

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.

□ 1127

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1544) to provide faster and smarter funding for first responders, and for other purposes, with Mr. CALVERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

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 strongly endorsed by the 9/11 Commission whose recommendation that first responder funding be placed on a risk basis this bill implements. It is endorsed by scores of first responder groups, the men and women on the front lines for whom this money is intended. 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.

□ 1130

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 hocerry" to the way that moneys are passed around the country. 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 know 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 workers, another \$100,000 was spent to develop a rap song purportedly to educate young people about how to be prepared in the case of a 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 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 a conference report, 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 or 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 will 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 terrorists will again strike our country; and when that happens, we are going to rely 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 all the equipment that they need. This bill is a strong step in that direction. 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 Republicans. 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.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

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 will 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 conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
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 jurisdictional 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 Committee during the last Congress.

I appreciate your willingness to waive further consideration of H.R. 1544 in order to expedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Transportation and Infrastructure Committee does not waive 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 jurisdiction of the Transportation and Infrastructure Committee, I will support your request to be conferees with respect to those provisions during any House-Senate conference on H.R. 1544 or similar legislation.

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 SCIENCE,
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 Science Committee in matters being considered in H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005. Section 3 of this bill amends the Homeland Security Act of 2002 to add a new section 1807 that addresses national voluntary consensus standards for the performance, use, and validation of first responder equipment. The development of such standards is of particular jurisdictional interest to the Science Committee.

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 section 1807 that addresses national voluntary consensus standards for the performance, use, and validation of first responder equipment), 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 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 conferees on any provisions over which we have jurisdiction during House-Senate conference on this legislation.

Thank you for your attention to this matter.

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 Science Committee's jurisdictional 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, and it reflects compromises reached in consultation with your Committee during the last Congress.

I appreciate your willingness to waive further consideration of H.R. 1544 in order to expedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Science Committee does not waive jurisdiction it may have over section three of the bill (adding a new section 1807 that addresses national voluntary consensus standards for the performance, use, and validation of first responder equipment). In addition, if those provisions are determined to be within the jurisdiction of the Science Committee, I will support representation for your Committee during any House-Senate conference on H.R. 1544 or similar legislation.

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 ENERGY AND COMMERCE,
Washington, DC, April 28, 2005.

Hon. CHRISTOPHER COX,
Chairman, Committee on Homeland Security,
House of Representatives, Adams Building Washington, DC.

DEAR CHAIRMAN COX: I am writing with regard to H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005, which was ordered reported by the Committee on Homeland Security on April 21, 2005. As you know, the Energy and Commerce Committee has jurisdiction over matters involving public health contained within section 3 of H.R. 1544 as reported.

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 establishing any national voluntary consensus standards for first responder equipment or training that involve or relate to health professionals, the Secretary of Homeland Security must coordinate with the Secretary of Health and Human Services. This language is substantially similar to provisions contained in the Energy and Commerce reported version of H.R. 3266 from the 108th Congress.

I recognize your desire to bring this legislation before 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, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 1544. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees 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.

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, April 29, 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 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 Energy and Commerce Committee marked up and ordered reported during the 108th Congress; and it reflects compromises reached in consultation with your Committee during the last Congress.

I appreciate your willingness to waive further consideration of H.R. 1544 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Energy and Commerce 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 jurisdiction of the Energy and Commerce Committee, I will support representation for your Committee during conference with the Senate with respect to those provisions.

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.

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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 CHAIRMAN COX: 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 on the Judiciary'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(1)(7) ("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 1801(9)(B)(i)) establishes grant eligibility for a State 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)(3)) ("Law Enforcement Terrorism Prevention Program") falls 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"). Sec. 3 (new section 1803) ("Covered Grant Eligibility and Criteria") establishes standards by which States and localities receive funding for, among other things, "unique aspects of terrorism." 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").

Sec. 3 (new section 1804) ("Risk-based Evaluation and Prioritization") establishes a "First Responder Grants Board" with broad authority to assess a range of domestic security threats, including those based on "acts of terrorism of the known activity of any terrorist organization." Domestic security threats clearly fall within the Committee on the Judiciary'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"). Sec. 3 (new Section 1804(c)(3)) ("Types of Threat") directs the Secretary of Homeland Security to consider a variety of threats to critical infrastructure, including: biological threats; nuclear threats; radiological threats; incendiary threats; chemical threats; explosives; suicide bombers; cyber threats; and any other threats based on proximity to specific past acts of terrorism or the known activity of a terrorist group. Much of this information could be acquired only with the active participation of law enforcement and antiterrorism agencies, including the Department of Justice and its relevant components. These matters fall within the Committee on the Judiciary's legislative and oversight jurisdiction under rule X(1)(7) ("Criminal law enforcement") and rule X(1)(19) ("Subversive activities affecting the internal security of the United States").

The Committee on the Judiciary agrees to waive any formal consideration of the bill with the understanding that its jurisdiction over these and other provisions contained in the legislation is not altered or diminished. The Committee on the Judiciary also reserves the right to seek appointment to any House-Senate conference on this legislation. I would appreciate your including this letter in your Committee's report on H.R. 1544 and the Congressional Record during consideration of H.R. 1544 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, April 28, 2005.
Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Judiciary Committee's jurisdictional 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 Judiciary Committee marked up and ordered reported during the 108th Congress, and it reflects compromises reached in consultation with your Committee during the last Congress.

I appreciate your willingness to waive further consideration of H.R. 1544, in order to expedite proceedings on this legislation. I acknowledge the Judiciary Committee's Rule X jurisdiction over matters relating to criminal law enforcement and subversive activities affecting the internal security of the United States, and recognize the Committee's strong jurisdictional interest in 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.

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.

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

Mr. THOMPSON of Mississippi. Mr. 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 we put in working on it in 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 work on this 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 a high population or high 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 that 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 support 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 on 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 terrible 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. The 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 near 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. We promised never ever to put them in that position again. Unfortunately, for the last 3½ years, 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 was not 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 that we get the funding 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, it is an honor to work with him. He understands the depth of concern of the American people. He understands the depth of concern of our first responders, police and firefighters, EMS. And understanding their day-to-day situation in the face of terror, he fashioned legislation; and I am glad he made me part of it.

These are difficult times. The last chapter of the 9/11 Commission report, Mr. Chairman, is not just by coincidence. The subtitles of the sections in that final chapter, chapter 13, "Unity of Effort." Across the foreign/domestic divide, unity of effort, as far as the intelligence community is concerned, the sharing of information. The unity of effort in the Congress, section 13.4. It was not just a coincidence that the 9/11 report finished with that unity.

If there is anything that has brought us together, it is this tragedy. 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.

□ 1145

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 my 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 marred 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 bi-partisan manner to bring H.R. 1544 to the floor today. It is 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 actually 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 large extent 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 be based strictly on an 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."

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 distinguished gentleman from California (Mr. LUNGREN), the former Attorney General of California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the chairman and the ranking member of the committee for the work they have done in bringing to the floor the Faster and Smarter Funding for First Re-

sponders Act, H.R. 1544, and I rise in support of that bill.

Yesterday, we had a reminder, if we even needed a reminder, of the events of 9/11 and the aftermath. Yesterday, as we were proceeding out of this Chamber, we were urged by those who were in uniform to move faster, to move to a place of greater safety. And that is an apt analogy for the bill we bring to this floor today, because we truly are attempting to do a better job in terms of the funding on the Federal level for first responders.

