

107TH CONGRESS
1ST SESSION

H. R. 3435

To provide for grants to local first responder agencies to combat terrorism
and be a part of homeland defense.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2001

Mrs. MALONEY of New York (for herself, Mr. STUPAK, Mr. ANDREWS, Mrs. MCCARTHY of New York, Ms. HOOLEY of Oregon, Mr. McNULTY, Mr. SNYDER, Mr. MALONEY of Connecticut, Mr. GUTIERREZ, Mr. WYNN, Mr. FROST, Mr. MURTHA, and Mr. OWENS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for grants to local first responder agencies to
combat terrorism and be a part of homeland defense.

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 “Empowering Local
5 First Responders To Fight Terrorism Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The World Trade Center in New York City
2 was attacked on September 11, 2001, when two hi-
3 jacked commercial airplanes crashed into the Cen-
4 ter's towers; the Pentagon, located outside Wash-
5 ington, D.C., was damaged when a hijacked commer-
6 cial plane crashed into the structure; and a hijacked
7 airplane headed for Washington, D.C., crashed in
8 Pennsylvania.

9 (2) The New York City Police and Fire Depart-
10 ments, Washington, D.C., Police and Fire Depart-
11 ments, various Virginia and Maryland Police and
12 Fire Departments, Pennsylvania Police and Fire De-
13 partments, and the Emergency Medical Services
14 (EMS) responded to these attacks without hesi-
15 tation.

16 (3) Hundreds of New York City police officers,
17 firefighters, and EMS workers lost their lives during
18 this rescue when the World Trade Center towers col-
19 lapsed.

20 (4) In the weeks since the disaster, local first
21 responders have been under the burden of respond-
22 ing to both immediate and long-term strategies.

23 (5) Many local first responder agencies around
24 the country are understaffed and underbudgeted to

1 respond to both routine and the new demands stem-
2 ming from the homeland defense.

3 **SEC. 3. AUTHORITY TO MAKE GRANTS FOR**
4 **ANTITERRORISM AND HOMELAND DEFENSE-**
5 **ORIENTED POLICING AND RESPONSE.**

6 (a) GRANT AUTHORIZATION.—The Attorney General
7 may make grants to States, units of local government, In-
8 dian tribal governments, other public and private entities,
9 and multi-jurisdictional or regional consortia thereof to
10 combat terrorism and provide homeland defense.

11 (b) REHIRING, HIRING, AND INITIAL REDEPLOY-
12 MENT GRANT PROJECTS.—

13 (1) IN GENERAL.—Grants made under sub-
14 section (a) may be used for programs, projects, and
15 other activities to—

16 (A) rehire first responders who have been
17 laid off as a result of State and local budget re-
18 ductions for deployment in antiterrorism and
19 homeland defense-oriented policing and re-
20 sponse;

21 (B) hire and train new, additional career
22 first responders for deployment in antiterrorism
23 and homeland defense-oriented policing and re-
24 sponse across the Nation; and

1 (C) procure equipment, technology, or sup-
2 port systems, or pay overtime, if the applicant
3 for such a grant demonstrates to the satisfac-
4 tion of the Attorney General that expenditures
5 for such purposes would result in an increase in
6 the number of first responders deployed in
7 antiterrorism and homeland defense-oriented
8 policing and response equal to or greater than
9 the increase in the number of first responders
10 that would result from a grant for a like
11 amount for the purposes specified in subpara-
12 graph (A) or (B).

13 (2) GRANTS FOR EQUIPMENT, TECHNOLOGY,
14 AND SUPPORT SYSTEMS.—Grants pursuant to para-
15 graph (1)(C) may not exceed 20 percent of the
16 funds available for grants pursuant to this sub-
17 section in any fiscal year.

18 (c) TROOPS-TO-DEFENDERS PROGRAMS.—

19 (1) IN GENERAL.—Grants made under sub-
20 section (a) may be used to hire former members of
21 the Armed Forces to serve as career first responders
22 for deployment in antiterrorism and homeland de-
23 fense-oriented policing and response, particularly in
24 communities that are adversely affected by a recent
25 military base closing.

