

109TH CONGRESS
1ST SESSION

H. R. 1544

To provide faster and smarter funding for first responders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. COX (for himself, Mr. THOMPSON of Mississippi, Mr. YOUNG of Alaska, Mr. PASCRELL, Mr. SMITH of Texas, Ms. LORETTA SANCHEZ of California, Mr. WELDON of Pennsylvania, Mr. MARKEY, Mr. SHAYS, Mr. DICKS, Mr. KING of New York, Ms. HARMAN, Mr. LINDER, Mrs. LOWEY, Mr. SOUDER, Ms. NORTON, Mr. TOM DAVIS of Virginia, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. JACKSON-LEE of Texas, Mr. GIBBONS, Mrs. CHRISTENSEN, Mr. SIMMONS, Mr. ETHERIDGE, Mr. ROGERS of Alabama, Mr. LANGEVIN, Mr. PEARCE, Mr. MEEK of Florida, Ms. HARRIS, Mr. JINDAL, Mr. REICHERT, Mr. MCCAUL of Texas, Mr. DENT, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To provide faster and smarter funding for first responders,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Faster and Smarter
5 Funding for First Responders Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) In order to achieve its objective of mini-
4 mizing the damage, and assisting in the recovery,
5 from terrorist attacks, the Department of Homeland
6 Security must play a leading role in assisting com-
7 munities to reach the level of preparedness they need
8 to respond to a terrorist attack.

9 (2) First responder funding is not reaching the
10 men and women of our Nation's first response teams
11 quickly enough, and sometimes not at all.

12 (3) To reform the current bureaucratic process
13 so that homeland security dollars reach the first re-
14 sponders who need it most, it is necessary to clarify
15 and consolidate the authority and procedures of the
16 Department of Homeland Security that support first
17 responders.

18 (4) Ensuring adequate resources for the new
19 national mission of homeland security, without de-
20 grading the ability to address effectively other types
21 of major disasters and emergencies, requires a dis-
22 crete and separate grant making process for home-
23 land security funds for first response to terrorist
24 acts, on the one hand, and for first responder pro-
25 grams designed to meet pre-September 11 priorities,
26 on the other.

1 (5) While a discrete homeland security grant
2 making process is necessary to ensure proper focus
3 on the unique aspects of terrorism prevention, pre-
4 paredness, and response, it is essential that State
5 and local strategies for utilizing such grants be inte-
6 grated, to the greatest extent practicable, with exist-
7 ing State and local emergency management plans.

8 (6) Homeland security grants to first respond-
9 ers must be based on the best intelligence con-
10 cerning the capabilities and intentions of our ter-
11 rorist enemies, and that intelligence must be used to
12 target resources to the Nation's greatest threats,
13 vulnerabilities, and consequences.

14 (7) The Nation's first response capabilities will
15 be improved by sharing resources, training, plan-
16 ning, personnel, and equipment among neighboring
17 jurisdictions through mutual aid agreements and re-
18 gional cooperation. Such regional cooperation should
19 be supported, where appropriate, through direct
20 grants from the Department of Homeland Security.

21 (8) An essential prerequisite to achieving the
22 Nation's homeland security objectives for first re-
23 sponders is the establishment of well-defined na-
24 tional goals for terrorism preparedness. These goals
25 should delineate the essential capabilities that every

1 jurisdiction in the United States should possess or
2 to which it should have access.

3 (9) A national determination of essential capa-
4 bilities is needed to identify levels of State and local
5 government terrorism preparedness, to determine
6 the nature and extent of State and local first re-
7 sponder needs, to identify the human and financial
8 resources required to fulfill them, and to direct fund-
9 ing to meet those needs and to measure prepared-
10 ness levels on a national scale.

11 (10) To facilitate progress in achieving, main-
12 taining, and enhancing essential capabilities for
13 State and local first responders, the Department of
14 Homeland Security should seek to allocate homeland
15 security funding for first responders to meet nation-
16 wide needs.

17 (11) Private sector resources and citizen volun-
18 teers can perform critical functions in assisting in
19 preventing and responding to terrorist attacks, and
20 should be integrated into State and local planning
21 efforts to ensure that their capabilities and roles are
22 understood, so as to provide enhanced State and
23 local operational capability and surge capacity.

24 (12) Public-private partnerships, such as the
25 partnerships between the Business Executives for

1 National Security and the States of New Jersey and
2 Georgia, can be useful to identify and coordinate pri-
3 vate sector support for State and local first respond-
4 ers. Such models should be expanded to cover all
5 States and territories.

6 (13) An important aspect of essential capabili-
7 ties is measurability, so that it is possible to deter-
8 mine how prepared a State or local government is
9 now, and what additional steps it needs to take, in
10 order to respond to acts of terrorism.

11 (14) The Department of Homeland Security
12 should establish, publish, and regularly update na-
13 tional voluntary consensus standards for both equip-
14 ment and training, in cooperation with both public
15 and private sector standard setting organizations, to
16 assist State and local governments in obtaining the
17 equipment and training to attain the essential capa-
18 bilities for first response to acts of terrorism, and to
19 ensure that first responder funds are spent wisely.

20 **SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RE-**
21 **SPONDERS.**

22 (a) IN GENERAL.—The Homeland Security Act of
23 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is
24 amended—

1 (1) in section 1(b) in the table of contents by
2 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. Essential capabilities for first responders.

“Sec. 1804. Task Force on Essential Capabilities for First Responders.

“Sec. 1805. Covered grant eligibility and criteria.

“Sec. 1806. Use of funds and accountability requirements.

“Sec. 1807. National standards for first responder equipment and training.”;

3 and

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

5 **“TITLE XVIII—FUNDING FOR**
6 **FIRST RESPONDERS**

7 **“SEC. 1801. DEFINITIONS.**

8 “In this title:

9 “(1) BOARD.—The term ‘Board’ means the
10 First Responder Grants Board established under
11 section 1805(f).