There is no doubt that this Chamber, acting with the other Chamber and the executive branch, attempted as best we could at that time to come up with a comprehensive approach to get funding to first responders in view of the threat as we saw it after 9/11. But in the intervening 3-plus years, we have seen that that which we have done is not perfect, that there are improvements to be made. Certainly first and foremost among these is to establish a basis for the kinds of funding that will go out to the first responders.

This bill is a true effort to attempt to establish a rational risk assessment, that is, a rational means of determining what the greatest threat is to this country in the aftermath of 9/11, and then proceed to have the funding follow that. This is extremely important, because in some ways it goes against the grain of those of us who serve in this body who want to make sure that every single one of our districts gets the best amount of money that it possibly can.

In this particular situation, we are acting as national legislators, making a determination as to what the national threat is and then responding to that national threat in the most effective way possible. That is why I salute the chairman and ranking member. I tell my other colleagues here that this was a unanimous decision by the members of this committee. Hopefully, we will receive a unanimous decision here on the floor of the House.

Mr. THOMPSON of Mississippi. 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 his remarks.)

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from Mississippi for yielding me time. Let me thank the chairman and ranking member. Both of them did an extraordinary job of pulling together an important piece of legislation, a complex piece of legislation, that every Member of the House should endorse wholeheartedly. Every member of the committee was a cosponsor of the legislation, myself included. I am pleased to join them as a member of the Committee on Homeland Security and in being responsible for this legislation.

This, as has been said, is a first-responder-driven bill. I want to thank the committee for accepting my

amendment on agro-terrorism, an issue important all across America for our food supply. But, equally important, to have homeland security, we must have hometown security, and the formula this bill is driven by, that is what it is about.

It is good for my home State of North Carolina, because the current formula, with North Carolina being the 13th largest State in population, we end up 49th in per capita homeland security funding. I do not think we are next to last in risk. And others can say that.

The funding formula proposed in this piece of legislation will allow Federal homeland security funds to be disbursed on a threat, risk and vulnerability basis. Let me thank all of my colleagues for that, because that is the way it ought to be.

The formula follows the recommendation, as has been said, of the 9/11 Commission. The Commission said, "Homeland security funds should supplement State and local resources based on the risk or vulnerabilities that merit additional support." This bill does that.

North Carolina and its critical infrastructure 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.

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 that is necessary for our local hometown heroes.

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 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 Commission said, "Homeland security funds should supplement State and local resources based on the risks or vulnerabilities that merit additional support."

North Carolina and its critical infrastructures have significance far beyond its borders. The

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 California, the chairman of the Committee on Homeland Security, for yielding me time.

Mr. Chairman, I support H.R. 1544, the Faster 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 broken 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 ten largest cities. Texas also has 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 gentleman from North Carolina (Mr. PRICE), a member of the Committee on Appropriations Subcommittee on Homeland Security.

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of H.R. 1544.

The bill significantly improves the homeland security application and funding process by restructuring it in a way that my home State of North Carolina predicts will shorten the time it takes funds to get from the Federal to the local level by about 6 months.

The bill also will significantly improve how we assess threats by taking the decision out of the hands of DHS and creating a task force made up of experts from the Federal, State, and local levels and the first responder community to create a comprehensive means of assessing risk.

So I feel this bill has a great deal of potential. It could be a very important step in the right direction. But I warn my colleagues that we will fail in our efforts to protect the homeland if we do not take some additional steps, in particular to avoid a trade-off down the road between protecting ourselves against terrorist attacks and preparing for and responding to natural disasters.

As we vote on this bill, we are dealing with a presidential budget that would slash Federal funding for our local police by close to 40 percent through massive cuts in Homeland Security and Justice grant programs.

The Bush administration continues its trend of shifting money from natural and general disaster preparedness programs. For example, the Committee on Appropriations was recently forced to cut FIRE grants, one of the most successful Federal grant programs in existence, by over \$100 million, at a time when our Nation is expecting more than ever from our understaffed and ill-equipped fire departments.

So while I applaud the committee for its work in crafting a strong bill, we ought to make clear that voting for this bill is not enough. When it comes time to make some harder choices and pay for these first responder programs that we happily authorize, we will need the same bipartisan support for those on the front lines that we see here today.

Mr. COX. 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 asked and was given permission to revise and 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 subcommittee 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 funding for training first responders was being developed by bureaucrats in Washington, who had no idea of what the real threats were out there across America.

□ 1200

It was not the case over the past several years as States and counties si-

phoned 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. It provides a more 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. Chairman, 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 fund, like the grant 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, direct 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 people 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 this 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;

we should have a strategic view of homeland security funding. And once we pass this legislation and once we urge our colleagues in the other body to move their bill on the floor and then to reach a fair compromise in conference and enact this bill into law, we will have taken a major step forward.

This legislation, of course, does not solve all the problems. An issue on which the gentleman from Pennsylvania (Mr. WELDON), and I have focused for years is a strategy for interoperable communications for emergency responders. This requires some of the things we have in our authorization bill, but it will also require dedicated spectrum, something that I hope the Congress addresses this year and something that is the subject of legislation we have introduced on a bipartisan basis called the Hero Act.

But to conclude, Mr. Chairman, this is a very good start. It is very good work by our ranking member and by our chairman, the gentleman from California (Mr. COX); and it helps resolve a major roadblock to securing our homeland in our own districts and all parts of America.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in strong support of H.R. 1544, the Faster and Smarter Funding For the First Responders Act of 2005, and I commend the gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) for their bipartisan leadership in bringing this bill to the floor today.

On September 11, our first responders answered the call of duty, risking their lives to save countless Americans from attack. Their heroic service and sacrifice will be remembered forever.

Following 9/11, the first responder community worked hard to help us craft this legislation. We also received input from the 9/11 Commission and the 9/11 families for a risk-based approach to managing homeland security dollars.

Today's bill follows a logical approach by allowing and rewarding up-front planning at the State, local, tribal, and regional levels. We provide a risk-based management structure to direct the use of these dollars so that they can move quickly to where they are most needed.

Mr. Chairman, I am reminded that the 9/11 Commission Report called on us to respond to that tragedy with a commitment to "create something positive, an America that is safer, stronger, and wiser." The bill before us today honors this obligation. It frees critical resources to first responders who need them for training and equipment. This makes us safer. It encourages regional cooperation and teamwork across town, city, tribal, and State lines. This makes us stronger. Finally, it targets our greatest risks and vulnerabilities which undoubtedly makes us smarter.

As a member of the Committee on Homeland Security, I am proud to co-sponsor 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 funds based 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 from 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, good policy. It took only minutes for our police, firefighters, and EMS workers to respond to the calls for help on September 11. Over 3 years later, Congress still has not answered their cry for better funding to protect us. This change in funding priorities is long overdue. I urge my colleagues to vote "yes" on the bill.

Mr. COX. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. HARRIS).

(Ms. HARRIS asked and was given permission to revise and extend her remarks.)

Ms. HARRIS. Mr. Chairman, I rise in support of H.R. 1544, the Faster and Smarter Funding For First Responders Act of 2005.

This critical, bipartisan, and historic legislation implements the 9/11 Commission's recommendations in streamlining terrorism preparedness grants and making certain that our first responders have the resources they need when they need them.

