congressional record — house

May 12, 2005

11th attack, we began sending money to the States, and unfortunately, some of those tax-
payer dollars went towards inappropriate uses: like air-conditioned garbage trucks, plasma tele-
vision monitors and a rap song to teach chil-
dren about emergency preparedness. Amer-
ica’s love affair with wastefulness is paramount. We will
never become safe through wastefulness. This legis-
lation has safeguards to ensure that the money
goes to the men and women on the front lines of the war on terror in the United States, our first responders.

A number of groups representing those first responders have come out in support of this legis-
lation, including the International Associa-
tion of Fire Chiefs, the Fraternal Order of Po-
lice, the National Troopers Coalition and the National Association of Emergency Medical Technicians.

H.R. 1544 will make the homeland security grant program more effective. It fulfills the rec-
ommendations of the 9/11 Commission, which
cautioned in its report last year that Congress
should not use terrorism preparedness dollars as a "purely political ploy," and most importantly, this legislation will get first responders the money they need to do their jobs.

Yesterday, I saw how the United States has become more skilled in its homeland secu-
rity efforts. We are doing better, but there’s still room for improvement. We cannot rest
till we’ve enacted every means possible to
protect the United States from those who would cause us harm. Today’s vote will go a
long way towards keeping this country safe for American families.

Mr. MARKET. Mr. Chairman, I rise to ex-
press my support for H.R. 1544, the Faster and Smarter Funding for First Responders Act, and to reiterate the importance of the Urban Area Security Initiative, UASI.

Since the establishment of the UASI pro-
gram, communities that the Department of Homeland Security has designated as being
subject to a high threat of terrorist attack have received the funding to develop coordinated,
integrated plans that leverage the capabilities of the cities and towns within the UASI region
that are needed to respond effectively in the event of a terrorist attack.

During committee consideration of this legis-
lation, I supported an amendment to the bill to include within the "region" definition any
geographic area that has been designated by the Department of Homeland Security as a
high-threat urban area as part of the Depart-
ment’s UASI program. My amendment was in-
tended to permit these UASI regions to con-
tinue their important plans and strategies to
prevent, prepare for, and respond to terrorist attacks. I noted that the UASI program is con-
sistent with the purpose of H.R. 1544—namely that resources should be set aside for commu-
nities that are uniquely threatened by threats and vulnerabilities, such as extensive critical infra-
structure and large populations, which make them tempting targets for terrorists.

After receiving assurances from the chair-
man that he shares my interest in refining the definition of the region, I withdrew my amend-
ment. I understand that the chairman has discussed this important issue with the States and the UASI jurisdictions, and I ap-
preciate the chairman’s pledge to work with me, the UASI jurisdictions, and the States to ad-
dress the UASI designation issue as this legis-
lation moves forward.

It is my hope that the UASI program will be
preserved in the final version of the legislation

We are considering today, the Faster and
Smarter Funding for First Responders Act ap-
propriately directs resources towards those areas that face the highest threat of a terrorist
attack, rather than disbursing homeland secu-
rity funds without regard to risk. The 9/11 Commission has endorsed this risk-based ap-
proach to homeland security, and the UASI pro-
gram is consistent with this methodology and should be preserved.

Mr. CASTLE. Mr. Chairman, I rise today to
express my support for a fair and effective
homeland security funding formula and the specific national risk assessment, and will not
be complete their current study until at least
2008. A national risk evaluation is imperative for
determining how to allocate first-responder
grants, but obviously a thorough study will not
be available for several years. Without a de-
tailed study of our Nation’s vast critical infra-
structure, the Department cannot truly know
what level of funding should be dedicated to
large States, small States, urban areas, or
rural communities.

To ensure first responders across the coun-
try have access to effective homeland security funding, it is essential that we continue to pro-
vide each State with a fair and commonsense
minimum-funding baseline. Currently, the De-
partment’s inconsistent methodology for ex-
tracting data about key critical infrastructure
assets can potentially result in incomplete and
frankly, inadequate vulnerability assessments.
Minimum-funding baselines reinforce this
evolving system and provide additional protec-
tion for rural States that may be neglected. By en-
suring that all States receive sufficient funding
to meet basic homeland security needs.

While I support the purpose of this legisla-
tion, I intend to remain engaged throughout
the process for these important grant programs.

Mrs. CUBIN. Mr. Chairman, we have all
heard talk of how Wyoming and other rural
States do not deserve their razor-thin slice of
the Homeland Security pie because they have
higher per capita funding allocations than the
likes of New York, Chicago, and Los Angeles.
What the per capita statistical lies don’t tell you is that Wyoming’s fiscal square footage of first responder dollars amounted to around 4 per
cent of New York’s $298.3 million. An
attacking the first responder base minimum
funding level might make for a good press re-
lease, but in reality, the per capita argument
holds about as much water as a washtub bask-
et. Wyoming’s population may be spread thin, but this only presents an additional chal-
lenge to our first responders, who must deal
with vast areas, rugged terrain and harsh weather with limited resources.

While nearly 100,000 components of haz-
ardous materials rolled through Wyoming, who’s rails and roads help make up the back-
bone of the Northwestern United States com-
modity corridor. Wyoming is home to national
parks and landmarks, oil and gas pipelines,
and coal reserves that supply over half of the
States in the Nation. Wyoming houses inter-
continental ballistic missiles critical to our na-
tional defense system, placed there because rural America was thought to be safe and se-
cure.

Perhaps the First Responder Grants Board
would adequately weigh these points, and per-
haps not. I would rather avoid relying on such
bureaucratic uncertainty. I stand in opposition
to H.R. 1544’s severe reduction in the base
minimum funding level because Wyoming’s
first responders depend on these very dollars
to do their jobs and keep our citizens safe.

The need for reforming the grant distribution
system is clear, and I applaud the Homeland
Security Committee for their efforts to incor-
porate risk assessment and hold States ac-
countable for how they spend those dollars.

While I support the purpose of this legisla-
tion, I intend to remain engaged throughout
the process for these important grant programs.
from which this legislation passed unani-
mously.

I would like to congratulate Chairman COX, Chairman KING, Ranking Member THOMPSON and Ranking Member PASCRELL for bringing this bill to the floor in an expeditious and bi-
partisan manner.

The core principle of the bill is to ensure that homeland security is always viewed through the lens of directing resources to ad-
dress urgent security vulnerabilities in our country. Security funding is fundamentally different than other funds such as highway money, where we try to spread the funds more-or-less evenly, and this bill reflects the changes need-
ed in our thinking to address our homeland security needs.

I would also like to thank the chairman and ranking members for including language from my proposed amendments that will:

- Create an office of Comptroller within ODP to ensure oversight and accountability over funds moving through the pipeline;
- Study the effects of waiving the Cash Man-
agement Improvement Act, so that its good governance intent does not have adverse con-
sequences; and
- Grant conditional authorization to the Sec-
retary of Homeland Security to make direct payments to localities, should States be un-
able to distribute funds to local recipients in a timely fashion.

These are all important tools that will ensure that resources necessary to protect our citi-
zans are disbursed quickly and with strong ac-
countability.

In closing I would like to reiterate my strong support for H.R. 1544 and urge all my col-
leagues to vote yes on this important piece of legislation.

Mr. CANTOR. Mr. Speaker, I rise today in support of H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005. This essential legislation establishes common guidelines for the federal departments that currently oversee our Nation’s existing ter-
rorism preparedness programs.

Since the attacks of September 11, 2001, our Nation has greatly reinforced our terrorism response capabilities. Over $30 billion has been invested in state and local terrorism and natural disaster preparedness programs. Still, more needs to be done.

We must remain vigilant and continue to strengthen our defenses, take proactive meas-
ures, and ensure that first responders are properly equipped. Though difficult, it is vital that we balance resources between all Home-
land Security related fields to maximize our ability to protect the American people.