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

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

18 “(A) meets the criteria for inclusion in the
19 qualified applicant pool for Self-Governance
20 that are set forth in section 402(c) of the In-

1 dian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 458bb(e));

3 “(B) employs at least 10 full-time per-
4 sonnel in a law enforcement or emergency re-
5 sponse agency with the capacity to respond to
6 calls for law enforcement or emergency services;
7 and

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

10 “(ii) is located within 5 miles of a facility
11 within a critical infrastructure sector identified
12 in section 1803(c)(2);

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

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

19 “(4) ELEVATIONS IN THE THREAT ALERT
20 LEVEL.—The term ‘elevations in the threat alert
21 level’ means any designation (including those that
22 are less than national in scope) that raises the
23 homeland security threat level to either the highest
24 or second highest threat level under the Homeland

1 Security Advisory System referred to in section
2 201(d)(7).

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

8 “(6) ESSENTIAL CAPABILITIES.—The term ‘es-
9 sential capabilities’ means the levels, availability,
10 and competence of emergency personnel, planning,
11 training, and equipment across a variety of dis-
12 ciplines needed to effectively and efficiently prevent,
13 prepare for, and respond to acts of terrorism con-
14 sistent with established practices.

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

18 “(8) INDIAN TRIBE.—The term ‘Indian tribe’
19 means any Indian tribe, band, nation, or other orga-
20 nized group or community, including any Alaskan
21 Native village or regional or village corporation as
22 defined in or established pursuant to the Alaskan
23 Native Claims Settlement Act (43 U.S.C. 1601 et
24 seq.), which is recognized as eligible for the special

1 programs and services provided by the United States
2 to Indians because of their status as Indians.

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

4 “(A) any geographic area consisting of all
5 or parts of 2 or more contiguous States, coun-
6 ties, municipalities, or other local governments
7 that have a combined population of at least
8 1,650,000 or have an area of not less than
9 20,000 square miles, and that, for purposes of
10 an application for a covered grant, is rep-
11 resented by 1 or more governments or govern-
12 mental agencies within such geographic area,
13 and that is established by law or by agreement
14 of 2 or more such governments or governmental
15 agencies in a mutual aid agreement; or

16 “(B) any other combination of contiguous
17 local government units (including such a com-
18 bination established by law or agreement of two
19 or more governments or governmental agencies
20 in a mutual aid agreement) that is formally cer-
21 tified by the Secretary as a region for purposes
22 of this Act with the consent of—

23 “(i) the State or States in which they
24 are located, including a multi-State entity

1 established by a compact between two or
2 more States; and

3 “(ii) the incorporated municipalities,
4 counties, and parishes that they encom-
5 pass.

6 “(10) TASK FORCE.—The term ‘Task Force’
7 means the Task Force on Essential Capabilities for
8 First Responders established under section 1804.

9 **“SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RE-**
10 **SPONDERS.**

11 “(a) COVERED GRANTS.—This title applies to grants
12 provided by the Department to States, regions, or directly
13 eligible tribes for the primary purpose of improving the
14 ability of first responders to prevent, prepare for, respond
15 to, or mitigate threatened or actual terrorist attacks, espe-
16 cially those involving weapons of mass destruction, admin-
17 istered under the following:

18 “(1) STATE HOMELAND SECURITY GRANT PRO-
19 GRAM.—The State Homeland Security Grant Pro-
20 gram of the Department, or any successor to such
21 grant program.

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

1 “(3) LAW ENFORCEMENT TERRORISM PREVEN-
2 TION PROGRAM.—The Law Enforcement Terrorism
3 Prevention Program of the Department, or any suc-
4 cessor to such grant program.

5 “(4) CITIZEN CORPS PROGRAM.—The Citizen
6 Corps Program of the Department, or any successor
7 to such grant program.

8 “(b) EXCLUDED PROGRAMS.—This title does not
9 apply to or otherwise affect the following Federal grant
10 programs or any grant under such a program:

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

14 “(2) FIRE GRANT PROGRAMS.—The fire grant
15 programs authorized by sections 33 and 34 of the
16 Federal Fire Prevention and Control Act of 1974
17 (15 U.S.C. 2229, 2229a).

18 “(3) EMERGENCY MANAGEMENT PLANNING
19 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-
20 gency Management Performance Grant program and
21 the Urban Search and Rescue Grants program au-
22 thorized by title VI of the Robert T. Stafford Dis-
23 aster Relief and Emergency Assistance Act (42
24 U.S.C. 5195 et seq.); the Departments of Veterans
25 Affairs and Housing and Urban Development, and

1 Independent Agencies Appropriations Act, 2000
2 (113 Stat. 1047 et seq.); and the Earthquake Haz-
3 ards Reduction Act of 1977 (42 U.S.C. 7701 et
4 seq.).

5 **“SEC. 1803. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**
6 **ERS.**

7 “(a) ESTABLISHMENT OF ESSENTIAL CAPABILI-
8 TIES.—

9 “(1) IN GENERAL.—For purposes of covered
10 grants, the Secretary shall establish clearly defined
11 essential capabilities for State and local government
12 preparedness for terrorism, in consultation with—

13 “(A) the Task Force on Essential Capabili-
14 ties for First Responders established under sec-
15 tion 1804;

16 “(B) the Under Secretaries for Emergency
17 Preparedness and Response, Border and Trans-
18 portation Security, Information Analysis and
19 Infrastructure Protection, and Science and
20 Technology, and the Director of the Office for
21 Domestic Preparedness;

22 “(C) the Secretary of Health and Human
23 Services;

24 “(D) other appropriate Federal agencies;

1 “(E) State and local first responder agen-
2 cies and officials; and

3 “(F) consensus-based standard making or-
4 ganizations responsible for setting standards
5 relevant to the first responder community.

6 “(2) DEADLINES.—The Secretary shall—

7 “(A) establish essential capabilities under
8 paragraph (1) within 30 days after receipt of
9 the report under section 1804(b); and

10 “(B) regularly update such essential capa-
11 bilities as necessary, but not less than every 3
12 years.

