

PROVIDING FOR CONSIDERATION OF H.R. 1544, FASTER  
AND SMARTER FUNDING FOR FIRST RESPONDERS ACT  
OF 2005

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MAY 10, 2005.—Referred to the House Calendar and ordered to be printed

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Mr. SESSIONS, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 269]

The Committee on Rules, having had under consideration House Resolution 269, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Homeland Security.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order

against the amendments printed in this report. The rule provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

The Committee is not aware of any points of order against consideration of the bill. The waiver of all points of order against consideration of the bill is prophylactic in nature.

#### SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Berry: Adds the Administrator of Animal and Plant Health Inspection Service to the First Responder Grants Board. (10 minutes)

2. Berry: Requires the Department of Homeland Security to coordinate with State, local, and tribal governments in establishing criteria for prioritizing applications for first responder grants. (20 minutes)

3. Bass/Norwood: Allows States to petition the Secretary of Homeland Security to use Federal homeland security funds for the cost of any activity relating to prevention of, preparation for, response to, or recovery from acts of terrorism, that would otherwise be a Federal duty performed by Federal agencies and under agreement with the State or local government and a Federal agency. (20 minutes)

4. Weiner: Limits the number of Urban Area Security Initiative grants during any given fiscal year to 50. (20 minutes)

5. Castle: Seeks to better equip and protect our communities' firefighters. Under current law, the threat of civil liability has caused some organizations to destroy fire fighting equipment, rather than donating it to volunteer, rural, and other financially strapped fire departments. Encourages donations by raising the liability standard for donors of fire fighting equipment from negligence to gross negligence. (20 minutes)

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#### TEXT OF AMENDMENTS MADE IN ORDER

##### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERRY OF ARKANSAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 3(a)(2), in the quoted section 1804(a)(1) (page 24, beginning at line 3), strike "and" after the semicolon at the end of subparagraph (F), strike the period at the end of subparagraph (G) and insert "; and", and after subparagraph (G) add the following:

"(H) the Administrator of the Animal and Plant Health Inspection Service.

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##### 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERRY OF ARKANSAS, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

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."

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BASS OF NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 3(a)(2), in the quoted section 1806(d), 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 is a 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.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WEINER OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In title XVIII of the Homeland Security Act of 2002, as proposed to be added by the bill, insert at the end the following new section (and make such technical and conforming changes as may be necessary):

**SEC. 18 . LIMITATION ON NUMBER OF UASI GRANTEES.**

In carrying out the Urban Area Security Initiative, or any successor to such grant program, the Secretary may award not more than 50 grants for any fiscal year.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTE

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 damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

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

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

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

(c) **PREEMPTION.**—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that notwithstanding subsection (b) this Act shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) **DEFINITIONS.**—In this section:

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

(2) **FIRE CONTROL OR RESCUE EQUIPMENT.**—The term “fire control or fire rescue equipment” includes any fire vehicle, fire

fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term “State” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

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

(e) EFFECTIVE DATE.—This Act applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.