This legislation will provide assistance to areas of our country facing greater risk, while ensuring that all areas are provided the nec-
essary support, streamlining existing terrorism preparedness grants, establishing measurable goals, and creating new regional terrorism pre-
paredness grants.

In addition, a board of appropriate Home-
land Security officials will be created to evalu-
ate the nation’s high risk areas. I will fight to illustrate the vulnerabilities and high level of risk that confronts the 7th District of Virginia on a daily basis. I will ensure the proper data illustrating the risk to these localities is taken into account.

First responders are America’s first and last line of protection against murderous terrorists who seek to harm the innocent. Ensuring ef-
efactive and efficient funding for our first re-
ponders is one of my highest priorities as a member of Congress.

I urge passage of this legislation.

Mr. BISHOP of New York, Chairman, I rise in strong support of H.R. 1544, The Fast-
er and Smarter Funding for First Responders Act.

As yesterday’s scare in this Capitol and across Washington, DC reminded us, we need to make sure our early warning system and first response capabilities are highly effi-
cient functions of our national security pre-
paredness.

First responders are the backbone of our national security. I am privileged to represent New York’s finest firefighters, medical techni-
cians, hospital employees, and other first re-
ponders I’m proud to call good friends.

We owe them all the resources they require to carry out the many dangerous and critically important missions to secure our borders and prepare this Nation for emergencies.

I applaud the Homeland Security Committee for producing a bipartisan bill that refines our first responder grant process to make sure funding we authorize is delivered quickly and efficiently to the brave men and women we call upon to protect us from the daily threats we face.

After we pass this bill, I look forward to working with my colleagues toward restoring funding in the homeland security budget and addressing other shortfalls limiting the ability of first responders do their jobs.

Mr. Chairman, we must guarantee that our home town heroes are properly funded and completely equipped and prepared to protect this Nation. I urge my colleagues to sup-
port this bill in order to help this Nation’s cou-
rageous and outstanding first responders achieve this mission.

Mr. SALAZAR. Mr. Chairman, I rise today to express my support for H.R. 1544, The Faster and Smarter Funding for First Responders Act.

My colleagues and I agree there is a need to reform the current system for funding first responders across our Nation. The Depart-
ment of Homeland Security and this Congress should allocate Federal funds based on risk in order to protect critical infrastructure and high profile targets from attack. I do want to take this opportunity to express my concern that largely rural states such as Colorado will see a decrease in Homeland Security grant funds.

As states prepare their risk assessment and prepare this Nation for emergencies, I call upon to protect us from the daily threats we face.

H.R. 1544 will also require states to develop 3-year homeland-security plans for enhancing their preparedness and response capabilities, and it requires all applicants, which will be ex-

danded in this bill to also include regional or-

ganizations in addition to state agencies, to be consistent with the plan.

I strongly support these provisions because it will allow funding to go directly to the commu-

cities that need it most, rather than being funneled through the state, and it requires that applicants specify how their grant fits into the plan.

Over the past several years there have been numerous reports of states spending homeland security grant dollars on items such as traffic cones in Des Moines, air-conditioned garbage trucks in Newark, N.J., and bullet-proof vests for dogs in Columbus, Ohio. A recent re-

apport about Texas found that the Texas Engi-

neering Extension Service, the agency which distributes Homeland Security funds in Texas, was not providing proper oversight and cities and counties were spending this money on questionable items. This money that Homeland Security dollars were intended to be spent, and this bill will cut down on the frivolous and excessive spending that has taken place with this money over the past 3 years.

Mr. Chairman, because this bill creates a formula to distribute grant money, it is based on threat criteria, because it provides for better oversight of spending, and because it allows regional organizations as well as states to apply for grant funding, I strongly support this

This is a common sense bill that will ad-

ress the problems in the current formula that has been used to distribute first responder funding over the past 3 years.

Since the September 11, 2001, terrorist at-
tacks, the Homeland Security Department has received nearly $14 billion in Federal grants to the state and local “first responders,” such as emer-
gency personnel, law enforcement and other agencies, to enhance their ability to prepare for and respond to terrorist attacks.

The USA PATRIOT Act guarantees each state and territory $1 billion directly to state and local governments, with at least 0.7 percent of the total fund-
ing available under the formula-based pro-
gram. In allocating funding over the past 3 years, the Homeland Security Department’s Office of Domestic Preparedness has provided the base amount, and has then distributed the remaining funding based on population.

Under the current system in FY 2004 my home State of Texas received the second low-
est amount of funding per capita, receiving only $5.35 per person, despite having the longest international border of any state, the second largest foreign trade, and being home to the Johnson Space Center, as well as hun-
dreds of energy production facilities and chemical plants. Wyoming however, which has no international borders or major metropolitan area, received $37.94 per capita.

In its report, the September 11 Commission urged that first responder grants be distributed on the basis of risk, and this bill does that by lowering the minimum guarantee for each state to 0.25 percent, or 0.45 percent for states that have an international border, and by requiring that the State Homeland Security Grant Program, the Urban Area Security Initiative and the Law Enforcement Terrorism Pre-
vention program be distributed based on 16 threat criteria. This will ensure that Texans are not receiving $32.59 less per capita than citi-
zens in Wyoming.

H.R. 1544 will also require states to develop 3-year homeland-security plans for enhancing their preparedness and response capabilities, and it requires all applicants, which will be ex-
danded in this bill to also include regional or-
ganizations in addition to state agencies, to be consistent with the plan.

I strongly support these provisions because it will allow funding to go directly to the com-
munities that need it most, rather than being funneled through the state, and it requires that applicants specify how their grant fits into the plan.

Over the past several years there have been numerous reports of states spending homeland security grant dollars on items such as traffic cones in Des Moines, air-conditioned garbage trucks in Newark, N.J., and bullet-proof vests for dogs in Columbus, Ohio. A recent report about Texas found that the Texas Engi-

neering Extension Service, the agency which distributes Homeland Security funds in Texas, was not providing proper oversight and cities and counties were spending this money on questionable items. This money that Homeland Security dollars were intended to be spent, and this bill will cut down on the frivolous and excessive spending that has taken place with this money over the past 3 years.

Mr. Chairman, because this bill creates a formula to distribute grant money, it is based on threat criteria, because it provides for better oversight of spending, and because it allows regional organizations as well as states to apply for grant funding, I strongly support this
bill and would urge my colleagues to do the same.

Mr. CARDIN. Mr. Chairman, I rise in strong support of H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005. This bill will: give priority assistance to first responders at greatest risk; result in a saving from first responders when setting criteria for grant applications; streamline terrorism preparedness grants; set specific, flexible, and measurable goals for state and local government terrorism preparedness; and take the first time authorize regional terrorism preparedness grants.

In the 108th Congress I was privileged to serve on the Select Committee on Homeland Security, the predecessor to the permanent Homeland Security Committee, which has brought this bill to the floor today.

This bill implements one of the most important recommendations of the 9/11 Commission, which stated that "homeland security assistance should be based strictly on assessment of risks and vulnerabilities ..." Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.

Under this legislation, states for the first time must prioritize their spending among their jurisdictions based on risk, threat, vulnerability, and consequences of a terrorist attack. This legislation includes new criteria that I authored in committee which will benefit Maryland. For example, the bill requires the Department of Homeland Security (DHS) to consider, when making grants, not only the state or local government, but also a significant transient commuting corridor or tourist population, such as Marylanders who commute back and forth between Washington, Baltimore, and the suburbs. The bill also authorizes DHS to consider whether the state or local government has a close proximity to specific past acts of terrorism (such as the Maryland suburbs of Washington, DC), or the known activity of any terrorist group. The bill authorizes grants to regional governments with a population of more than 1.65 million people, which would allow the Baltimore metro region, and the surrounding counties of Baltimore, Howard, and Anne Arundel to apply for regional counter-terrorism grants that will help to prevent an attack and better prepare the county government and its first responders to respond in a coordinated fashion to an attack. The bill also requires states to make timely awards to state and local government, and requires an 80 percent pass through within 45 days.