As police officers and first responders gather in Washington to honor their fallen comrades during National Police Week, the images of September 11 remain frozen in our minds and etched into our souls.

Since fiscal year 2002, Congress has appropriated, and the Department of Homeland Security has awarded, \$6.3 billion in terrorism preparedness grants. Yet shockingly, State, territorial, and local governments have spent just 31 percent of this funding. Clearly, our first responders and the communities they put their lives on the line to protect remain dangerously at risk, all due to government bureaucracy.

H.R. 1544 requires State, territorial, and local governments to assess their greatest threats, vulnerabilities, and consequences before they request the Federal funding money. Then, it holds these governments accountable, requiring them to issue grants to first responders within 45 days.

In closing, Mr. Chairman, this legislation constitutes a long overdue dose of common sense. The gentleman from California (Chairman COX) and the gentleman from Mississippi (Ranking Member THOMPSON) have already proven the wisdom in establishing the Committee on Homeland Security through their vision and leadership in producing this legislation so quickly.

We remember the valor of firemen—who rushed through an inferno to save others, without regard for their own safety.

We recall the courage of police officers—who braved falling bricks and mortar to provide those in danger with their hands and their reassurance.

After many years during which our children searched among athletes, movie stars, and other celebrities for their role models, they learned the real definition of the word "hero" on that awful day.

And as four hurricanes visited unprecedented devastation upon my district in southwest Florida last year, we learned once again how much we rely upon the bravery, expert training, and compassion of first responders when disaster strikes.

Since Fiscal Year 2002, Congress has appropriated and the Department of Homeland Security has awarded 6.3 billion dollars in terrorism preparedness grants. Yet shockingly—state, territorial, and local governments have spent just 31 percent of this funding.

Clearly, our first responders and the communities they put their lives on the line to protect remain dangerously at risk—all due to government bureaucracy.

H.R. 1544 requires State, territorial, and local governments to assess their greatest threats, vulnerabilities, and consequences before they request Federal grant money. Then, it holds these governments accountable—requiring them to issue grant awards to first responders within 45 days.

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 dose of common sense. 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.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman 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 as the basis for distribution of level funding for the first time, 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 gentlewoman 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 security. I want to congratulate 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.

□ 1215

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 going to have the support they need 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 gentlewoman 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 very much 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 interesting but yet telling experience.

First of all, let me take the opportunity to thank all of 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. I am very gratified that we are still 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 at 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 certification process on 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 today.

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 terrorism exercise programs that will be administered by the Secretary of DHS to include Citizen Corps Councils. Since the creation of this committee even as a select body, I have found it increasingly important that we include local "second responders" as often as possible when advancing emergency preparedness legislative initiatives. This body's crafting of a first responder bill as well as an authorization bill has given us an opportunity to make our preparedness exercises more thorough and "simulated."

A sense of Congress provision was accepted in the bill introduced in the 108th Congress. However, I offered and withdrew this amendment at the markup of H.R. 1544 because a similar provision, paragraph (11) has been included in House Report 109-65. In addition, 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 assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity (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 Americans in volunteer service.

In only 2 years, nearly 1,000 communities around the country, encompassing 40 percent of the U.S. population established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate 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 southeastern Texas, comprises 1,779 square miles, and encompasses the city of Houston, 32 additional smaller cities, and is the home for nearly 4 million residents. Harris County is the third most populous county in the United States and one of the most culturally diverse.

This report language that I cited above is a good step toward getting the necessary funding and support needed to implement the Citizen Corps concept. Overall, the threat-based grant provisions found in the underlying legislation will help high-density threat-laden cities such as Houston, TX.

Harris County is home to numerous potential terrorist targets:

The Port of Houston, which ranks first in the United States in foreign waterborne commerce, is the leading domestic and international center for almost every segment of the oil and gas industry, houses almost half of the Nation's petrochemicals manufacturing ca-

pacity, is the world's sixth largest seaport and the Nation's largest oil port;

The Texas Medical Center, with 42 member institutions, provides leading medical care to people from all over the world and is the world's largest medical complex serving more than 70,000 daily;

The Johnson Space Center, home of NASA's manned space program;

The fourth largest airport system in the country, with more than 43 million passengers traveling through its three area airports to domestic and international destinations;

Three national sport arenas hosting thousands of fans for popular events; and

A nuclear power plant located approximately 70 miles from the county.

Mr. Chairman, H.R. 1544 will help the Department 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 gentleman 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 Faster 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 legislation.

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 terrorist attack.

We must make sure that Homeland Security dollars are going where they are needed, as the 9/11 commission report specifically recommended, and that they are properly spent once they are allocated.

This legislation addresses the most important aspect of Homeland Security, and that is evaluation of threat and risk. In this bill, we make sure the majority of first-responder funding is threat-based. The current model is outdated, distributing more money to areas with fairly benign risks than to areas that we know terrorists would like to attack, like New York City and the Capitol of our great Nation.

I ask that the House take action today and move for more effective risk-based funding for first responders. Again, I would like to thank the Chairman and the ranking member for their hard work.

Mr. THOMPSON of Mississippi. Mr. Chairman, at this time we do not have another speaker, and I would like to reserve the balance of my time.

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

Mr. McCaul of Texas. Mr. Chairman, I would like to also thank the gentleman from California (Chairman COX) and the gentleman from Mississippi (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 money it receives per person.

Unfortunately, many other key target states like California, New York, Pennsylvania, Florida, Illinois, and Virginia, join Texas in this distinction.

To ensure that the States with the biggest risks and threats get the necessary money to protect themselves, our Nation must move towards a risk-based funding system.

Those like al Qaeda, who wish to do harm 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 Nation's most essential and at-risk targets 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 gentleman from the State of New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

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 critical issue, as well as all Members, especially those from New York who have worked on this, such as the gentleman from New York (Mr. KING) and especially the gentleman from New York (Mr. SWEENEY) who 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. 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. 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 Nation's most symbolic buildings and landmarks, several Federal assets and the country's economic center.

Just as the unique nature of the Capitol complex requires a dedicated force, the Capitol police, which does a great job every single day, New York needs its own dedicated force to help prevent terrorist strikes 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 expressed concern over the 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 all of 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).

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 simply on formulation, 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 those, 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 terrorist attacks.

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.

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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 ably on this issue.

Today we have an opportunity to establish a new grant process to provide better support to the brave men 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 a quick, professional 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 system so that desperately needed preparedness funds can get to communities without delay on the part of the Federal Government. In exchange, 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

11th attacks, we began sending money to the States, and unfortunately, some of those taxpayer dollars went towards inappropriate uses: like air-conditioned garbage trucks, plasma television monitors and a rap song to teach children about emergency preparedness. America's homeland security is paramount. We will never become safe through waste. This legislation 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 legislation, including the International Association of Fire Chiefs, the Fraternal Order of Police, 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 recommendations of the 9/11 Commission, which cautioned in its report last year that Congress should not use terrorism preparedness dollars as "a pork barrel." And most important, this legislation will get first responders the money they need to do their jobs.

Yesterday, we saw how the United States has become more skilled in its homeland security efforts. We're doing better, but there's still room for improvement. We cannot rest until 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. MARKEY. Mr. Chairman, I rise to express 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 program, 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 legislation, I prepared an amendment to amend 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 Department's UASI program. My amendment was intended to permit these UASI regions to continue their important plans and strategies to prevent, prepare for, and respond to terrorist attacks. I noted that the UASI program is consistent with the purpose of H.R. 1544—namely that resources should be set aside for communities faced with unique threats and vulnerabilities, such as extensive critical infrastructure and large populations, which make them tempting targets for terrorists.