13 “(3) PROVISION OF ESSENTIAL CAPABILI-
14 TIES.—The Secretary shall ensure that a detailed
15 description of the essential capabilities established
16 under paragraph (1) is provided promptly to the
17 States and to the Congress. The States shall make
18 the essential capabilities available as necessary and
19 appropriate to local governments within their juris-
20 dictions.

21 “(b) OBJECTIVES.—The Secretary shall ensure that
22 essential capabilities established under subsection (a)(1)
23 meet the following objectives:

24 “(1) SPECIFICITY.—The determination of es-
25 sential capabilities specifically shall describe the

1 training, planning, personnel, and equipment that
2 different types of communities in the Nation should
3 possess, or to which they should have access, in
4 order to meet the Department's goals for terrorism
5 preparedness based upon—

6 “(A) the most current risk assessment
7 available by the Directorate for Information
8 Analysis and Infrastructure Protection of the
9 threats of terrorism against the United States;

10 “(B) the types of threats, vulnerabilities,
11 geography, size, and other factors that the Sec-
12 retary has determined to be applicable to each
13 different type of community; and

14 “(C) the principles of regional coordination
15 and mutual aid among State and local govern-
16 ments.

17 “(2) FLEXIBILITY.—The establishment of es-
18 sential capabilities shall be sufficiently flexible to
19 allow State and local government officials to set pri-
20 orities based on particular needs, while reaching na-
21 tionally determined terrorism preparedness levels
22 within a specified time period.

23 “(3) MEASURABILITY.—The establishment of
24 essential capabilities shall be designed to enable

1 measurement of progress towards specific terrorism
2 preparedness goals.

3 “(4) COMPREHENSIVENESS.—The determina-
4 tion of essential capabilities for terrorism prepared-
5 ness shall be made within the context of a com-
6 prehensive State emergency management system.

7 “(c) FACTORS TO BE CONSIDERED.—

8 “(1) IN GENERAL.—In establishing essential ca-
9 pabilities under subsection (a)(1), the Secretary spe-
10 cifically shall consider the variables of threat, vulner-
11 ability, and consequences with respect to the Na-
12 tion’s population (including transient commuting
13 and tourist populations) and critical infrastructure.
14 Such consideration shall be based upon the most
15 current risk assessment available by the Directorate
16 for Information Analysis and Infrastructure Protec-
17 tion of the threats of terrorism against the United
18 States.

19 “(2) CRITICAL INFRASTRUCTURE SECTORS.—
20 The Secretary specifically shall consider threats of
21 terrorism against the following critical infrastructure
22 sectors in all areas of the Nation, urban and rural:

23 “(A) Agriculture.

24 “(B) Banking and finance.

25 “(C) Chemical industries.

- 1 “(D) The defense industrial base.
- 2 “(E) Emergency services.
- 3 “(F) Energy.
- 4 “(G) Food.
- 5 “(H) Government.
- 6 “(I) Postal and shipping.
- 7 “(J) Public health.
- 8 “(K) Information and telecommunications
- 9 networks.
- 10 “(L) Transportation.
- 11 “(M) Water.

12 The order in which the critical infrastructure sectors

13 are listed in this paragraph shall not be construed

14 as an order of priority for consideration of the im-

15 portance of such sectors.

16 “(3) TYPES OF THREAT.—The Secretary spe-

17 cifically shall consider the following types of threat

18 to the critical infrastructure sectors described in

19 paragraph (2), and to populations in all areas of the

20 Nation, urban and rural:

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

1 “(F) Explosives.

2 “(G) Suicide bombers.

3 “(H) Cyber threats.

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

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

11 “(4) CONSIDERATION OF ADDITIONAL FAC-
12 TORS.—In establishing essential capabilities under
13 subsection (a)(1), the Secretary shall take into ac-
14 count any other specific threat to a population (in-
15 cluding a transient commuting or tourist population)
16 or critical infrastructure sector that the Secretary
17 has determined to exist.

18 **“SEC. 1804. TASK FORCE ON ESSENTIAL CAPABILITIES FOR**
19 **FIRST RESPONDERS.**

20 “(a) ESTABLISHMENT.—To assist the Secretary in
21 establishing essential capabilities under section
22 1803(a)(1), the Secretary shall establish an advisory body
23 pursuant to section 871(a) not later than 60 days after
24 the date of the enactment of this section, which shall be

1 known as the Task Force on Essential Capabilities for
2 First Responders.

3 “(b) REPORT.—

4 “(1) IN GENERAL.—The Task Force shall sub-
5 mit to the Secretary, not later than 9 months after
6 its establishment by the Secretary under subsection
7 (a) and every 3 years thereafter, a report on its rec-
8 ommendations for essential capabilities for prepared-
9 ness for terrorism.

10 “(2) CONTENTS.—The report shall—

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

16 “(B) set forth a methodology by which any
17 State or local government will be able to deter-
18 mine the extent to which it possesses or has ac-
19 cess to the essential capabilities that States and
20 local governments having similar risks should
21 obtain;

22 “(C) describe the availability of national
23 voluntary consensus standards, and whether
24 there is a need for new national voluntary con-

1 sensus standards, with respect to first re-
2 sponder training and equipment;

3 “(D) include such additional matters as
4 the Secretary may specify in order to further
5 the terrorism preparedness capabilities of first
6 responders; and

7 “(E) include such revisions to the contents
8 of past reports as are necessary to take into ac-
9 count changes in the most current risk assess-
10 ment available by the Directorate for Informa-
11 tion Analysis and Infrastructure Protection or
12 other relevant information as determined by the
13 Secretary.

14 “(3) CONSISTENCY WITH FEDERAL WORKING
15 GROUP.—The Task Force shall ensure that its rec-
16 ommendations for essential capabilities are, to the
17 extent feasible, consistent with any preparedness
18 goals or recommendations of the Federal working
19 group established under section 319F(a) of the Pub-
20 lic Health Service Act (42 U.S.C. 247d–6(a)).