1 (2) DEFINITION.—In this subsection, “former
2 member of the Armed Forces” means a member of
3 the Armed Forces of the United States who is invol-
4 untarily separated from the Armed Forces within
5 the meaning of section 1141 of title 10, United
6 States Code.

7 (d) ADDITIONAL GRANT PROJECTS.—Grants made
8 under subsection (a) may include programs, projects, and
9 other activities to—

10 (1) increase the number of first responders in-
11 volved in activities that are focused on antiterrorism
12 and homeland defense by redeploying first respond-
13 ers to such activities;

14 (2) provide specialized training to first respond-
15 ers to enhance their antiterrorism and homeland de-
16 fense-oriented policing and response skills; and

17 (3) support the purchase by a first responder
18 agency of equipment to combat terrorism and en-
19 hance homeland defense.

20 (e) PREFERENTIAL CONSIDERATION OF APPLICA-
21 TIONS FOR CERTAIN GRANTS.—In awarding grants under
22 this Act, the Attorney General may give preferential con-
23 sideration, where feasible, to applications for hiring and
24 rehiring additional career first responders that involve a

1 non-Federal contribution exceeding the 25 percent min-
2 imum under subsection (i).

3 (f) TECHNICAL ASSISTANCE.—

4 (1) IN GENERAL.—The Attorney General may
5 provide technical assistance to States, units of local
6 government, Indian tribal governments, and to other
7 public and private entities, in furtherance of the pur-
8 poses of this Act.

9 (2) MODEL.—The technical assistance provided
10 by the Attorney General may include the develop-
11 ment of a flexible model that will define for State
12 and local governments, and other public and private
13 entities, definitions and strategies associated with
14 antiterrorism and homeland defense-oriented polic-
15 ing and response, and methodologies for its imple-
16 mentation.

17 (3) TRAINING CENTERS AND FACILITIES.—The
18 technical assistance provided by the Attorney Gen-
19 eral may include the establishment and operation of
20 training centers or facilities, either directly or by
21 contracting or cooperative arrangements. The func-
22 tions of the centers or facilities established under
23 this paragraph may include instruction and seminars
24 for first responder executives, managers, trainers,
25 supervisors, and such others as the Attorney General

1 considers to be appropriate concerning antiterrorism
2 and homeland defense. The Attorney General shall
3 provide special consideration to expanding the role of
4 the Regional Community Policing Institutes cur-
5 rently funded by the Department of Justice in order
6 to comply with this section.

7 (g) UTILIZATION OF COMPONENTS.—The Attorney
8 General may utilize any component or components of the
9 Department of Justice in carrying out this Act.

10 (h) MINIMUM AMOUNT.—Unless all applications sub-
11 mitted by any State and grantee within the State pursuant
12 to subsection (a) have been funded, each qualifying State,
13 together with grantees within the State, shall receive in
14 each fiscal year pursuant to subsection (a) not less than
15 0.5 percent of the total amount appropriated in the fiscal
16 year for grants pursuant to that subsection. In this sub-
17 section, “qualifying State” means any State which has
18 submitted an application for a grant, or in which an eligi-
19 ble entity has submitted an application for a grant, which
20 meets the requirements prescribed by the Attorney Gen-
21 eral and the conditions set out in this Act.

22 (i) MATCHING FUNDS.—The portion of the costs of
23 a program, project, or activity provided by a grant under
24 subsection (a) may not exceed 75 percent, unless the At-
25 torney General waives, wholly or in part, the requirement

1 under this subsection of a non-Federal contribution to the
2 costs of a program, project, or activity. In relation to a
3 grant for a period exceeding 1 year for hiring or rehiring
4 career first responders, the Federal share shall decrease
5 from year to year for up to 5 years, looking toward the
6 continuation of the increased hiring level using State or
7 local sources of funding following the conclusion of Fed-
8 eral support, as provided in an approved plan pursuant
9 to section 4(c)(8).