This legislation is an important improvement in our commitment to a strong homeland defense and deserves our support.

Mr. COX. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1544
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 "Faster and Smarter Funding for First Responders Act of 2005."

SEC. 2. FINDINGS.
The Congress finds the following:
(1) In order to achieve its objective of preventing, minimizing the damage from, and assisting in the recovery from terrorist attacks, the Department of Homeland Security must play a leading role in assisting communities to reach the level of preparedness they need to prevent and respond to a terrorist attack.
(2) First responders who are not reaching the men and women of our Nation’s first response teams quickly enough, and sometimes not at all, can send a message that their communities are not prepared.
(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need them most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.
(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.
(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be coordinated, to the greatest extent practicable, with existing State and local emergency management plans.
(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation’s greatest threats, vulnerabilities, and consequences.
(7) The Nation’s first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.
(8) An important step towards achieving the Nation’s homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should be consistent with the national objectives that every jurisdiction in the United States should possess or to which it should have access.
(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine the nature and extent of State and local funding needs, to seek to allocate the human and financial resources required to fulfill them, to direct funding to meet those needs, and to measure preparedness levels on a national scale.
(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.
(11) Private sector resources and citizen volunteers can play a key role in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities are fully utilized to provide wide enhanced State and local operational capability and surge capacity.
(12) Public-private partnerships, such as the partnership between Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.
(13) An important aspect of terrorism preparedness is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to prevent, prepare for, mitigate against, and recover from acts of terrorism.
(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the funding and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

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

(1) by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"SEC. 1801. DEFINITIONS.

"(a) IN GENERAL.—The term ‘Board’ means the First Responder Grants Board established under section 1804.

"(b) COVERED GRANT.—The term ‘covered grant’ means any grant to which this title applies under section 1802.

"(c) DIRECTLY ELIGIBLE TRIBE.—The term ‘directly eligible tribe’ means any Indian tribe or any urban Indian organization that meets the requirements of section 1151 of title 18, United States Code.

"(d) AMERICANS—The term ‘American’ has the meaning given such term in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450bb(c)).

"(e) (i) is located on, or within 5 miles of, an international border or waterways;

"(ii) is located within 3 miles of a facility designated as high-risk critical infrastructure by the Secretary; or

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

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 153 of title 18, United States Code.

"(2) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term ‘elevations in the threat alert level’ means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 401(c).

"(3) EMERGENCY PREPAREDNESS.—The term ‘emergency preparedness’ shall have the same
The term ‘terrorism preparedness’ means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

**SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.**

(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

(1) **STATE HOMELAND SECURITY GRANT PROGRAM.**—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

(2) **URBAN AREA SECURITY INITIATIVE.**—The Urban Area Security Initiative of the Department, or any successor to such grant program.

(3) **LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.**—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

(b) **EXCLUDED PROGRAMS.—**This title does not apply to or otherwise affect the following Federal grant programs or any grant under such programs:

(1) NONFEDERAL GRANTS.—Any Federal grant program that is not administered by the Department.


(3) **EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.**—The Emergency Performance Grant program, and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155 et seq.) for multijurisdictional planning and equipment across a variety of weapons of mass destruction, administered consistent with established practices.

(c) **FIRST RESPONDERS.—**The term ‘first responder’ shall have the same meaning as the term ‘emergency response provider’.

(d) **INDIAN TRIBE.**—The term ‘Indian tribe’ means an Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(e) **REGION.**—The term ‘region’ means—

(A) any geographic area consisting of all or part of two or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,550,000 or have an area of not less than 20,000 square miles; and

(B) any other combination of contiguous local governments (units including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by a region as a region for purposes of this Act with the consent of—

(i) the State or States in which they are located, to the extent such State or States have established by a compact between two or more States, and

(ii) the incorporated municipalities, counties, and territories that they encompass.

(f) The term ‘Task Force’ means the Task Force on Terrorism Preparedness for First Responders established under section 1801(d).

(g) **TERRORISM PREPAREDNESS.**—The term ‘terrorism preparedness’ means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

(h) **EMERGENCY MANAGEMENT PLANNING AND APPLICATION FOR GRANT.**—The Secretary shall establish rules to ensure that applications for grants are held in confidence until such time as the Secretary has made a determination to award funds, and shall ensure that applications for grants are held in confidence until such time as the Secretary has made a determination to award funds to any State or tribe.

(i) The Secretary may not award grants unless the applicant has demonstrated their need for grant funding.

(j) **APPLICATION FOR GRANT.**—The Secretary shall require that each application include in its application a statement at a minimum—

(1) the purpose for which the applicant seeks grant funding;

(2) the reasons why the applicant needs the grant funding to meet the essential capabilities for terrorism preparedness established by the Secretary;

(3) the extent to which the applicant has achieved the essential capabilities that apply to the State;

(k) **MINIMUM CONTENTS OF APPLICATION.**—The Secretary shall require each application submitted under this title to—

(1) **GENERAL INFORMATION.**—The Secretary may require that the grant application include—

(i) the name and address of the applicant;

(ii) the total amount of grant funding requested;

(iii) the purpose for which the grant funds will be used;

(iv) a description of the emergency management plan under which the application is submitted, the approved State homeland security plan, or the approved regional homeland security plan, as applicable;

(v) a description of the law enforcement terrorism prevention plan under which the application is submitted, if applicable;

(vi) a description of the mutual aid agreement, if any, under which the applicant intends to operate; and

(2) **EMERGENCY MANAGEMENT PLANNING AND PREPARATION.**—The Secretary shall require that the grant application include—

(i) a description of the emergency management plan under which the application is submitted, the approved State homeland security plan, or the approved regional homeland security plan, as applicable;

(ii) a description of the law enforcement terrorism prevention plan under which the application is submitted, if applicable;

(iii) a description of the mutual aid agreement, if any, under which the applicant intends to operate;

(iv) a description of the essential capabilities established by the Secretary;

(3) **INTERGOVERNMENTAL RELATIONSHIPS.**—The Secretary shall require that the grant application include—

(i) a description of the intergovernmental relationships, including a precise description of any regional, State, or tribal entity established under this title;

(ii) a description of the intergovernmental relationships, including a precise description of any regional, State, or tribal entity established under this title;

(iii) a description of the intergovernmental relationships, including a precise description of any regional, State, or tribal entity established under this title;

(iv) a description of the intergovernmental relationships, including a precise description of any regional, State, or tribal entity established under this title;

(4) **CONSISTENCY WITH STATE PLANS.**—The Secretary shall require that the grant application include—

(i) a description of the emergency management plan under which the application is submitted, the approved State homeland security plan, or the approved regional homeland security plan, as applicable;

(ii) a description of the law enforcement terrorism prevention plan under which the application is submitted, if applicable;

(iii) a description of the mutual aid agreement, if any, under which the applicant intends to operate; and

(5) **APPLICATION FOR GRANT.**—The Secretary shall require that the grant application include—

(i) a description of the emergency management plan under which the application is submitted, the approved State homeland security plan, or the approved regional homeland security plan, as applicable;
a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

(C) REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the application. Such award shall provide for a grant award to each such State within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(2), the tribe may request payment of its share under section 1803(c) in the same manner as a local government.

(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the 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.

SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

(1) FIRST RESPONDER GRANTS BOARD.—

(A) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

(i) a Deputy Secretary, of whom the Board shall give greater weight to threats of a population or critical infrastructure sector, and

(ii) the Under Secretary for Emergency Preparedness and Response;

(B) The Under Secretary for Border and Transportation Security;

(C) The Deputy Secretary for Science and Technology;

(D) The Director of the Office of Domestic Preparedness; and

(E) the Administrator of the United States Fire Administration.