21 “(4) COMPREHENSIVENESS.—The Task Force
22 shall ensure that its recommendations regarding es-
23 sential capabilities for terrorism preparedness are
24 made within the context of a comprehensive State
25 emergency management system.

1 “(5) PRIOR MEASURES.—The Task Force shall
2 ensure that its recommendations regarding essential
3 capabilities for terrorism preparedness take into ac-
4 count any capabilities that State or local officials
5 have determined to be essential and have undertaken
6 since September 11, 2001, to prevent or prepare for
7 terrorist attacks.

8 “(c) MEMBERSHIP.—

9 “(1) IN GENERAL.—The Task Force shall con-
10 sist of 25 members appointed by the Secretary, and
11 shall, to the extent practicable, represent a geo-
12 graphic and substantive cross section of govern-
13 mental and nongovernmental first responder dis-
14 ciplines from the State and local levels, including as
15 appropriate—

16 “(A) members selected from the emergency
17 response field, including fire service and law en-
18 forcement, hazardous materials response, emer-
19 gency medical services, and emergency manage-
20 ment personnel (including public works per-
21 sonnel routinely engaged in emergency re-
22 sponse);

23 “(B) health scientists, emergency and in-
24 patient medical providers, and public health
25 professionals, including experts in emergency

1 health care response to chemical, biological, ra-
2 diological, and nuclear terrorism, and experts in
3 providing mental health care during emergency
4 response operations;

5 “(C) experts from Federal, State, and local
6 governments, and the private sector, rep-
7 resenting standards-setting organizations, in-
8 cluding representation from the voluntary con-
9 sensus codes and standards development com-
10 munity, particularly those with expertise in first
11 responder disciplines; and

12 “(D) State and local officials with exper-
13 tise in terrorism preparedness, subject to the
14 condition that if any such official is an elected
15 official representing one of the two major polit-
16 ical parties, an equal number of elected officials
17 shall be selected from each such party.

18 “(2) COORDINATION WITH THE DEPARTMENT
19 OF HEALTH AND HEALTH SERVICES.—In the selec-
20 tion of members of the Task Force who are health
21 professionals, including emergency medical profes-
22 sionals, the Secretary shall coordinate the selection
23 with the Secretary of Health and Human Services.

24 “(3) EX OFFICIO MEMBERS.—The Secretary
25 and the Secretary of Health and Human Services

1 shall each designate one or more officers of their re-
2 spective Departments to serve as ex officio members
3 of the Task Force. One of the ex officio members
4 from the Department of Homeland Security shall be
5 the designated officer of the Federal Government for
6 purposes of subsection (e) of section 10 of the Fed-
7 eral Advisory Committee Act (5 App. U.S.C.).

8 “(d) APPLICABILITY OF FEDERAL ADVISORY COM-
9 MITTEE ACT.—Notwithstanding section 871(a), the Fed-
10 eral Advisory Committee Act (5 U.S.C. App.), including
11 subsections (a), (b), and (d) of section 10 of such Act,
12 and section 552b(e) of title 5, United States Code, shall
13 apply to the Task Force.

14 **“SEC. 1805. COVERED GRANT ELIGIBILITY AND CRITERIA.**

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

18 “(b) GRANT CRITERIA.—In awarding covered grants,
19 the Secretary shall assist States and local governments in
20 achieving, maintaining, and enhancing the essential capa-
21 bilities for first responders established by the Secretary
22 under section 1803.

23 “(c) STATE HOMELAND SECURITY PLANS.—

24 “(1) SUBMISSION OF PLANS.—The Secretary
25 shall require that any State applying to the Sec-

1 retary for a covered grant must submit to the Sec-
2 retary a 3-year State homeland security plan that—

3 “(A) demonstrates the extent to which the
4 State has achieved the essential capabilities
5 that apply to the State;

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

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

12 “(D) describes how the State intends—

13 “(i) to address such needs at the city,
14 county, regional, tribal, State, and inter-
15 state level, including a precise description
16 of any regional structure the State has es-
17 tablished for the purpose of organizing
18 homeland security preparedness activities
19 funded by covered grants;

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

23 “(iii) to give particular emphasis to
24 regional planning and cooperation, includ-
25 ing the activities of multijurisdictional

1 planning agencies governed by local offi-
2 cials, both within its jurisdictional borders
3 and with neighboring States;

4 “(E) is developed in consultation with and
5 subject to appropriate comment by local govern-
6 ments within the State; and

7 “(F) with respect to the emergency pre-
8 paredness of first responders, addresses the
9 unique aspects of terrorism as part of a com-
10 prehensive State emergency management plan.

11 “(2) APPROVAL BY SECRETARY.—The Sec-
12 retary may not award any covered grant to a State
13 unless the Secretary has approved the applicable
14 State homeland security plan.

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

20 “(e) APPLICATION FOR GRANT.—

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

1 tion as is required under this subsection, or as the
2 Secretary may reasonably require.

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

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

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

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

24 “(B) a description of how, by reference to
25 the applicable State homeland security plan or

1 plans under subsection (c), the allocation of
2 grant funding proposed in the application, in-
3 cluding, where applicable, the amount not
4 passed through under section 1806(g)(1), would
5 assist in fulfilling the essential capabilities spec-
6 ified in such plan or plans;

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

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

14 “(E) if the applicant is a region—

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

20 “(ii) a specification of what govern-
21 mental entity within the region will admin-
22 ister the expenditure of funds under the
23 covered grant; and

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

1 “(F) a capital budget showing how the ap-
2 plicant intends to allocate and expend the cov-
3 ered grant funds;

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

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

10 “(5) REGIONAL APPLICATIONS.—

11 “(A) RELATIONSHIP TO STATE APPLICA-
12 TIONS.—A regional application—

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

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

18 “(iii) shall address the unique regional
19 aspects of such region’s terrorism pre-
20 paredness needs beyond those provided for
21 in the application of such State or States.