After receiving assurances from the chairman that he shares my interest in refining the legislation's definition of region, I withdrew my amendment. I understand that the chairman has discussed this important issue with the States and the UASI jurisdictions, and I appreciate the chairman's pledge to work with me, the UASI jurisdictions, and the States to address the UASI designation issue as this legislation 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 appropriately directs resources towards those areas that face the highest threat of a terrorist attack, rather than disbursing homeland security funds without regard to risk. The 9/11 Commission has endorsed this risk-based approach to homeland security funding, the UASI program 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 system of distributing homeland security grants to our nation's courageous first-responders. As a former Governor, I have long been concerned about our government's ability to accurately assess national threats, risks, and vulnerabilities. For this reason, I have been an adamant proponent of improving and streamlining the application and distribution process for these important grant programs.

The current grant allocation system is largely population-based. While population is an essential factor, the top priority for determining the needs of our first-responders must be based on the risk of terrorism and vulnerability of a community. The 9/11 Commission predicted in their report that one of our greatest challenges would be how to allocate these limited resources, and I agree. With the tragic memories of that clear September day still fresh in our minds, it is obvious that first-responders in high-risk and high density areas, such as New York City and Washington, DC, deserve an increased per capita share of the homeland security funding.

While it is essential that we update the distribution process to better reflect an assessment of risk, it is also important that we ensure the homeland security needs of small States and rural areas do not go unnoticed. In its report, the 9/11 Commission notes that due to the overwhelming focus on specific high-risk areas, terrorists might begin turning their attention to "softer," less protected targets. As representative of our nation's sixth smallest State, I am concerned that in improving the current system, we might inadvertently overlook citizens in States considered less likely to be vulnerable. In Delaware, the State Emergency Management Agency has expressed some concern that our critical infrastructure may be neglected. Such omissions could force small States like Delaware to dip into other important programs, such as disaster prevention, in order to provide the resources and personnel necessary to handle certain attacks.

While this legislation makes an important change in the distribution of homeland security funding by focusing resources on high-risk areas, the challenge to define these risks remains. In fact, the Department of Homeland Security has never undertaken a comprehensive national risk assessment, and will not 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 detailed study of our Nation's vast critical infrastructure, 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 country have access to effective homeland security funding, it is essential that we continue to provide each State with a fair and commonsense

minimum-funding baseline. Currently, the Department's inconsistent methodology for extracting 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 protection to the thousands of "soft targets," by ensuring that all States receive sufficient funding to meet basic homeland security needs.

While I support the purpose of this legislation, I intend to remain engaged throughout conference with the Senate to ensure we reach a compromise for a State formula that is fair and refrains from cutting into States' preparedness efforts. Homeland security funding can be both efficient and effective and we should settle for no less.

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 statistics don't tell you is that Wyoming's fiscal year 2005 share of first responder dollars amounted to around 4 percent of New York's \$298.3 million.

Attacking the first responder base minimum funding level might make for a good press release, but in reality, the per capita argument holds about as much water as a wicker basket. Wyoming's population may be spread thin, but this only presents an additional challenge to our first responders, who must deal with vast areas, rugged terrain and harsh weather with limited resources.

In 2004, nearly 100,000 shipments of hazardous materials rolled through Wyoming, whose rails and roads help make up the backbone of the Northwest United States commodity 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 intercontinental ballistic missiles critical to our national defense system, placed there because rural America was thought to be safe and secure.

Perhaps the First Responder Grants Board would adequately weigh these points, and perhaps 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 incorporate risk assessment and hold States accountable for how they spend those dollars. But I simply cannot support a bill that marginalizes the needs and unique challenges faced by first responders in rural States like Wyoming.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in strong support of H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005.

The bill we are voting on today is an important piece of legislation designed to better support our first responders so that they can help protect and defend our citizens against terrorist attack.

I strongly support H.R. 1544 and am proud to be a cosponsor, along with all of my colleagues on the Homeland Security committee,

from which this legislation passed unanimously.

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

The core principle of the bill is to ensure that homeland security is always viewed through the lens of directing resources to address 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 needed in our thinking to address our homeland security needs.

I would also like to thank the chairmen 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 Management Improvement Act, so that its good governance intent does not have adverse consequences; and

Grant conditional authorization to the Secretary of Homeland Security to make direct payments to localities, should States be unable to pass grant funds through to the local recipients in a timely fashion.

These are all important tools that will ensure that resources necessary to protect our citizens are disbursed quickly and with strong accountability.

In closing I would like to reiterate my strong support of H.R. 1544 and urge all my colleagues 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 terrorism 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 measures, and ensure that first responders are properly equipped. Though difficult, it is vital that we balance resources between all Homeland 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 necessary support, streamlining existing terrorism preparedness grants, establishing measurable goals, and creating new regional terrorism preparedness grants.

In addition, a board of appropriate Homeland Security officials will be created to evaluate 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 effective and efficient funding for our first responders is one of my highest priorities as a member of Congress.

I urge passage of this legislation.

Mr. BISHOP of New York. Mr. Chairman, I rise in strong support of H.R. 1544, The Faster 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 that our early warning system and first response capability are highly efficient functions of our national security preparedness.

First responders are the backbone of our national security. I am privileged to represent New York's finest firefighters, medical technicians, hospital employees, and other first responders 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 encourage my colleagues to support this bill in order to help this Nation's courageous 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 Department 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 the Department of Homeland Security evaluates them, I urge all parties to place high priority on protecting facilities such as dams, reservoirs and other potential targets outside of urban centers. I also urge the proper authorities to take advantage of the provisions in this bill that allow the formation of regional cooperatives to pursue Homeland Security funds.

Mr. Chairman, as we witnessed yesterday, our Nation is better prepared for security threats, but much work remains to be done. It is my hope that the important reforms contained in this bill will speed the delivery of money to the appropriate agencies and funding will be directed to where it is needed the most.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of this bill, the Faster and Smarter Funding for First Responders Act.

This is a common sense bill that will address 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 attacks, the Homeland Security Department has provided nearly \$10.5 billion directly to state and local "first responders," such as emergency 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, plus Puerto Rico and the District of Columbia, at least 0.75 percent of the total funding available under the formula-based program. 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 lowest amount of funding per capita, receiving only \$5.35 per person, despite having the longest international border of any state, the second largest foreign port, and being home to the Johnson Space Center, as well as hundreds 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 Prevention program be distributed based on 16 threat criteria. This will ensure that Texans are not receiving \$32.59 less per capita than citizens 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 expanded in this bill to also include regional organizations 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 communities 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, NJ, and bullet-proof vests for dogs in Columbus, Ohio. A recent report about Texas found that the Texas Engineering 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 is not how 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 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 facing greatest risk; require input 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 for 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 . . . [F]ederal 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, whether the state or local government has a significant transient commuting 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 governments 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 responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it 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 integrated, 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 essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities 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 first responder needs, to identify 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 perform critical functions in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the 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, respond to, 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 equipment 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—

(1) in section 1(b) in the table of contents 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."

(2) by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"SEC. 1801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

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

"(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

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

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

"(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 1151 of title 18, United States Code.