(2) CHAIRMAN.—

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

(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman in the absence of the Chairman.

(b) FUNCTIONS OF SECRETARIES.—

(A) INITIATION OF BOARD.—The Secretary shall be the Chairman of the Board.

(B) REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to each such State within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(2), the tribe may request payment of its share under section 1803(c) in the same manner as a local government.

(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the 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.

SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

(1) FIRST RESPONDER GRANTS BOARD.—

(A) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

(i) a Deputy Secretary, of whom the Board shall give greater weight to threats of a population or critical infrastructure sector, and

(ii) the Under Secretary for Emergency Preparedness and Response;

(B) The Under Secretary for Border and Transportation Security;

(C) The Deputy Secretary for Science and Technology;

(D) The Director of the Office of Domestic Preparedness; and

(E) the Administrator of the United States Fire Administration.

(2) CHAIRMAN.—

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

(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman in the absence of the Chairman.

(b) FUNCTIONS OF SECRETARIES.—

(A) INITIATION OF BOARD.—The Secretary shall be the Chairman of the Board.

(B) REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to each such State within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(2), the tribe may request payment of its share under section 1803(c) in the same manner as a local government.

(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the 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.
“(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

(A) having a significant international land border;

(B) adjoining a body of water within North America through which an international boundary line extends;

(C) being a port or gateway through which a large number of international travelers pass; or

(D) any other condition the Secretary finds is appropriate.

“(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

“(c) REPORT.—

(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 3 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

(2) CONTENTS.—Each report shall—

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

(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders;

(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Director for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(d) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are consistent with any recommendations or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)).

“(e) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

“(f) OFFICERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of the respective department as officio members of the Task Force. Each of the officio members of the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

“(g) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

“SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

“(a) IN GENERAL.—A covered grant may be used for—

(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

(2) exercises to strengthen terrorism preparedness;

(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and equipment used to combat terrorism;

(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

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

(6) systems and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

(7) additional personnel costs resulting from—

(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

(B) travel to and participation in exercises and training in the use of equipment or on prevention activities; and

(C) the temporary replacement of personnel during a period of travel and participation in exercises and training in the use of equipment and on prevention activities;

(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

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

(A) $2,000,000 per project; or

(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems that complies with prevailing grant guidance of the Department for interoperable communications;

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

(12) training and exercises to assist public entities and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from acts of terrorism;

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

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

(15) other appropriate expenses as determined by the Secretary.

“PROHIBITION.—Funds provided as a covered grant may not be used—

(1) to supplant State or local funds;

(2) to construct buildings or other physical facilities;

(3) to acquire land; or

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

“(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such uses assist such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

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

“(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment purchased for, or equipment and training in the use of equipment provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly or indirectly of transporting and operating such equipment during such response.
“(f) FLEXIBILITY IN USPNENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds from one or more covered grant from any such amount.

“(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

(1) IN GENERAL.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local public entities or other such entities not later than 60 days after the end of each fiscal year, an amount equal to at least 75 percent of the grant amount, if the Secretary extends the 45-day period beginning on the date the grant recipient receives the grant funds.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant shall not exceed 75 percent.

(B) IN KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, necessary personnel overtime, contractor services, data, equipment, fuel, maintenance, and rental space.

(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local public entities the required amount of grant funds pursuant to paragraph (1).

(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent of the grant, or direct eligibility, or direct eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

(A) the amount obligated to that recipient in that quarter; and

(B) a summary description of the items purchased by such recipient with such amount.

(5) AUDIT CONTINGENCY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant for the fiscal year.

(B) The amount and the dates of disbursement of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced, and the expenditure of grant funds during the preceding fiscal year.

(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced, and the expenditure of grant funds during the preceding fiscal year.

(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

(8) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups or resources required by subsection (g)(1), the Secretary may—

(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local governments, first responders, and other local public entities that may include—

(i) the local government complies with subsection (g)(1), but the Secretary determines that the local government does not have the ability, and safety; and

(ii) the local government will use the amount paid to such local government to its terrorism preparedness as described in any applicable State homeland security plan or plans; or

(2) PENALTIES FOR NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

(A) IN GENERAL.—The Secretary may upon request by a local government pay the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

(i) the local government will use the amount paid to such local government to its terrorism preparedness as described in any applicable State homeland security plan or plans;

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

(iii) the local government complies with subparagraph (B).

(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

(i) it was intended by the grantee to receive a recoverable portion of the overall grant for a specific purpose that is identified in the grant application;

(ii) it was intended by the grantee to receive a recoverable portion of the overall grant that was earmarked or designated for its use or benefit.

(3) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

(A) shall not affect any payment to another local government under this paragraph; and

(B) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall submit each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department of Homeland Security.

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

(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

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

(3) describing—

(A) the Nation’s progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

(a) EQUIPMENT STANDARDS.—

(1) IN GENERAL.—The Secretary, in consultation with the Under Secretary for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and, as necessary, issue, as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1803(e)(7). Such standards—

(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed; and

(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

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

(2) REQUIRED EQUIPMENT.—In carrying out paragraph (1), the Secretary shall specifically include the following categories of first responder equipment:

(A) Thermal imaging equipment.
“(B) Radiation detection and analysis equipment;
“(C) Biological detection and analysis equipment;
“(D) Chemical detection and analysis equipment;
“(E) Decontamination and sterilization equipment;
“(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing;
“(G) Respiratory protection equipment;
“(H) Interoperable communications, including wireless and wireline voice, video, and data networks;
“(I) Explosive mitigation devices and explosive detection and analysis equipment.

“(J) Containment vessels.
“(K) Contaminant-resistant vehicles.
“(L) Such other equipment for which the Secretary determines that national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

(d) Coordination with Secretary of Health and Human Services.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.:

(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder equipment:

“(A) Regional planning.
“(B) Joint exercises.
“(C) Intelligence collection, analysis, and sharing.
“(D) Emergency notification of affected populations.
“(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.
“(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

(3) CONSISTENCY.—In carrying out this sub- section, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

(c) Consultation With Standards Organizations.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including:

“(1) the National Institute of Standards and Technology;
“(2) the National Fire Protection Association;
“(3) the National Association of County and City Health Officials;
“(4) the Association of State and Territorial Health Officials;
“(5) the American National Standards Institute;
“(6) the National Institute of Justice;
“(7) the Inter-Agency Board for Equipment Standards with the Secretary of Homeland Security; and
“(8) the National Public Health Performance Standards Program;

“(9) the National Institute for Occupational Safety and Health;
“(10) ASTM International;
“(11) the International Safety Equipment Association;
“(12) the Emergency Management Accreditation Program; and
“(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

(2) the Secretary shall promulgate, and regularly update as necessary, national voluntary consensus standards for first responder training courses of the Department.

(b) TRAINING STANDARDS.—

(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall establish the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts authorized in this section for first responder training programs that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

“(A) enable first responders to prevent, prepare, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and
“(B) enable first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder training:

“(A) Regional planning.
“(B) Joint exercises.
“(C) Intelligence collection, analysis, and sharing.
“(D) Emergency notification of affected populations.
“(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.
“(F) Such other activities for which the Secretary determines that national voluntary consensus standards development organizations, other interested Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency management, and public health programs, including hospital emergency facilities, and related personnel, organizations, agencies, and authorities.”.

AX. 4.  SUPERSEDED PROVISION.

This Act supersedes section 104(c)(3) of Public Law 107–56.

SEA. 5. OVERSIGHT.

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

SEA. 6. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall, by the end of the first semiannual period beginning on the date of the enactment of this Act, submit to Congress an inventory and status report that includes—

“(1) a description of Department of Homeland Security and other departments and agencies that provide first responder training programs of the Department, and shall not be subject to a decept.