22 “(B) STATE REVIEW AND SUBMISSION.—

23 To ensure the consistency required under sub-
24 section (d) and the coordination required under
25 subparagraph (A) of this paragraph, an appli-

1 cant that is a region must submit its applica-
2 tion to each State of which any part is included
3 in the region for review and concurrence prior
4 to the submission of such application to the
5 Secretary. The regional application shall be
6 transmitted to the Secretary through each such
7 State within 30 days of its receipt, unless the
8 Governor of such a State notifies the Secretary,
9 in writing, that such regional application is in-
10 consistent with the State’s homeland security
11 plan and provides an explanation of the reasons
12 therefor.

13 “(C) DISTRIBUTION OF REGIONAL
14 AWARDS.—If the Secretary approves a regional
15 application, then the Secretary shall distribute
16 a regional award to the State or States submit-
17 ting the applicable regional application under
18 subparagraph (B), and each such State shall,
19 not later than the end of the 45-day period be-
20 ginning on the date after receiving a regional
21 award, pass through to the region all covered
22 grant funds or resources purchased with such
23 funds, except those funds necessary for the
24 State to carry out its responsibilities with re-
25 spect to such regional application: *Provided*

1 That, in no such case shall the State or States
2 pass through to the region less than 80 percent
3 of the regional award.

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

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

1 “(F) REGIONAL LIAISONS.—A regional li-
2 aison designated under paragraph (4)(E)(iii)
3 shall—

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

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

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

18 “(6) TRIBAL APPLICATIONS.—

19 “(A) SUBMISSION TO THE STATE OR
20 STATES.—To ensure the consistency required
21 under subsection (d), an applicant that is a di-
22 rectly eligible tribe must submit its application
23 to each State within the boundaries of which
24 any part of such tribe is located for direct sub-

1 mission to the Department along with the appli-
2 cation of such State or States.

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

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

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

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

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

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

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

17 “(F) TRIBES NOT RECEIVING DIRECT
18 GRANTS.—An Indian tribe that does not receive
19 a grant directly under this section is eligible to
20 receive funds under a covered grant from the
21 State or States within the boundaries of which
22 any part of such tribe is located, consistent with
23 the homeland security plan of the State as de-
24 scribed in subsection (c). If a State fails to
25 comply with section 1806(g)(1), the tribe may

1 request payment under section 1806(h)(3) in
2 the same manner as a local government.

3 “(7) EQUIPMENT STANDARDS.—If an applicant
4 for a covered grant proposes to upgrade or purchase,
5 with assistance provided under the grant, new equip-
6 ment or systems that do not meet or exceed any ap-
7 plicable national voluntary consensus standards es-
8 tablished by the Secretary under section 1807(a),
9 the applicant shall include in the application an ex-
10 planation of why such equipment or systems will
11 serve the needs of the applicant better than equip-
12 ment or systems that meet or exceed such standards.

13 “(f) FIRST RESPONDER GRANTS BOARD.—

14 “(1) ESTABLISHMENT OF BOARD.—The Sec-
15 retary shall establish a First Responder Grants
16 Board, consisting of—

17 “(A) the Secretary;

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

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

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

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

1 “(F) the Director of the Office for Domes-
2 tic Preparedness.

3 “(2) CHAIRMAN.—

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

6 “(B) EXERCISE OF AUTHORITIES BY DEP-
7 UTY SECRETARY.—The Deputy Secretary of
8 Homeland Security may exercise the authorities
9 of the Chairman, if the Secretary so directs.

10 “(3) RANKING OF GRANT APPLICATIONS.—

11 “(A) PRIORITIZATION OF GRANTS.—The
12 Board—

13 “(i) shall evaluate and annually
14 prioritize all pending applications for cov-
15 ered grants based upon the degree to
16 which they would, by achieving, maintain-
17 ing, or enhancing the essential capabilities
18 of the applicants on a nationwide basis,
19 lessen the threat to, vulnerability of, and
20 consequences for persons and critical infra-
21 structure; and

22 “(ii) in evaluating the threat to per-
23 sons and critical infrastructure for pur-
24 poses of prioritizing covered grants, shall
25 give greater weight to threats of terrorism

1 based on their specificity and credibility,
2 including any pattern of repetition.

3 “(B) MINIMUM AMOUNTS.—After evalu-
4 ating and prioritizing grant applications under
5 subparagraph (A), the Board shall ensure that,
6 for each fiscal year—

7 “(i) each of the States, other than the
8 Virgin Islands, American Samoa, Guam,
9 and the Northern Mariana Islands, that
10 has an approved State homeland security
11 plan receives no less than 0.25 percent of
12 the funds available for covered grants for
13 that fiscal year for purposes of imple-
14 menting its homeland security plan in ac-
15 cordance with the prioritization of needs
16 under subsection (c)(1)(C);

17 “(ii) each of the States, other than
18 the Virgin Islands, American Samoa,
19 Guam, and the Northern Mariana Islands,
20 that has an approved State homeland secu-
21 rity plan and that meets one or both of the
22 additional high-risk qualifying criteria
23 under subparagraph (C) receives no less
24 than 0.45 percent of the funds available
25 for covered grants for that fiscal year for

1 purposes of implementing its homeland se-
2 curity plan in accordance with the
3 prioritization of needs under subsection
4 (c)(1)(C);

5 “(iii) the Virgin Islands, American
6 Samoa, Guam, and the Northern Mariana
7 Islands each receives no less than 0.08 per-
8 cent of the funds available for covered
9 grants for that fiscal year for purposes of
10 implementing its approved State homeland
11 security plan in accordance with the
12 prioritization of needs under subsection
13 (c)(1)(C); and

14 “(iv) directly eligible tribes collectively
15 receive no less than 0.08 percent of the
16 funds available for covered grants for such
17 fiscal year for purposes of addressing the
18 needs identified in the applications of such
19 tribes, consistent with the homeland secu-
20 rity plan of each State within the bound-
21 aries of which any part of any such tribe
22 is located, except that this clause shall not
23 apply with respect to funds available for a
24 fiscal year if the Secretary receives less
25 than 5 applications for such fiscal year

1 from such tribes under subsection
2 (e)(6)(A) or does not approve at least one
3 such application.