"(4) 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 201(d)(7).

"(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same

meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

“(6) ESSENTIAL CAPABILITIES.—The term ‘essential capabilities’ means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

“(7) FIRST RESPONDER.—The term ‘first responder’ shall have the same meaning as the term ‘emergency response provider’.

“(8) INDIAN TRIBE.—The term ‘Indian tribe’ means any 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 Alaskan 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.

“(9) REGION.—The term ‘region’ means—

“(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

“(B) any other combination of contiguous local government 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 the Secretary as a region for purposes of this Act with the consent of—

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

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

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

“(11) 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.

“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 a program:

“(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

“(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the

Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

“(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management 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. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

“SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

“(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

“(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

“(c) STATE HOMELAND SECURITY PLANS.—

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

“(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department’s goals for terrorism preparedness;

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

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

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

“(E) describes how the State intends—

“(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

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

“(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

“(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

“(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

“(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

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

“(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

“(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

“(e) APPLICATION FOR GRANT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

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

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

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

“(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

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

“(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

“(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

“(E) if the applicant is a region—

“(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

“(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

“(iii) a designation of a specific individual to serve as regional liaison;

“(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

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

“(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

“(5) REGIONAL APPLICATIONS.—

“(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

“(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

“(ii) shall supplement and avoid duplication with such State application; and

“(iii) shall address the unique regional aspects of such region’s terrorism preparedness needs beyond those provided for in the application of such State or States.

“(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such

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) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: Provided, That in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

“(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

“(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

“(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

“(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

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

“(6) TRIBAL APPLICATIONS.—

“(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

“(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

“(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

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

“(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

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

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

“(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

“(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States 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)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

“(G) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, 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.

“(A) FIRST RESPONDER GRANTS BOARD.—

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

“(A) the Secretary;

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

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

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

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

“(F) the Director of the Office for Domestic Preparedness; and

“(G) 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, if the Secretary so directs.

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

“(D) PRIORITIZATION OF GRANT APPLICATIONS.—

“(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

“(A) Agriculture and food.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Government facilities.

“(H) Postal and shipping.

“(I) Public health and health care.

“(J) Information technology.

“(K) Telecommunications.

“(L) Transportation systems.

“(M) Water.

“(N) Dams.

“(O) Commercial facilities.

“(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

“(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber threats.

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

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

“(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

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

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

“(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

“(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

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

“(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; or

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

“(D) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

“SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

“(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing 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.

“(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

“(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 2 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 the 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; and

“(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 Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals 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)).

“(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

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

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

“(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

“(B) health scientists, emergency and impatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

“(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

“(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

“(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH 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.

“(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from 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.).

“(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding 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), preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(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 architecture 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 Sec-

retary, 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 and on prevention activities; and

“(C) the temporary replacement of personnel during any period of travel to 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, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

“(A) \$1,000,000 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, and 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 elementary 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 an act 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 activities as determined by the Secretary.

“(b) PROHIBITED USES.—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 use assists 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 travel to or participation in training covered 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 paid for, wholly or in part, with funds 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 attributable to transporting and operating such equipment during such response.

“(f) FLEXIBILITY IN UNSPENT 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 provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

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

“(1) PASS-THROUGH.—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 groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of 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 to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

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

“(C) 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, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and 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, by 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 groups 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 for any State, region, or directly 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;

“(B) the amount expended by that recipient in that quarter; and

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

“(5) ANNUAL REPORT ON HOMELAND SECURITY 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 during the previous fiscal year.

“(B) The amount and the dates of disbursements 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 as the result of 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 remain unmet.

“(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.

“(h) 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 funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, 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 first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

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

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

“(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

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

“(A) IN GENERAL.—The Secretary may upon request by a local government pay to 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 expedite planned enhancements 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 subparagraphs (B) and (C).

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

“(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

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

“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

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

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

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

“(ii) 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 approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

“(i) 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 Secretaries 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 update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(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;

“(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 CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider 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 would be appropriate.

“(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 support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant 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 for, 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) familiarize 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 activities:

“(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 subsection, 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 Standardization and Interoperability;

“(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.

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

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 101(6)) is amended by striking “includes” and all that follows and inserting “includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.”.

SEC. 4. SUPERSEDED PROVISION.

This Act supersedes section 1014(c)(3) of Public Law 107-56.

SEC. 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.

SEC. 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 report to the Congress in accordance with this section—

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

(2) the extent to which such programs are coordinated.

(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) 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 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-

sponse Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

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

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-77. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the 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 division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109-77.

AMENDMENT NO. 1 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. 1 offered by Mr. BERRY:

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.

The Acting CHAIRMAN. Pursuant to House Resolution 269, the gentleman from Arkansas (Mr. BERRY) and a Member opposed each will control 5 minutes.

Mr. COX. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Arkansas (Mr. BERRY) is recognized.

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

Mr. Chairman, I first of all want to thank the gentleman from California (Mr. Cox) and the ranking member, my good friend and the distinguished gentleman from Mississippi (Mr. THOMPSON), and the gentleman from New Jersey (Mr. PASCRELL) for the wonderful work they have done on this bill and the very responsible way they have developed it.

It is a good thing when we come together in this House in a bipartisan way to try to make things better for the country. I compliment them on having that goal and objective.

The amendment I offer would simply add the administrator of Animal, Plant and Health Inspection Service to the first responders grant board.

Food safety is a very important thing. It was acknowledged as a serious

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 grants board established 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. This is a wise choice.

As a part of the USDA, APHIS is responsible for safeguarding the agriculture and food infrastructures not only from pests and diseases but also biological threats. Indeed, APHIS currently works closely with the Department of Science and Technology directorate, that is, the Department of Homeland Security's directorate, and plays an important role in agro-terrorism preparedness.

Specifically, APHIS is already involved in the following: accelerating the development of countermeasures to 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 Berry 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 Agriculture their rightful 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 resources 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 people 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 well. 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 Faster 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.

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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 just pointed out.

We need greater coordination between the Department of Homeland Security with State, local and tribal offi-

cers. 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 levels of government is a very, very dangerous situation. 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 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.

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 it will do is it will 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 currently allowed in the bill are personnel costs or agreements between State and local entities that affect a Federal agency.

The type of activities that this amendment would permit include, but are not limited to, border duties, assisting with the Coast Guard and ports, waterways, coastal security duties or detention of illegal aliens on a temporary basis until Federal authorities can take over.

What the amendment does not do is make any changes in the allocation of resources from one entity to another, and it does not allow States to petition to recover from the Federal Government costs 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 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 also 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 when 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 for doing just 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, a 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 taking 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 Feds 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. For example, many State 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 State 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 and other costs 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 before the House.

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

Mr. BASS. Mr. Chairman, I have no further speakers. I urge the support of this amendment, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The amendment was agreed to.

□ 1300

The Acting CHAIRMAN (Mr. TERRY). It is now in order to consider amendment No. 4 printed in House Report No. 109-77.

AMENDMENT NO. 4 OFFERED BY MR. WEINER

Mr. WEINER. 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. 4 offered by Mr. WEINER:

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.

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

The Chair recognizes the gentleman from New York (Mr. WEINER).