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

“(1) an assessment of the effectiveness of the structure and organization of such training programs;
“(2) recommendations to—
“(A) improve the coordination, structure, and organization of such training programs; and
“(B) increase the availability of training to first responders who are not able to attend centralized training programs;
“(3) the structure and organizational effectiveness of such programs for first responders in rural communities;
“(4) an identification of any duplication or redundancy among such programs;
“(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;
“(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;
“(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;
“(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;
“(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Re-
matter by the outgoing Secretary of DHS, Mr. Ridge. And I think what this does is makes it possible for the people that have the greatest expertise in this matter to have some say in the way that this is handled.

Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, even though I have claimed the time in opposition to the amendment, I actually want to speak in support of the gentleman’s amendment.

Mr. Chairman, H. R. 1544, the bill that the gentleman would amend, as written requires the Department of Homeland Security to analyze risk in rural America. That is a big step forward. For example, the disruption to the agricultural and food sectors by acts of bioterrorism would result in considerable economic and health consequences.

This amendment will ensure that the grant discussed by H. R. 1544 contain a member with expertise in this very area. The designee of this amendment, the administrator of APHIS, the Animal and Plant Health Inspection Service, is well versed in agro-terrorism; bio-forensic capabilities; deploying diagnostic technologies; and research, development and training activities.

For all of these reasons, Mr. Chairman, as chairman of the Committee on Homeland Security, I strongly urge my colleagues on the committee and my colleagues in the House to vote in support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BERRY. Mr. Chairman, it is most appropriate that this amendment will be accepted because it will give the Department of Homeland Security a first-hand place at the table in representing agriculture in this country in the protection of our homeland.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I appreciate the gentleman from Arkansas (Mr. BERRY) allowing me to speak on his amendment.

My district is reliant on agriculture. This amendment is very supportive of the agriculture through the APHIS program. If the administrator is allowed to participate in the grants board, it will allow us, from an agricultural standpoint, to be adequately considered. I would like to compliment the gentleman from Arkansas (Mr. BERRY) for bringing this to our attention. It is timely in terms of an amendment, and it is something that I am happy to support.

Mr. COX. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. MIKE ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, I thank my colleague from California for yielding me time.

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Arkansas (Mr. BERRY).

This amendment would add the administrator of the Animal and Plant Health Inspection Service as a full member of the First Responder Grants Board.

As an integral part of the Department of Agriculture, the Animal and Plant Health Inspection Service monitors our Nation’s agriculture to protect against agricultural pests and diseases. It also works closely with the Department of Homeland Security in agro-terrorism preparedness and prevention.

Under the bill debated today, the First Responders Grants Board will be charged with prioritizing grant applications on the basis of risk. Adding the administrator to the board would help ensure this panel has the necessary expertise when considering the risks to rural America.

In my home State of Alabama, for example, agriculture is the number one industry, employing nearly half a million people. An agro-terrorist attack in Alabama could cripple our economy.

So it is essential we include these changes today to ensure that the voice of rural America is heard during the process.

I would also like to note this amendment has the full support of the Committee on Agriculture on which I sit. I thank my colleague, the gentleman from Alabama (Mr. BERRY), for offering this commonsense amendment. I also thank the gentleman from California (Mr. COX) for his efforts on this subject and urge my colleagues to support the amendment.

Mr. BERRY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. COX. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. BERRY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BERRY

Mr. BERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BERRY:

At the end of section 1804(c)(1) (page 25, line 19), add the following: “The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.”

The Acting CHAIRMAN. Pursuant to House Resolution 269, the gentleman from Arkansas (Mr. BERRY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I too represent a small rural State. We always struggle to have enough resources to deal with some of the possible threats that we have, and one of the important resources that the gentleman from Mississippi (Mr. THOMPSON) and I share is the Mississippi River. It is an incredibly important resource to this Nation and to our national security and to our homeland security.

It is for just that reason that I offer this amendment, to draw attention to the fact that sometimes as we make public policy we tend to lose sight of the things that may be more important than the number of dollars involved. But most of all, when we do things in Washington, D.C., it is so very important to be in touch with the people at home.

What this amendment does is call for the Department of Homeland Security to coordinate with State, local, and tribal governments in establishing the criteria for prioritizing applications for the first responders grant. This is something that I think is critical, that we take the information and have a coordination between our local governments and the Department of Homeland Security as they make the critical decisions about where these resources will be placed.

I appreciate, again, very much the chairman and the ranking member on the subcommittee being friendly towards this amendment and receiving it with certainly it is something that will prevent the States from devoting significant time, resources, and funding to establish a State homeland security plan in accordance with this bill, only to find out after they apply for a grant that they have completely missed the mark on what the grant board established as its priority.

Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in support of this amendment.

This amendment would ensure that the First Responder Grant Board would coordinate with State and local governments. Throughout this process we have sought to ensure that State, local, and tribal governments are consulted throughout this process. This amendment would make it crystal clear to DHS that we expect them to listen to State, local, and tribal governments as they make their funding decisions. I support this amendment.
Mr. BERRY. Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I claim the time in opposition to this amendment, notwithstanding that I rise in its support.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. Cox) is recognized for 10 minutes.

There was no objection.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. chairman, I strongly support this Berry amendment. It is completely consistent with the intent of the Fast and Smarter Funding For First Responders Act. Indeed, H.R. 1544 contains many other provisions with the same purpose: to enhance Federal, State, local, regional and tribal government cooperation in the process of establishing the criteria for prioritizing applications for covered grants. For example, the bill directs the Secretary to establish a first responders task force.

This task force, which will advise the Secretary of Homeland Security on preparedness benchmarks, will consist of 25 members, representative of all of the first-responder disciplines and a substantive cross-section of geography from across the Nation.

The Berry amendment, in my view, will help ensure that the Grant Board’s risk-based analysis adequately addresses the concerns of State, local, regional and tribal governments who, after all, have direct jurisdiction and control over the first responders who are the focal point of this legislation. This amendment will provide important comfort to covered grant applicants as the department shifts from a political, formula-driven system to one based on risk.

A dramatic programmatic shift such as the one established by this bill cannot be made in a vacuum. It must be made in close coordination with the people most affected. That is the purpose of the bill as it is written.

I think the Berry amendment clarifies that purpose in a useful way, and I strongly support it.

Mr. Chairman, I yield back the balance of my time.

Mr. BERRY. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. Pascrell), the distinguished ranking member of the Subcommittee on Emergency Preparedness, Science, and Technology.

Mr. PASCRELL. Mr. Chairman, I support the Berry amendment. The gentleman from Arkansas has a tendency and a knack to present amendments on this floor that are reasonable, precise and relevant. This is a very relevant amendment, as our chairman has indicated. We need greater coordination between the Department of Homeland Security with State, local and tribal officials. I believe that this is wise public policy.

Secondly, State and local officials know better than anyone, they certainly know better than anybody in Washington, the risks and the vulnerabilities that they face. Washington must work outside of the Beltway for the greatest effectiveness.

We know in examining not only the 9/11 Commission report but every other report since the tragedy of 9/11 that the lack of coordination between the various governments is very, very dangerous. This bill, in its totality, strikes at that very vulnerability, and this amendment, I think, precisely talks to the very important factor of coordination of those agencies.

I want to commend the sponsor of the amendment.

Mr. BERRY. Mr. Chairman, I have no further speakers. I thank the chairman and the ranking member of the committee for their consideration, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. Terry). The question is on the amendment offered by the gentleman from Arkansas (Mr. Berry).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109-77.

AMENDMENT NO. 3 OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Bass:

In section 3(a)(2), in the quoted section 1086d, re-designate existing text as paragraph (1), and insert after paragraph (1) the following:

(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that are in the performance of Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

The Acting CHAIRMAN. Pursuant to House Resolution 269, the gentleman from New Hampshire (Mr. Bass) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. Bass).