10 (j) ALLOCATION OF FUNDS.—The funds available
11 under this Act shall be allocated as follows:

12 (1) Of funds available under this Act in any fis-
13 cal year, up to 3 percent may be used for technical
14 assistance under subsection (f) or for evaluations or
15 studies carried out or commissioned by the Attorney
16 General in furtherance of the purposes of this Act.

17 (2) Of the remaining funds, 50 percent shall be
18 allocated for grants pursuant to applications sub-
19 mitted by units of local government or first re-
20 sponder agencies having jurisdiction over areas with
21 populations exceeding 150,000 or by public and pri-
22 vate entities that serve areas with populations ex-
23 ceeding 150,000, and 50 percent shall be allocated
24 for grants pursuant to applications submitted by
25 units of local government or first responder agencies

1 having jurisdiction over areas with populations
2 150,000 or less or by public and private entities that
3 serve areas with populations 150,000 or less.

4 (3) Of the funds available in relation to grants
5 under this Act, at least 85 percent shall be applied
6 to grants for the purposes specified in subsection
7 (b), and no more than 15 percent may be applied to
8 other grants in furtherance of the purposes of this
9 Act. In view of the extraordinary need for first re-
10 sponder assistance in Indian country, an appropriate
11 amount of funds available under this Act shall be
12 made available for grants to Indian tribal govern-
13 ments or tribal first responder agencies.

14 (k) TERMINATION OF GRANTS FOR HIRING OFFI-
15 CERS.—The authority under subsection (a) of this section
16 to make grants for the hiring and rehiring of additional
17 career first responders shall lapse at the conclusion of 6
18 years from the date of enactment of this Act. Prior to the
19 expiration of this grant authority, the Attorney General
20 shall submit a report to Congress concerning the experi-
21 ence with and effects of such grants. The report may in-
22 clude any recommendations the Attorney General may
23 have for amendments to this Act and related provisions
24 of law in light of the termination of the authority to make

1 grants for the hiring and rehiring of additional career first
2 responders.

3 **SEC. 4. APPLICATIONS.**

4 (a) IN GENERAL.—No grant may be made under this
5 Act unless an application has been submitted to, and ap-
6 proved by, the Attorney General.

7 (b) APPLICATION.—An application for a grant under
8 this Act shall be submitted in such form, and contain such
9 information, as the Attorney General may prescribe by
10 regulation or guidelines.

11 (c) CONTENTS.—In accordance with the regulations
12 or guidelines established by the Attorney General, each ap-
13 plication for a grant under this Act shall—

14 (1) include a long-term strategy and detailed
15 implementation plan;

16 (2) demonstrate a specific public safety need;

17 (3) explain the applicant's inability to address
18 the need without Federal assistance;

19 (4) identify related governmental and commu-
20 nity initiatives which complement or will be coordi-
21 nated with the proposal;

22 (5) certify that there has been appropriate co-
23 ordination with all affected agencies;

24 (6) outline the initial and ongoing level of com-
25 munity support for implementing the proposal in-

1 including financial and in-kind contributions or other
2 tangible commitments;

3 (7) specify plans for obtaining necessary sup-
4 port and continuing the proposed program, project,
5 or activity following the conclusion of Federal sup-
6 port;

7 (8) if the application is for a grant for hiring
8 or rehiring additional career first responders, specify
9 plans for the assumption by the applicant of a pro-
10 gressively larger share of the cost in the course of
11 time, looking toward the continuation of the in-
12 creased hiring level using State or local sources of
13 funding following the conclusion of Federal support;

14 (9) assess the impact, if any, of the increase in
15 first responder resources on other components of the
16 criminal justice system and first responder systems;

17 (10) explain how the grant will be utilized to re-
18 orient the affected first responder agency's mission
19 toward antiterrorism or homeland defense-oriented
20 policing and response; and

21 (11) provide assurances that the applicant will,
22 to the extent practicable, seek, recruit, and hire
23 members of racial and ethnic minority groups and
24 women in order to increase their ranks within the
25 sworn positions in the first responder agency.