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

The purpose of this amendment is simple. First of all, let me say what this amendment is not. This amendment is not an effort to litigate again the conflict that has arisen in this House between urban Members and rural Members. It is not an effort to revisit the formula question about the minimums. I think that the committee has done a fairly good job on trying to manage that situation, although it is not perfect. My belief is that there should be no minimum guarantee. Money should be allocated based on threats. That is the way I think it should be done, but I understand the efforts of the ranking member and the chairman to address that problem; and they have done so, I think, better than we have up until now.

The question still arises about whether or not we should have a portion of our homeland security funding stream that is dedicated for what we in Congress said we wanted in the 2003 omnibus, which is a pool of money that is designated to go, in the language of the legislation, to address the unique equipment, training, planning, and exercise needs of selected large high-threat urban areas.

We have now, through the course of time, expanded that not just to be cities; it is literally the areas around cities, the cities and the suburbs, and in

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 created by 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 that get it.

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 very easily.

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.

I mean, I happen to believe that we were 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 major urban areas.

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 money based on different types of 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 UASI or 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 58 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 radiological attack, 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 my home county, Orange County, 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 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 is broke, and it makes no 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

or to regions. As I read from line 4 of the bill: "may not award any more than 50 grants for any fiscal year." If the Department of Homeland Security, which by the way this issue is somewhat vague in the bill as drafted, it is silent on how this program is going to be divided. If the Department of Homeland Security says grants are available to areas, which they have been in the past, fine. Limit it to 50. If they say it should be cities, limit it to 50.

If we take the chairman and the ranking member's argument to its logical extension, you could conceivably in this portion of the bill, which the language says "shall be to exercise the needs of selected large, high-threat urban areas," it could be any city of any size. And I do not believe that was the intention of our legislation.

I think what we are doing, and with all due deference to the gentleman from Mississippi, I am not just offering this because I am from New York. It could be that we add the 200 cities to this, 300 cities, 400, 500 cities, and we completely undermine the intention of this Congress when we created the program to begin with. Maybe you are right. In that case, do away with the program. It is not any longer going to be a high-threat, high-density urban area grant program. Then let us eliminate it. Put it in with the other pot of money. But if we are going to have it, let us preserve its integrity.

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

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

Mr. WEINER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time, and for his amendment, which I rise in strong support of.

The amendment of the gentleman from New York (Mr. WEINER) would limit the high-threat grants to 50 total grants. If this amendment were enacted, it would ensure to a greater degree that high-threat funding truly goes to what it is intended to do, go to high-threat areas.

When Congress first created the so-called high-threat program, it was limited to seven cities; yet last year that number jumped to 80 grants, with 50 cities getting funding and 30 transit agencies. This year, the Department again funded 50 cities. The practical effect is that those cities that are the highest threat may see the amount of money directed towards them diminished because of the ever-increasing pie.

For example, 2 years ago, and I give the example of the city I represent, but it could be other cities, New York City received \$150 million in funding. But last year, even though we remained high-threat number one in the Nation by all accounts, by all of the intelligence agencies, last year we saw a decrease of 69 percent to \$47 million. This year, again we saw a dramatic shift upwards to \$214 million.

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.

□ 1315

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 corner 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. What 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?

There was no objection.

Mr. CASTLE. Mr. Chairman, like most of my colleagues here today, I support efforts to reform our current system to ensure that more funding for our first responders is determined on the basis of risk. The 9/11 Commission noted that one of our greatest challenges would be in how to allocate these limited resources, and I agree. The gentleman from California's determination for taking on this challenge is commendable.

As the gentleman knows, I have been concerned about the Department's ability to accurately determine national threats, vulnerabilities and consequences. In its report, the 9/11 Commission also notes that, due to the overwhelming focus on specific high-risk areas, terrorists might begin turning their attention to softer, less-protected targets.

As a Member representing our Nation's sixth smallest State by population, second smallest by size, I am concerned that, in improving the current system, we might inadvertently overlook citizens in States considered less likely to be vulnerable. In Delaware, the State Emergency Management Agency has expressed some concern that our high-risk targets may be neglected. Such omissions force small States like mine to dip into other important programs, such as disaster prevention, in order to provide necessary resources and personnel to handle certain attacks.

There needs to be some balance here and recognition that real homeland security needs exist outside of metropolitan areas. To the best of my knowledge, the Department of Homeland Security has not completed a comprehensive national risk assessment. It seems that this type of national risk assessment should serve as a basis for determining how to allocate first-responder grants, but apparently, a thorough study will not be available for several years.

I would appreciate the chairman's thoughts on this.

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

Mr. CASTLE. I yield to the gentleman from California.

Mr. COX. Mr. Chairman, I appreciate the comments of the gentleman from Delaware. I would like to assure him that the bill before us today is designed to prepare every State, small, medium and large, to respond in the event of a terrorist attack.

The Department's current method for allocating terrorism preparedness grant funds has not always well served small and medium sized States, including Delaware. The current grant system takes risk into account only in a limited way by specially earmarking funds to a handful of large urban areas under the urban area security initiative. With respect to all the rest of the funding, the current system ignores the threats, vulnerabilities and consequences of acts of terrorism anywhere else in the United States. Yet

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 16 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 chemical plants, banking and finance, 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, like 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 OPERATION 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.

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. Chairman, I rise today in support of my amendment to H.R. 1544, which is identical to legislation I introduced, H.R. 1088, the Good Samaritan Volunteer Firefighter Assistance Act. This legislation overwhelmingly passed the U.S. 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 protective equipment when in reality there are an estimated 30,000 firefighters who risk their lives daily due to a lack of basic personal protective equipment, PPE. In both rural and urban fire departments, limited budgets make it difficult to purchase more than fuel and minimum maintenance. At the same time, certain industries are constantly improving and updating the fire protection equipment to take advantage of new, state-of-the-art innovation. Sometimes the surplus equipment has never been used to put out a single fire. Sadly, the threat of civil liability causes many organizations to destroy rather than donate millions of 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. Thirteen States, Alabama, Arizona, Arkansas, California, Florida, Illinois, Indiana, Missouri, Nevada, New York, Pennsylvania, South Carolina and Texas, have passed similar legislation. In the 7 years of the Texas program, more than \$12 million worth of firefighter equipment has been donated and given to needy departments. This includes nearly 70 emergency vehicles and more than 1,500 pieces of communications equipment as well. In total, more than 33,000 items have been donated.

Congress can respond to the needs of fire companies by removing civil liability barriers. Equipping our Nation's first responders is essential as we fight the war on terror. I want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his past support of this measure, and I am hopeful the esteemed chairman of the Committee on Homeland Security and my colleagues will again join me in supporting this measure.

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 of Virginia. Mr. Chairman, I oppose this 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 their equipment nor cases of volunteer fire fighting companies suing their donors. Whatever the so-called problem is could be solved or addressed without congressional action.

For example, in 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 immunity. 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. So the threat of civil liability causes some to think twice about donating dangerous equipment, 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 this 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 equip and protect our Nation's firefighters, and that is what this bill is all about. This bill is for our first responders. So is the Castle amendment. It will encourage fire departments, the private sector and other people to donate equipment that the firefighters desperately need so that they can better protect every American.

Many people incorrectly assume that all firefighters work in departments that have the latest and the best equipment. The reality, unfortunately, is far different. It is estimated that 30,000 firefighters every day risk their lives unnecessarily due to inadequate personal protective equipment, just to cite one example.