Mr. BASS. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment that I think adds flexibility and workability to the bill. What the amendment does not do is allow States to petition the Secretary to use grants that are covered for expenditures that are considered anti-terrorism activities and are normally duties that would be exercised by the Federal Government. What is not current law is the reimbursement for services that are performed by State law enforcement agencies that are not terrorism-related.

This amendment really does add flexibility to the administration of these grants. It would allow, for example, in our seacoast port of Port Smith to reimburse them for the State police boat that currently supplants those efforts being undertaken by the Coast Guard at the behest of the Coast Guard. It allows local police departments for tasks such as the police department in New Ipswich, New Hampshire, that had to detain illegals for a period of time, had to deal with them and could not get the immigration department involved quickly enough, to apply for reimbursement. It allows local police departments to enforce border crossings, if necessary. It allows them to apply for reimbursement. It does not guarantee it, but it allows them to apply.

I hope that the committee will accept this amendment. I know we have had good discussions on both sides with it.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. For what purpose does the gentleman from Mississippi (Mr. Thompson) rise?

Mr. THOMPSON of Mississippi. Mr. Speaker, in order to speak on this amendment, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Mississippi (Mr. Thompson) is recognized for 10 minutes.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, only for the sake of discussion and procedure do I do that, as I am in absolute agreement with the author of the amendment.

This amendment adds an additional paragraph for reimbursement of costs that a State may incur for terrorism preparedness. It would allow for the reimbursement for activities that a State may perform which are traditionally Federal responsibilities. It is common sense, it is the right thing, and I support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BASS. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. Norwood), my cosponsor.

Mr. NORWOOD. Mr. Chairman, I thank the gentleman from New Hampshire (Mr. Bass), my friend, for the time.
Mr. Chairman, this amendment the gentleman from New Hampshire (Mr. Bass) and I are offering today is about allowing States and localities some flexibility with their Federal homeland security funds. This flexibility is vital, especially because States and localities are doing the job of the Federal Government. Essentially, we believe that when States and localities are performing Federal homeland security functions, they should be able to tap into Federal homeland security dollars.

First, let me say and make very clear that the gentleman from California (Chairman Cox) and his committee had a tough assignment, and I very much like what they have done and respect the product that they have produced. I strongly support getting this first-responder money out of the currently clogged pipeline, and that is basically what we are trying to do here today, and my congratulations to the chairman to address that.

I have a major homeland security concern that I really do not think is getting nearly enough attention or funding. Additional resources are needed to help law enforcement deal with the problem of illegal aliens, Federal issue and responsibility closely related to our security and anti-terrorism concerns. I believe our amendment would help these States and localities deal with this problem.

Last Congress, I introduced the CLEAR Act which was designed to clarify State and local law enforcement involvement in combating illegal immigration. I need not remind the body that many of the 9/11 hijackers were here illegally, that many of the World Trade Center bombers were here illegally, and many of the plotters for other terrorist acts are here illegally. Immigration and border issues are central to our homeland security and anti-terrorism efforts.

In promoting that bill, two problems were identified for law enforcement, the lack of resources and the lack of authority to do what needs to be done. While this bill does not deal with the authority part of the problem, it does deal with the resources part of the solution. Therefore, our law enforcement folks and others who are increasingly on anti-terror and homeland security operations should be able to access Federal funds for performing these Federal roles.

The gentleman from New Hampshire (Mr. Bass) and I have different districts, with different needs, but we agree that this language provides some flexibility to get at our individual concerns. Of course, the Department of Homeland Security has a role in oversight under the amendment so there are some checks and balances, appropriately. We are intentionally not talking about an unfettered ability to send the Peds a bill for services rendered. Neither of us have interest in that. I urge my colleagues to support this amendment. I urge my colleagues to support the underlying bill, and I do thank the committee for working with us on this language, and I want to continue to work with the gentleman from California (Mr. Cox) in addressing this critical problem.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Cox).

Mr. COX. Mr. Chairman, I thank the gentleman from Mississippi (Mr. THOMPSON) for the time.

I rise in support of the Bass-Norwood amendment. I strongly support this amendment, and I do so for several reasons.

First, since the attacks of 9/11, States and local governments are increasingly stepping up to the plate and assuming some of what have traditionally been the Federal Government’s responsibilities in the area of terrorism preparedness. States and local governments have entered into agreements with the U.S. Coast Guard or with immigration and customs enforcement or other elements of the Department of Homeland Security to perform responsibilities relating to homeland security.

Second, the Bass-Norwood amendment, which would permit petitioning the Secretary for reimbursement for expenses in this regard, is fiscally responsible. It would not, for example, permit grant recipients to use covered grant funds to supplant routine State or local government expenses. It does not permit, for example, reimbursement for personnel costs.

The Bass-Norwood amendment is also properly targeted in scope. States and localities may defray the costs of their assumed homeland security duties only with the consent of the Secretary of Homeland Security, and States and localities that have assumed these kinds of duties have to have done so pursuant to an agreement with a Federal agency.

The Federal Government, in my view, should encourage States and localities to assist the Federal Government in providing security where it would otherwise be lacking, and that is what this amendment is going to help us do. To support this policy, it is incumbent upon Congress to permit States and local governments to petition the Secretary for reimbursement. The Bass-Norwood amendment is consistent with other provisions of this bill. Specifically, H.R. 1544, the underlying bill, permits covered grant recipients to satisfy the matching requirements through in-kind contributions of goods or services, or other equipment, fuel, maintenance, personnel overtime, training, and equipment that are associated with State and local assumption of Federal terrorism preparedness duties.

For all of these reasons, I strongly support the Bass-Norwood amendment. I congratulate its authors for presenting it to the House.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time.
many cases it is also the ports authorities and the airports authorities of these major cities.

What my legislation would do would be to address a creeping problem that was not created by this Congress but has been the Department of Homeland Security. These high-threat urban area grants, which started out going to six cities, have expanded over time to the point that now they are over 50 cities, and there are also additional areas and airports authorities and the like.

What my legislation would do would be to say, look, there are going to be times when we are going to want to take a city or an area, and they may be under less threat or we may want to add one, but we must not continue down the path for. I think, largely political reasons each year adding more and more and more cities to this pot.

Here is what it is doing. We in the Congress are expressing our views to increase the funding for that pool of money; but the Department of Homeland Security, by administrative fiat, is adding the number of cities that are available, therefore actually reducing the amount and percentage that the larger cities and areas have to contend with.

Now, for my colleagues who represent rural areas, my colleagues who represent suburban areas, my colleagues who represent areas that are not traditionally thought of as large urban areas, I want to assure you nothing in this amendment in any way limits your ability to get funds from this pot. Because under language written by the chairman and the ranking member, now areas can pool together. For example, if Kansas and Iowa and Nebraska want to get together and say we want to create a pool to protect against agro-terrorism, for example, they could be added as a group under my amendment.

This simply says one thing: we have to stop adding more and more cities when that was clearly not the intention of Congress to do. We said in our actions that we wanted this to be a select number of areas. If the Department of Homeland Security is going to continue to add to that list, until we essentially have every single eligible city up to the limit that is laid out in the law, what is the purpose of having the bifurcated system? Maybe we should not do that.

I mean, I happen to believe that we are trying to address a legitimate concern that many have raised, including the 9/11 Commission, that said, look, there are some areas and cities that we want to have a distinct pot of money for.

Before I reserve, let me just make another point. We are talking about approximately 25 percent of the overall funding stream for homeland security. We are not talking about 75 or 80 percent. We are talking about a discrete amount of money, a discrete percentage of money which would be held for these 50 or fewer cities. Now, I happen to believe 50 is a very high number.