4 “(C) ADDITIONAL HIGH-RISK QUALIFYING
5 CRITERIA.—For purposes of subparagraph
6 (B)(ii), additional high-risk qualifying criteria
7 consist of—

8 “(i) having a significant international
9 land border; or

10 “(ii) adjoining a body of water within
11 North America through which an inter-
12 national boundary line extends.

13 “(4) EFFECT OF REGIONAL AWARDS ON STATE
14 MINIMUM.—Any regional award, or portion thereof,
15 provided to a State under subsection (e)(5)(C) shall
16 not be considered in calculating the minimum State
17 award under paragraph (3)(B) of this subsection.

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

1 **“SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY RE-**
2 **QUIREMENTS.**

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

5 “(1) purchasing or upgrading equipment, in-
6 cluding computer software, to enhance terrorism
7 preparedness and response;

8 “(2) exercises to strengthen terrorism prepared-
9 ness and response;

10 “(3) training for prevention (including detec-
11 tion) of, preparedness for, or response to attacks in-
12 volving weapons of mass destruction, including train-
13 ing in the use of equipment and computer software;

14 “(4) developing or updating response plans;

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

17 “(6) systems architecture and engineering, pro-
18 gram planning and management, strategy formula-
19 tion and strategic planning, life-cycle systems de-
20 sign, product and technology evaluation, and proto-
21 type development for terrorism preparedness and re-
22 sponse purposes;

23 “(7) additional personnel costs resulting from—

24 “(A) elevations in the threat alert level of
25 the Homeland Security Advisory System by the
26 Secretary, or a similar elevation in threat alert

1 level issued by a State, region, or local govern-
2 ment with the approval of the Secretary;

3 “(B) travel to and participation in exer-
4 cises and training in the use of equipment and
5 on prevention activities;

6 “(C) the temporary replacement of per-
7 sonnel during any period of travel to and par-
8 ticipation in exercises and training in the use of
9 equipment and on prevention activities; and

10 “(D) participation in information, inves-
11 tigative, and intelligence sharing activities spe-
12 cifically related to terrorism prevention;

13 “(8) the costs of equipment (including software)
14 required to receive, transmit, handle, and store clas-
15 sified information;

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

20 “(A) \$1,000,000 per project; or

21 “(B) such greater amount as may be ap-
22 proved by the Secretary, which may not exceed
23 10 percent of the total amount of the covered
24 grant;

1 “(10) the costs of commercially available inter-
2 operable communications equipment (which, where
3 applicable, is based on national, voluntary consensus
4 standards) that the Secretary, in consultation with
5 the Chairman of the Federal Communications Com-
6 mission, deems best suited to facilitate interoper-
7 ability, coordination, and integration between and
8 among emergency communications systems, and that
9 complies with prevailing grant guidance of the De-
10 partment for interoperable communications;

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

14 “(12) training and exercises to assist public ele-
15 mentary and secondary schools in developing and
16 implementing programs to instruct students regard-
17 ing age-appropriate skills to prepare for and respond
18 to an act of terrorism;

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

23 “(14) other appropriate activities as determined
24 by the Secretary.

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

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

4 “(2) to construct buildings or other physical fa-
5 cilities;

6 “(3) to acquire land; or

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

9 “(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this
10 section shall be construed to preclude State and local gov-
11 ernments from using covered grant funds in a manner
12 that also enhances first responder preparedness for emer-
13 gencies and disasters unrelated to acts of terrorism, if
14 such use assists such governments in achieving essential
15 capabilities for terrorism preparedness established by the
16 Secretary under section 1803.

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

1 “(e) ASSISTANCE REQUIREMENT.—The Secretary
2 may not request that equipment paid for, wholly or in
3 part, with funds provided as a covered grant be made
4 available for responding to emergencies in surrounding
5 States, regions, and localities, unless the Secretary under-
6 takes to pay the costs directly attributable to transporting
7 and operating such equipment during such response.

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

16 “(g) STATE, REGIONAL, AND TRIBAL RESPONSIBIL-
17 ITIES.—

18 “(1) PASS-THROUGH.—The Secretary shall re-
19 quire a recipient of a covered grant that is a State
20 to obligate or otherwise make available to local gov-
21 ernments, first responders, and other local groups,
22 to the extent required under the State homeland se-
23 curity plan or plans specified in the application for
24 the grant, not less than 80 percent of the grant
25 funds, resources purchased with the grant funds

1 having a value equal to at least 80 percent of the
2 amount of the grant, or a combination thereof, by
3 not later than the end of the 45-day period begin-
4 ning on the date the grant recipient receives the
5 grant funds.

6 “(2) COST SHARING.—

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

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

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

1 services, administrative costs, equipment fuel
2 and maintenance, and rental space.

3 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
4 Any State that receives a covered grant shall certify
5 to the Secretary, by not later than 30 days after the
6 expiration of the period described in paragraph (1)
7 with respect to the grant, that the State has made
8 available for expenditure by local governments, first
9 responders, and other local groups the required
10 amount of grant funds pursuant to paragraph (1).
11

12 “(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in
13 paragraph (2)(A) may be increased by up to 2 per-
14 cent for any State, region, or directly eligible tribe
15 that, not later than 30 days after the end of each
16 fiscal quarter, submits to the Secretary a report on
17 that fiscal quarter. Each such report must include,
18 for each recipient of a covered grant or a pass-
19 through under paragraph (1)—
20

21 “(A) the amount obligated to that recipient
22 in that quarter;

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

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

3 “(5) ANNUAL REPORT ON HOMELAND SECUR-
4 RITY SPENDING.—Each recipient of a covered grant
5 shall submit an annual report to the Secretary not
6 later than 60 days after the end of each fiscal year.
7 Each recipient of a covered grant that is a region
8 must simultaneously submit its report to each State
9 of which any part is included in the region. Each re-
10 cipient of a covered grant that is a directly eligible
11 tribe must simultaneously submit its report to each
12 State within the boundaries of which any part of
13 such tribe is located. Each report must include the
14 following:

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

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

1 “(C) How the funds were utilized by each
2 ultimate recipient or beneficiary during the pre-
3 ceding fiscal year.