This is a fiscally prudent amendment. It is going to stretch our dollars. It serves the interests of taxpayers by extending the life of equipment they have already paid for. This is expensive equipment, and it ought to be used. And it provides poorer jurisdictions with capabilities they might not otherwise have and might not have the ability to attain.

I congratulate the gentleman for offering the amendment, I strongly support it, and I urge my colleagues to vote in support as well.

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

This amendment would remove civil liability barriers from the donation of fire equipment for volunteer fire companies. As a former volunteer firefighter from a small community, I understand how important it is to have the equipment you need to protect fellow citizens. Although I am going to support this amendment, the issue needs to be studied further once we get into conference. I am concerned that there are no assurances that the equipment would perform as expected, and therefore, many of the firefighters who would use this equipment potentially could be harmed.

□ 1330

We must ensure that our firefighters are adequately protected.

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

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

I will close briefly. Let me just reiterate, this has been actually before us before. It is actually a popular amendment. People want it on their legislation for the most part. So we have had a little trouble getting it signed into law because it keeps passing and then getting dropped off for various things. But we voted on it back in September, and I do not know what has changed since then. The vote was 397 to 3. To the gentleman from Virginia's (Mr.

SCOTT) credit, he did vote "no" then. I do not know if a single thing has changed in that interim time.

It is pretty simple. We have large corporations, for the most part, that have their own fire equipment. It is very modern. It is generally unused. They donate it. They are not going to donate it unless this liability provision is removed. Most big States, or at least a lot of big States, have looked at this and have made the decision to go ahead and do that. And it just seems to make sense all over this country, as we try to support our volunteer fire services, that we would give them the best equipment possible. And this simply would allow that to happen.

I would hope that every single Member of the House of Representatives this time would look carefully, if it comes to a roll call, at what is a rather simple amendment and would be in full support of it. And I hope that, as much as I enjoy presenting this amendment, that this is the last time we have to present and it becomes law sooner rather than later so that we can proceed, because even in the last year, we 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 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 donators. At a minimum, this bill should be reviewed in accordance with regular House order. There have been no hearings or mark-ups in the Judiciary Committee, no opportunity for the 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. Certain equipment like protective gear and breathing apparatuses can deteriorate over time and may not be suitable for reuse. If firefighters work to protect and keep citizens safe, should not they have the best protective equipment possible?

This "so-called" problem can clearly be solved without congressional action. First, volunteer fire companies could simply sign a contract waiving the liability of the donors for negligence resulting from donating firefighting equipment. This tactic would ensure that the fire companies are informed and have consented to the immunity of the donor. Second, this issue is a matter that can be dealt with by the States. There is nothing Federal about local volunteer fire departments; it is purely a State issue.

With all of the other pertinent issues that are before Congress, I find it problematic that we are entertaining this non-problem. I urge my colleagues to reject this truly anti-firefighter protection amendment.

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 Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WEINER

The Acting CHAIRMAN. 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 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—ayes 88, noes 331, not voting 14, as follows:

[Roll No. 169]

AYES—88

Abercrombie	Gutierrez	Owens	Hastings (WA)
Ackerman	Higgins	Pallone	Hayes
Andrews	Hinchey	Payne	Hayworth
Barrow	Holt	Pelosi	Hefley
Bean	Hoyer	Rangel	Hensarling
Bishop (NY)	Israel	Rothman	Herger
Blumenauer	Jackson (IL)	Ruppersberger	Herseth
Brady (PA)	Kilpatrick (MI)	Rush	Hinojosa
Capps	Lantos	Sabo	Hobson
Capuano	Lee	Schakowsky	Hoekstra
Cardin	Lewis (GA)	Schiff	Holden
Clay	Lipinski	Schwartz (PA)	Hooley
Cleaver	Lowey	Scott (GA)	Hostettler
Conyers	Lynch	Serrano	Hulshof
Costello	Maloney	Sherman	Hunter
Crowley	Markey	Velázquez	Hyde
Davis (CA)	McDermott	Skelton	Inglis (SC)
Davis (IL)	McGovern	Slaughter	Inslee
Delahunt	McNulty	Smith (WA)	Issia
Doyle	Meehan	Stark	Istook
Emanuel	Meeks (NY)	Jackson-Lee	Jackson (CT)
Engel	Melancon	(TX)	Jindal
Eshoo	Menendez	Towns	Johnson (IL)
Farr	Miller, George	Udall (CO)	Jenkins
Fattah	Moore (KS)	Van Hollen	Jindal (RI)
Filner	Moran (VA)	Velázquez	Johnson (CT)
Frank (MA)	Nadler	Waters	Johnson, E. B.
Gonzalez	Napolitano	Weiner	Johnson, Sam
Green, Al	Neal (MA)	Woolsey	Jones (NC)
Green, Gene	Olver	Wu	Jones (OH)

NOES—331

Aderholt	Bradley (NH)	Cramer	Kaptur
Akin	Brady (TX)	Crenshaw	Keller
Alexander	Brown (OH)	Cubin	Kelly
Allen	Brown (SC)	Kennedy (MN)	Jefferson
Baca	Brown, Corrine	Cubelar	Jenkins
Bachus	Brown-Waite,	Culberson	Jindal
Baird	Ginny	Cummings	Johnson (IL)
Baker	Burgess	Cunningham	King (IA)
Baldwin	Burton (IN)	Davis (AL)	King (NY)
Barrett (SC)	Butterfield	Davis (FL)	Kirk
Bartlett (MD)	Buyer	Davis (KY)	Kline
Barton (TX)	Calvert	Davis (TN)	Knollenberg
Bass	Camp	Davis, Jo Ann	Kolbe
Beauprez	Cannon	Deal (GA)	
Berry	Cantor	DeFazio	Becerra
Biggert	Capito	DeGette	Kingston
Bilirakis	Cardoza	DeLauro	Berkley
Bishop (GA)	Carnahan	DeLay	Berman
Bishop (UT)	Carson	Dent	Hastings (FL)
Blackburn	Carter	Diaz-Balart, L.	Honda
Blunt	Case	Diaz-Balart, M.	
Boehlert	Castle	Dicks	
Boehner	Chabot	Dingell	
Bonilla	Chandler	Doggett	
Bonner	Chocola	Doolittle	
Bono	Clyburn	Drake	
Boozman	Coble	Dreier	
Boren	Cole (OK)	Duncan	
Boswell	Conaway	Edwards	
Boucher	Cooper	Ehlers	
Boustany	Costa	Emerson	
Boyd	Cox	English (PA)	

NOT VOTING—14

□ 1356

Ms. LINDA T. SÁNCHEZ of California, Mrs. McCARTHY, Ms. WASSERMAN SCHULTZ, Ms. HOOLEY, and Messrs. GILCHREST, SALAZAR and ROSS changed their vote from “aye” to “no.”

Mr. HIGGINS and Mr. HOLT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SOLIS. Mr. Chairman, during rollcall vote No. 169 on the Weiner amendment to H.R. 1544, I was unavoidably detained.

Had I been present, I would have voted “aye.”