When you start thinking about the 50 largest cities, the largest metropolitan areas, there are cities on the list presently that do not even have minor league baseball teams, yet they are considered high threat.

I am not saying that we should take all of the funds and just dedicate them to my hometown. I know that is not anything that we should do. We have a law here that is crafted to distribute this type of money, high-threat, different types of ways. But we in the legislature here in Congress have said very clearly that we believe there should be a pot of money that is protected from the traditional political back and forth. Let us continue to protect that pot of money.

If you vote for my amendment, it does not mean any of your constituents are not eligible for this money. It does not mean that. But it does mean if you are one of these cities either now, in the past, or in the future, you are not going to be on the list of 300 or 400 cities. It is going to be limited to 50 at most.

Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank the chairman of the committee for yielding me this time to speak in opposition to the amendment.

This amendment would limit the number of urban area security initiative grants to 50. I understand what the gentleman from New York (Mr. WEINER) is trying to accomplish; and he has to do it, he is from New York. However, it is unreasonable to set an arbitrary number, in this case 50, for the number of regional grants.

In the bill, we already limit the number of regions by requiring a region to have at least 1.65 million people. This would adequately limit the number of recipients in itself. So I oppose this amendment.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume, and I too rise in opposition to this amendment.

I agree with the intention of the author of the amendment to limit the number of grant awards under the Urban Area Security Initiative, but I do not agree with the thrust of the amendment, which is to, in essence, perpetuate a system that sends money exclusively to cities and ignores regions.

One of the important reforms made in H.R. 1544 is that we open up the process to regional grant applications. I come from the most populated State in America: California. My county, just one of 38 counties in California, has 3 million people. Los Angeles, obviously, is an enormous urban center. But the important thing to note about both Los Angeles and New York is that the L.A. region and the New York City region are bigger and geographically more relevant than the city qua city. The municipal boundaries of New York or the municipal boundaries of Los Angeles are not nearly so important, if there is a radio terror threat, for example, as understanding where that plume is going to go and what are the evacuation corridors.

We have learned since 9/11 we have got to have regional collaboration. In our county, the County of Orange, which as I said has 3 million people, we had two cities get Urban Area Security Initiative money. This was like the fickle finger of fate that touched those two cities and gave them all the cash and ignored the County of Orange, ignored the municipalities situated right next door to them. Happily, due to the leadership of Sheriff Mike Carona and the chairman of the Board of Supervisors Bill Campbell, and the mayor of Santa Ana, Miguel Pulido, and the mayor of Anaheim, Curt Pringle, there has been a workout, a local arrangement made to equitably distribute these urban area security initiative monies. But that is not the way the program is designed.

We have made sense of it in California despite the nonsense of the Federal program itself. Perpetuating this program, trying to focus more emphasis on it is the wrong way to go. UASI has been crafted to make sense to place more emphasis upon it.

Finally, let me say that only regional grants, not State grants, may be able to address certain unique terrorism preparedness needs, such as risks that cross interstate or international boundaries, for example, bioterrorism or agro-terrorism. In this respect, I agree with the comments made by the author of the amendment. I think that to the extent we emphasize a regional approach, a mutual-aid approach, we will find ourselves better prepared in the future. That is the aim, one of the chief aims of H.R. 1544, the Faster and Smarter Funding for First Responders Act, and for those reasons I counsel opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

First of all, in reaction to my good friend the gentleman from Mississippi, he is incorrect. The bill defines the size of a region at 1.65 million, but it leaves open cities of any type. We do not know, since the bill is silent on that distinction. You can have a city of 20,000 and be eligible for this. You can have a city of 10,000 and be eligible. The gentleman from Mississippi is correct that a region has to be 1.65 million, but nowhere does it restrict the size of the city.

As for the chairman, the chairman, who has done an excellent job on this bill, regrettably is incorrect as well. There is nothing in my amendment that restricts this from going to cities
I think it is very easy to argue that New York City has been under the same consistent threat since 9/11, but this funding certainly does not reflect that. The example that I use of New York City is just one example of how it has varied widely across cities.

One of the greatest reasons for this yo-yo funding is when you increase who is eligible, you decrease your options on how you distribute. So we need to make sure that this funding is based on risk rather than political calculations, and limiting the number of grants to 50 is certainly reasonable and a fair way.

May I speak also very briefly on how far preferable the House version is to the Senate version in the underlying bill.

Mr. WEINER. Mr. Chairman, I yield myself the balance of my time.

There seems to be some misunderstanding, and I am waiting for some clarification on our side, if the majority side has clarification, because it might lead me to withdraw my amendment.

If someone will stand up and say that a city of less than 1.65 million will be ineligible to receive these grants in the future, as has been articulated by the ranking member and implied by the chairman, then we are on to something.

The language in the bill refers to the area which is this new thing that we are trying to do, I think, for good reason. The question is, will a city of 50,000 or 60,000 who does not form a coalition with four or five or six other cities or other regions, will they still be eligible? That is the problem.

I think that what we have here is a very good bill that continues a bifurcated system. On one hand, you have every single area of the country eligible for money based on threat, based on the Weiner language that was introduced in committee, and I am glad you accepted; on the other side, we have this thing that now only limits the area to 1.65 million people. I am trying to do is not say a city can be on or off but say, let us limit it to 50.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

Mr. CASTLE. Mr. Chairman, I ask unanimous consent to strike the last word to enter into a colloquy with the gentleman from California, the chairman of the Committee on Homeland Security.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Delaware?
Throughout America, there are populations and critical infrastructure that terrorists have within their sights.

H.R. 1544 would eliminate this anomaly by requiring a risk-based analysis that covers every part of America, urban, suburban and rural, based on objective criteria. To this end, H.R. 1544 establishes a first-responder grant board to prioritize and evaluate all applications for covered grants on the basis of risk and need.

During this evaluation and prioritization process, the grant board must consider a number of factors, including but not limited to, various critical infrastructure sectors in all areas of the Nation, urban, suburban and rural. Indeed, the critical infrastructure sectors enumerated in H.R. 1544 encompass a large number of critical infrastructure sectors, including agriculture and food, banking and finance, energy, public health and health care, government facilities, transportation systems, and water.

As Delaware’s former Governor, the gentleman knows that Delaware contains a great deal of critical infrastructure, including pipelines, banks, and ports. But he and I also know that, under current law, the Department does not consider these factors in awarding grant funds to his State. Delaware has no jurisdiction that receives grant funds from the urban area security initiative. As a result, many States under the current system, Delaware only receives grant moneys under the State homeland security grant program. But funding under that program is awarded solely on the basis of an arbitrary political formula without regard to Delaware’s actual risk or need. Passage of this legislation, the Faster and Smarter Funding For First Responders Act, will remedy these problems.

Mr. CASTLE. Reclaiming my time, Mr. Chairman, I thank the gentleman from California for his comments. The gentleman is correct in that my home State, and every other State, deserves equitable consideration. I appreciate his willingness to protect adequate grant allotments for first responders in small States. I support the gentleman’s goal of getting these important funds to communities where they can be used effectively and look forward to working with him throughout this process to ensure all States receive fair and realistic homeland security funding.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109-77.

AMENDMENT NO. 5 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CASTLE:

At the end of the bill, add the following:

SECTION 7. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damage or death caused by the equipment after it is accepted.

(b) EXCEPTIONS.—(1) the person’s act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct;

(2) the person is the manufacturer of the fire control or fire rescue equipment;

(c) PREEMPTION.—Section (a) shall not apply to a person if—

(1) the person is the volunteer fire company and the person donates fire control or fire rescue equipment to a volunteer fire company.