4 “(D) The extent to which essential capa-
5 bilities identified in the applicable State home-
6 land security plan or plans were achieved, main-
7 tained, or enhanced as the result of the expend-
8 iture of grant funds during the preceding fiscal
9 year.

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

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

20 “(7) PROVISION OF REPORTS.—The Secretary
21 shall ensure that each annual report under para-
22 graph (5) is provided to the Under Secretary for
23 Emergency Preparedness and Response and the Di-
24 rector of the Office for Domestic Preparedness.

1 “(h) INCENTIVES TO EFFICIENT ADMINISTRATION
2 OF HOMELAND SECURITY GRANTS.—

3 “(1) PENALTIES FOR DELAY IN PASSING
4 THROUGH LOCAL SHARE.—If a recipient of a cov-
5 ered grant that is a State fails to pass through to
6 local governments, first responders, and other local
7 groups funds or resources required by subsection
8 (g)(1) within 45 days after receiving funds under
9 the grant, the Secretary may—

10 “(A) reduce grant payments to the grant
11 recipient from the portion of grant funds that
12 is not required to be passed through under sub-
13 section (g)(1);

14 “(B) terminate payment of funds under
15 the grant to the recipient, and transfer the ap-
16 propriate portion of those funds directly to local
17 first responders that were intended to receive
18 funding under that grant; or

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

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

1 “(ii) requiring the grant recipient to
2 distribute to local government beneficiaries
3 all or a portion of grant funds that are not
4 required to be passed through under sub-
5 section (g)(1); or

6 “(iii) for each day that the grant re-
7 cipient fails to pass through funds or re-
8 sources in accordance with subsection
9 (g)(1), reducing grant payments to the
10 grant recipient from the portion of grant
11 funds that is not required to be passed
12 through under subsection (g)(1), except
13 that the total amount of such reduction
14 may not exceed 20 percent of the total
15 amount of the grant.

16 “(2) EXTENSION OF PERIOD.—The Governor of
17 a State may request in writing that the Secretary
18 extend the 45-day period under section
19 1805(e)(5)(E) or paragraph (1) for an additional
20 15-day period. The Secretary may approve such a
21 request, and may extend such period for additional
22 15-day periods, if the Secretary determines that the
23 resulting delay in providing grant funding to the
24 local government entities that will receive funding
25 under the grant will not have a significant detri-

1 mental impact on such entities’ terrorism prepared-
2 ness efforts.

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

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

10 “(i) the local government will use the
11 amount paid to expedite planned enhance-
12 ments to its terrorism preparedness as de-
13 scribed in any applicable State homeland
14 security plan or plans;

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

18 “(iii) the local government complies
19 with subparagraphs (B) and (C).

20 “(B) SHOWING REQUIRED.—To receive a
21 payment under this paragraph, a local govern-
22 ment must demonstrate that—

23 “(i) it is identified explicitly as an ul-
24 timate recipient or intended beneficiary in
25 the approved grant application;

1 “(ii) it was intended by the grantee to
2 receive a severable portion of the overall
3 grant for a specific purpose that is identi-
4 fied in the grant application;

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

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

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

16 “(i) shall not affect any payment to
17 another local government under this para-
18 graph; and

19 “(ii) shall not prejudice consideration
20 of a request for payment under this para-
21 graph that is submitted by another local
22 government.

23 “(D) DEADLINE FOR ACTION BY SEC-
24 RETARY.—The Secretary shall approve or dis-
25 approve each request for payment under this

1 paragraph by not later than 15 days after the
2 date the request is received by the Department.

3 “(i) REPORTS TO CONGRESS.—The Secretary shall
4 submit an annual report to the Congress by December 31
5 of each year—

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

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

12 “(3) describing—

13 “(A) the Nation’s progress in achieving,
14 maintaining, and enhancing the essential capa-
15 bilities established under section 1803(a) as a
16 result of the expenditure of covered grant funds
17 during the preceding fiscal year; and

18 “(B) an estimate of the amount of expend-
19 itures required to attain across the United
20 States the essential capabilities established
21 under section 1803(a).

22 **“SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER**
23 **EQUIPMENT AND TRAINING.**

24 “(a) EQUIPMENT STANDARDS.—

1 “(1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Under Secretaries for Emergency Pre-
3 paredness and Response and Science and Tech-
4 nology and the Director of the Office for Domestic
5 Preparedness, shall, not later than 6 months after
6 the date of enactment of this section, support the
7 development of, promulgate, and update as nec-
8 essary national voluntary consensus standards for
9 the performance, use, and validation of first re-
10 sponder equipment for purposes of section
11 1805(e)(7). Such standards—

12 “(A) shall be, to the maximum extent prac-
13 ticable, consistent with any existing voluntary
14 consensus standards;

15 “(B) shall take into account, as appro-
16 priate, new types of terrorism threats that may
17 not have been contemplated when such existing
18 standards were developed;

19 “(C) shall be focused on maximizing inter-
20 operability, interchangeability, durability, flexi-
21 bility, efficiency, efficacy, portability, sustain-
22 ability, and safety; and

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

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

5 “(A) Thermal imaging equipment.

6 “(B) Radiation detection and analysis
7 equipment.

8 “(C) Biological detection and analysis
9 equipment.

10 “(D) Chemical detection and analysis
11 equipment.

12 “(E) Decontamination and sterilization
13 equipment.