The Acting CHAIRMAN (Mr. PUTNAM). There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PUTNAM, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1544) to provide faster and smarter funding for first responders, and other purposes, pursuant to House Resolution 269, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 409, noes 10, not voting 14, as follows:

[Roll No. 170]

AYES—409

Abercrombie	Beauprez	Boucher
Ackerman	Biggert	Boustany
Aderholt	Bilirakis	Boyd
Akin	Bishop (GA)	Bradley (NH)
Alexander	Bishop (NY)	Brady (PA)
Andrews	Bishop (UT)	Brady (TX)
Baca	Blackburn	Brown (OH)
Bachus	Blumenauer	Brown (SC)
Baird	Blunt	Brown, Corrine
Baker	Boehlert	Brown-Waite,
Baldwin	Boehner	Ginny
Barrett (SC)	Bonilla	Burgess
Bartlett (MD)	Bonner	Burton (IN)
Barton (TX)	Bono	Butterfield
Bass	Boozman	Buyer
Boucher	Boren	Calvert
Boustany	Boswell	Camp

Cannon	Green, Gene	McKeon	Shays	Tancredo	Walsh
Cantor	Grijalva	McKinney	Sherman	Tanner	Wamp
Capito	Gutierrez	McMorris	Sherwood	Tauscher	Wasserman
Capps	Gutknecht	McNulty	Shimkus	Taylor (MS)	Schultz
Capuano	Hall	Meehan	Shuster	Taylor (NC)	Waters
Cardin	Harman	Meek (FL)	Simmons	Terry	Watt
Cardoza	Harris	Meeks (NY)	Simpson	Thomas	Weiner
Carnahan	Hart	Menzendez	Skelton	Thompson (CA)	Weldon (FL)
Carson	Hastings (WA)	Mica	Slaughter	Thompson (MS)	Weldon (PA)
Carter	Hayes	Miller (FL)	Smith (NJ)	Thornberry	Weiler
Case	Hayworth	Miller (MI)	Smith (TX)	Tiaht	Westmoreland
Castle	Hefley	Miller (NC)	Smith (WA)	Tiberi	Wexler
Chabot	Hensarling	Miller (VA)	Snyder	Tierney	Whitfield
Chandler	Herger	Miller, Gary	Sodrel	Towns	Wicker
Chocola	Higgins	Miller, George	Souder	Turner	Wilson (NM)
Clay	Hinchey	Mollohan	Spratt	Udall (CO)	Wilson (SC)
Cleaver	Hinojosa	Moore (KS)	Stark	Udall (NM)	Wolf
Clyburn	Hobson	Moran (KS)	Stearns	Upton	Woolsey
Coble	Hoekstra	Moran (VA)	Strickland	Van Hollen	Wu
Cole (OK)	Holden	Murphy	Stupak	Velázquez	Wynn
Conaway	Holt	Murtha	Sullivan	Vislosky	Young (AK)
Conyers	Hooley	Myrick	Sweeney	Walden (OR)	Young (FL)
Cooper	Hostettler	Nadler			
Costa	Hoyer	Napolitano			
Costello	Hulshof	Neal (MA)			
Cox	Hunter	Neugebauer	Allen	Herseth	Ross
Cramer	Hyde	Ney	Berry	McDermott	Sabo
Crenshaw	Inglis (SC)	Northup	Cubin	Michaud	
Crowley	Inslee	Norwood	Davis (AL)	Moore (WI)	
Cuellar	Israel	Nunes			
Culberson	Issa	Nussle			
Cummings	Istook	Oberstar			
Cunningham	Jackson (IL)	Obey			
Davis (CA)	Jackson-Lee	Olver			
Davis (FL)	(TX)	Ortiz			
Davis (IL)	Jefferson	Osborne			
Davis (KY)	Jenkins	Otter			
Davis (TN)	Jindal	Owens			
Davis, Jo Ann	Johnson (CT)	Oxley			
Davis, Tom	Johnson (IL)	Pallone			
Deal (GA)	Johnson-Lee	Pascrall			
DeFazio	(TX)	Pastor			
DeGette	Jefferson	Paul			
Delahunt	Jenkins	Payne			
DeLauro	Jones (OH)	Pearce			
DeLay	Kanjorski	Kaptur			
Dent	King (IA)	Pelosi			
Diaz-Balart, L.	Kelly	Pence			
Diaz-Balart, M.	Kennedy (MN)	Peterson (MN)			
Dicks	Kennedy (RI)	Peterson (PA)			
Dingell	Kildee	Petri			
Doggett	Kilpatrick (MI)	Pickering			
Doolittle	Kind	Pitts			
Doyle	King (IA)	Platts			
Drake	King (NY)	Poe			
Dreier	Kirk	Pombo			
Duncan	Kline	Pomeroy			
Edwards	Knollenberg	Porter			
Ehlers	Colbe	Price (GA)			
Emanuel	Kucinich	Price (NC)			
Emerson	Kuhl (NY)	Pryce (OH)			
Engel	LaHood	Putnam			
English (PA)	Langevin	Radanovich			
Eshoo	Lantos	Rahall			
Etheridge	Larsen (WA)	Ramstad			
Evans	Latham	Rangel			
Everett	LaTourette	Regula			
Farr	Leach	Rehberg			
Fattah	Lee	Reichert			
Feeley	Levin	Renzi			
Ferguson	Lewis (CA)	Reyes			
Filner	Lewis (GA)	Reynolds			
Fitzpatrick (PA)	Lewis (KY)	Rogers (AL)			
Flake	Linder	Rogers (KY)			
Foley	Lipinski	Rogers (MI)			
Forbes	LoBiondo	Rohrabacher			
Ford	Lofgren, Zoe	Ros-Lehtinen			
Fortenberry	Lowey	Rothman			
Fosseila	Lucas	Royce			
Foxx	Lungren, Daniel	Ruppersberger			
Frank (MA)	E.	Rush			
Franks (AZ)	Lynch	Ryan (OH)			
Frelinghuysen	Mack	Ryan (WI)			
Galllegly	Maloney	Ryun (KS)			
Garrett (NJ)	Manzullo	Salazar			
Gerlach	Marchant	Sánchez, Linda			
Gibbons	Markey	T.			
Gilcrest	Marshall	Sanders			
Gillmor	Matheson	Saxton			
Gingrey	Matsui	Schakowsky			
Gohmert	McCarthy	Schiff			
Gonzalez	McCaull (TX)	Schwartz (PA)			
Goode	McCullom (MN)	Schwartz (MI)			
Goodlatte	McCotter	Scott (GA)			
Gordon	McCrery	Scott (VA)			
Granger	McGovern	Sensenbrenner			
Graves	McHenry	Serrano			
Green (WI)	McHugh	Sessions			
Green, Al	McIntyre	Shadegg			
		Shaw			

□ 1415

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, MAY 13, 2005, TO FILE PRIVILEGED REPORT ON DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight May 13, 2005, to file a privileged report making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI all points of order are reserved.

NOES—10

Allen	Herseth	Ross
Berry	McDermott	Sabo
Cubin	Michaud	
Davis (AL)	Moore (WI)	

NOT VOTING—14

Becerra	Kingston	Royal-Allard
Berkley	Larson (CT)	Sanchez, Loretta
Berman	Millender-	Solis
Hastings (FL)	McDonald	Watson
Honda	Musgrave	Waxman

□ 1414

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 had I been present and voting, I would have voted as follows:

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

Rollcall No. 170: "Yes." On Passage of H.R. 1544.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the 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; and "aye" on rollcall vote No. 170 on passage of H.R. 1544—Faster & Smarter Funding for First Responders Act of 2005.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1650

Ms. LEE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1650.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the Majority Leader the schedule for the week to come. At this time, I yield to the distinguished Majority Leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business.