(d) EFFECTIVE DATE.—This section shall take effect immediately.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Pursuant to House Resolution 269, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Mississippi (Mr. THOMPSON) each will control 10 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. CASTLE. In the United States, firefighters work in departments that have 19,000 volunteer firefighters and more than 12 million dollars of quality fire equipment. Not only do volunteer fire departments provide an indispensable service, some estimates indicate that the nearly 800,000 volunteer firefighters nationwide save State and local governments $36.8 billion a year. Of the 26,000 fire departments in the United States, more than 19,000 are all volunteers and another 3,800 are mostly volunteer.

In the 7 years of the Texas program, more than $12 million worth of fire-fighting and protection equipment has been donated and given to needy departments. This legislation would aid the nearly 70 fire companies that have never been used to put out a single fire. In reality the threat of civil liability poses a threat to our firefighters. It is threatening to our firefighters.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I am grateful for the support of my amendment to H.R. 1544, which was identical to legislation I introduced, H.R. 1088, the Good Samaritan Volunteer Firefighter Assistance Act. This legislation overwhelmingly passed the House of Representatives last Congress, 397-3, and was also included as an amendment to H.R. 10, the 9/11 Recommendations Implementation Act. Unfortunately, it was not in the final conference report.

My amendment removes a barrier which currently prevents some organizations from donating surplus fire fighting equipment to fire departments in need. Under current law, the threat of civil liability has caused some organizations to destroy fire equipment rather than donating it to volunteer rural and other financially strapped departments. We know that, every day across the United States, firefighters respond to calls for help. We are grateful that these brave men and women work to save our lives and protect our homes and businesses. We may presume that our firefighters work in departments with the latest and best fire fighting and protection equipment.

The Acting CHAIRMAN. Amendment No. 5, Mr. CASTLE.

Mr. CASTLE. Mr. Chairman, I offer an amendment to the legislation. While I salute the hard work of our volunteer firefighters, it
appears to me that we have a very extreme solution to a problem that does not exist. Although the amendment purports to encourage donation of fire fighting equipment by eliminating civil liability barriers, there are no reported cases of businesses refusing to donate equipment out of concern for liability. Volunteer fire fighting companies are suing their donors. Whatever the so-called problem is could be solved or addressed without congressional action.

For example, the 108th Congress when the similar legislation was before the Committee on the Judiciary, we heard during our committee deliberations that a volunteer fire department could simply sign a contract waiving liability of the donors from negligence resulting from the donated fire equipment. This tactic would ensure that fire companies are informed and have consented to the immunity of the donor. Congress does not have to mandate the immunity. The groups can agree to it if they want or if the donor insists.

Mr. Chairman, this is not a Federal issue. It is a matter that can be dealt with by the States. There is nothing Federal about local volunteer fire departments. This liability is a State issue, and many States have already dealt with it. For example, some States provide immunity but only after requiring certification that the equipment is safe. This amendment provides no such safety net. For the safety of our volunteers, companies should not be given blanket immunity for donating fire equipment. While it may be true that most of the equipment is perfectly usable, companies should be prevented from donating obsolete equipment known to be of dubious safety. Certain equipment, like protective gear and breathing apparatus, can deteriorate over time and may not be suitable for use. The threat of civil liability causes some to think twice about donating that dangerous equipment which may place our firefighters in danger. If this amendment passes, they will not have to be concerned about donating that dangerous equipment.

I would hope that we would defeat the amendment, allow the volunteer firefighters to waive the liability if they want, but not impose a federally mandated waiver on everybody whether they want to use it or not. I urge my colleagues to reject the amendment which may, in fact, endanger our firefighters.

Mr. CASTLE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California, Mr. Cox.

Mr. COX. Mr. Chairman, I thank the distinguished gentleman from Delaware for yielding the time but more importantly for offering this important amendment. The House has voted in support of similar amendment before. During the 108th Congress, twice it passed the House. As a stand-alone measure, all by itself, on September 14, 2004, and when it was up on its own merits, the recorded vote was 397-3.

This is a commonsense amendment that is vitally important. It would provide protection to people who donate fire control or fire rescue equipment, but more importantly, it would better serve the interests of taxpayers.

The amendment allows volunteer firefighting companies to sue their donors if the equipment is not working properly. This tactic would ensure that the equipment is perfectly usable, companies have, unfortunately, lost some opportunities for donation of equipment. Mr. CONYERS. Mr. Chairman, I strongly oppose this amendment. While I salute the hard work of our volunteer firefighters, it appears to me that this amendment we have before us is a very stringent solution in search of an actual problem. Although the amendment is supposed to encourage the donation of firefighter equipment by eliminating civil liability barriers, there have been no reported cases of businesses refusing to donate equipment nor cases of volunteer firefighter companies suing donors. At a minimum, this bill should be reviewed in accordance with regular House order. There have been no hearings or markups in the Judiciary Committee, no opportunity for members to debate this issue to date.

Companies should not be given blanket immunity to companies for donating fire-fighting equipment. While it may be true that most of the equipment is perfectly usable, companies should be prevented from donating obsolete equipment known to be of dubious safety. Certain equipment, like protective gear and breathing apparatus, can deteriorate over time and may not be suitable for use. The threat of civil liability causes some to think twice about donating that dangerous equipment which may place our firefighters in danger. If this amendment passes, they will not have to be concerned about donating that dangerous equipment.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.
The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aes 331, noes 331, not voting 14, as follows:

(Roll No. 169)

AYES—331

Abercrombie, G. K. (HI)  
Allen, Z. (NY)  
Baca, H. (CA)  
Bachus, S. (ID)  
Baird, T. (WA)  
Baldwin, D. (WI)  
Barrett (SC), G.  
Barrett (TX), G.  
Bartlett (MD), J.  
Bass, V.  
Beauprez, D.  
Berry, A.  
Biggers, F.  
Bilirakis, D.  
Bishop (GA), J.  
Bishop (UT), M.  
Blackburn, C.  
Blunt, R.  
Boehlert, J.  
Boehner, J.  
Bonilla, L.  
Bonner, W.  
Boswell, J.  
Bonner, S.  
Boozman, S.  
Bowser, A.  
Boystany, D.  
Boyd, R.  

NOES—331

Aderholt, K. (AL)  
Alexander, G. (Tenn.)  
Allen, G. (NY)  
Baca, H. (CA)  
Bachus, S. (ID)  
Baird, T. (WA)  
Baldwin, D. (WI)  
Barrett (MD), J.  
Bass, V.  
Beauprez, D.  
Berry, A.  
Biggers, F.  
Bilirakis, D.  
Bishop (GA), J.  
Bishop (UT), M.  
Blackburn, C.  
Blunt, R.  
Boehlert, J.  
Boehner, J.  
Bonilla, L.  
Bonner, W.  
Boswell, J.  
Bonner, S.  
Boozman, S.  
Bowser, A.  
Boystany, D.  
Boyd, R.  

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aes 409, noes 409, not voting 14, as follows:

(Roll No. 170)

AYES—409

Beauprez, D.  
Bender, M.  
Bilirakis, D.  
Bishop (GA), J.  
Bishop (UT), M.  
Blackburn, C.  
Blunt, R.  
Boehlert, J.  
Boehner, J.  
Bonilla, L.  
Bonner, W.  
Bowser, A.  
Boystany, D.  
Boyd, R.  

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The question was taken; and the yeas appeared to have it.
So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 170 on final passage of H.R. 1544, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, May 12, 2005, I was unavoidably absent due to a personal emergency. I request that the CONGRESSIONAL RECORD reflect that I had been present and voting; I would have voted as follows:

Rollcall No. 169: "No." On Agreeing to the Weiner Amendment to H.R. 1544.


PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for Record and regret that I could not be present today, Thursday, May 12, 2005, to vote on rollcall vote Nos. 169 and 170 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 169 on an amendment to H.R. 1544 to limit the number of Urban Area Security Initiative grants during any given fiscal year to $50 million; "aye" on rollcall vote No. 170 on passage of H.R. 1544—Faster & Smarter Funding for First Responders Act of 2005.