14 “(F) Personal protective equipment, in-
15 cluding garments, boots, gloves, and hoods and
16 other protective clothing.

17 “(G) Respiratory protection equipment.

18 “(H) Interoperable communications, in-
19 cluding wireless and wireline voice, video, and
20 data networks.

21 “(I) Explosive mitigation devices and ex-
22 plosive detection and analysis equipment.

23 “(J) Containment vessels.

24 “(K) Contaminant-resistant vehicles.

1 “(L) Such other equipment for which the
2 Secretary determines that national voluntary
3 consensus standards would be appropriate.

4 “(b) TRAINING STANDARDS.—

5 “(1) IN GENERAL.—The Secretary, in consulta-
6 tion with the Under Secretaries for Emergency Pre-
7 paredness and Response and Science and Tech-
8 nology and the Director of the Office for Domestic
9 Preparedness, shall support the development of, pro-
10 mulgate, and regularly update as necessary national
11 voluntary consensus standards for first responder
12 training carried out with amounts provided under
13 covered grant programs, that will enable State and
14 local government first responders to achieve optimal
15 levels of terrorism preparedness as quickly as prac-
16 ticable. Such standards shall give priority to pro-
17 viding training to—

18 “(A) enable first responders to prevent,
19 prepare for, respond to, and mitigate terrorist
20 threats, including threats from chemical, bio-
21 logical, nuclear, and radiological weapons and
22 explosive devices capable of inflicting significant
23 human casualties; and

24 “(B) familiarize first responders with the
25 proper use of equipment, including software,

1 developed pursuant to the standards established
2 under subsection (a).

3 “(2) REQUIRED CATEGORIES.—In carrying out
4 paragraph (1), the Secretary specifically shall in-
5 clude the following categories of first responder ac-
6 tivities:

7 “(A) Regional planning.

8 “(B) Joint exercises.

9 “(C) Intelligence collection, analysis, and
10 sharing.

11 “(D) Emergency notification of affected
12 populations.

13 “(E) Detection of biological, nuclear, radi-
14 ological, and chemical weapons of mass destruc-
15 tion.

16 “(F) Such other activities for which the
17 Secretary determines that national voluntary
18 consensus training standards would be appro-
19 priate.

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

24 “(c) CONSULTATION WITH STANDARDS ORGANIZA-
25 TIONS.—In establishing national voluntary consensus

1 standards for first responder equipment and training
2 under this section, the Secretary shall consult with rel-
3 evant public and private sector groups, including—

4 “(1) the National Institute of Standards and
5 Technology;

6 “(2) the National Fire Protection Association;

7 “(3) the National Association of County and
8 City Health Officials;

9 “(4) the Association of State and Territorial
10 Health Officials;

11 “(5) the American National Standards Insti-
12 tute;

13 “(6) the National Institute of Justice;

14 “(7) the Inter-Agency Board for Equipment
15 Standardization and Interoperability;

16 “(8) the National Public Health Performance
17 Standards Program;

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

20 “(10) ASTM International;

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

23 “(12) the Emergency Management Accredita-
24 tion Program; and

1 “(13) to the extent the Secretary considers ap-
2 propriate, other national voluntary consensus stand-
3 ards development organizations, other interested
4 Federal, State, and local agencies, and other inter-
5 ested persons.

6 “(d) COORDINATION WITH SECRETARY OF HHS.—
7 In establishing any national voluntary consensus stand-
8 ards under this section for first responder equipment or
9 training that involve or relate to health professionals, in-
10 cluding emergency medical professionals, the Secretary
11 shall coordinate activities under this section with the Sec-
12 retary of Health and Human Services.”.

13 (b) DEFINITION OF EMERGENCY RESPONSE PRO-
14 VIDERS.—Paragraph (6) of section 2 of the Homeland Se-
15 curity Act of 2002 (Public Law 107–296; 6 U.S.C.
16 101(6)) is amended by striking “includes” and all that
17 follows and inserting “includes Federal, State, and local
18 governmental and nongovernmental emergency public
19 safety, law enforcement, fire, emergency response, emer-
20 gency medical (including hospital emergency facilities),
21 and related personnel, organizations, agencies, and au-
22 thorities.”.

23 (c) TEMPORARY LIMITATIONS ON APPLICATION.—

24 (1) 1-YEAR DELAY IN APPLICATION.—The fol-
25 lowing provisions of title XVIII of the Homeland Se-

1 security Act of 2002, as amended by subsection (a),
2 shall not apply during the 1-year period beginning
3 on the date of the enactment of this Act:

4 (A) Subsections (b), (c), and (e)(4)(A) and
5 (B) of section 1805.

6 (B) In section 1805(f)(3)(A), the phrase “,
7 by enhancing the essential capabilities of the
8 applicants,”.

9 (2) 2-YEAR DELAY IN APPLICATION.—The fol-
10 lowing provisions of title XVIII of the Homeland Se-
11 curity Act of 2002, as amended by subsection (a),
12 shall not apply during the 2-year period beginning
13 on the date of the enactment of this Act:

14 (A) Subparagraphs (D) and (E) of section
15 1806(g)(5).

16 (B) Section 1806(i)(3).

17 **SEC. 4. SUPERSEDED PROVISION.**

18 This Act supersedes section 1014 of Public Law 107–
19 56.

20 **SEC. 5. SENSE OF CONGRESS REGARDING CITIZEN CORPS**
21 **COUNCILS.**

22 (a) FINDING.—The Congress finds that Citizen
23 Corps councils help to enhance local citizen participation
24 in terrorism preparedness by coordinating multiple Citizen

1 Corps programs, developing community action plans, as-
2 sessing possible threats, and identifying local resources.

3 (b) SENSE OF CONGRESS.—It is the sense of the
4 Congress that individual Citizen Corps councils should
5 seek to enhance the preparedness and response capabilities
6 of all organizations participating in the councils, including
7 by providing funding to as many of their participating or-
8 ganizations as practicable to promote local terrorism pre-
9 paredness programs.

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