1 (d) SPECIAL PROVISIONS.—

2 (1) SMALL JURISDICTIONS.—Notwithstanding
3 any other provision of this Act, in relation to appli-
4 cations under this Act of units of local government
5 or first responder agencies having jurisdiction over
6 areas with populations of less than 50,000, the At-
7 torney General may waive 1 or more of the require-
8 ments of subsection (c) and may otherwise make
9 special provisions to facilitate the expedited submis-
10 sion, processing, and approval of such applications.

11 (2) SMALL GRANT AMOUNT.—Notwithstanding
12 any other provision of this Act, in relation to appli-
13 cations under section 3(d) for grants of less than
14 \$1,000,000, the Attorney General may waive 1 or
15 more of the requirements of subsection (c) and may
16 otherwise make special provisions to facilitate the ex-
17 pedited submission, processing, and approval of such
18 applications.

19 **SEC. 5. RENEWAL OF GRANTS.**

20 (a) IN GENERAL.—Except for grants made for hiring
21 or rehiring additional career first responders, a grant
22 under this Act may be renewed for up to 2 additional years
23 after the first fiscal year during which a recipient receives
24 its initial grant, if the Attorney General determines that
25 the funds made available to the recipient were used in a

1 manner required under an approved application and if the
2 recipient can demonstrate significant progress in achieving
3 the objectives of the initial application.

4 (b) GRANTS FOR HIRING.—Grants made for hiring
5 or rehiring additional career first responders may be re-
6 newed for up to 5 years, subject to the requirements of
7 subsection (a), but notwithstanding the limitation in that
8 subsection concerning the number of years for which
9 grants may be renewed.

10 (c) MULTIYEAR GRANTS.—A grant for a period ex-
11 ceeding 1 year may be renewed as provided in this section,
12 except that the total duration of such a grant including
13 any renewals may not exceed 3 years, or 5 years if it is
14 a grant made for hiring or rehiring additional career first
15 responders.

16 **SEC. 6. LIMITATION ON USE OF FUNDS.**

17 (a) NONSUPPLANTING REQUIREMENT.—Funds made
18 available under this Act to States or units of local govern-
19 ment shall not be used to supplant State or local funds,
20 or, in the case of Indian tribal governments, funds sup-
21 plied by the Bureau of Indian Affairs, but shall be used
22 to increase the amount of funds that would, in the absence
23 of Federal funds received under this Act, be made avail-
24 able from State or local sources, or in the case of Indian

1 tribal governments, from funds supplied by the Bureau of
2 Indian Affairs.

3 (b) NON-FEDERAL COSTS.—

4 (1) IN GENERAL.—States and units of local
5 government may use assets received through the As-
6 sets Forfeiture equitable sharing program to provide
7 the non-Federal share of the cost of programs,
8 projects, and activities funded under this Act.

9 (2) INDIAN TRIBAL GOVERNMENTS.—Funds ap-
10 propriated by the Congress for the activities of any
11 agency of an Indian tribal government or the Bu-
12 reau of Indian Affairs performing first responder
13 functions on any Indian lands may be used to pro-
14 vide the non-Federal share of the cost of programs
15 or projects funded under this Act.

16 (c) HIRING COSTS.—Funding provided under this
17 Act for hiring or rehiring a career first responder may
18 not exceed \$75,000, unless the Attorney General grants
19 a waiver from this limitation.

20 **SEC. 7. PERFORMANCE EVALUATION.**

21 (a) MONITORING COMPONENTS.—Each program,
22 project, or activity funded under this Act shall contain a
23 monitoring component, developed pursuant to guidelines
24 established by the Attorney General. The monitoring re-
25 quired by this subsection shall include systematic identi-

1 fication and collection of data about activities, accomplish-
2 ments, and programs throughout the life of the program,
3 project, or activity and presentation of such data in a usa-
4 ble form.

5 (b) EVALUATION COMPONENTS.—Selected grant re-
6 cipients shall be evaluated on the local level or as part
7 of a national evaluation, pursuant to guidelines established
8 by the Attorney General. Such evaluations may include as-
9 sessments of individual program implementations. In se-
10 lected jurisdictions that are able to support outcome eval-
11 uations, the effectiveness of funded programs, projects,
12 and activities may be required. Outcome measures may
13 include crime and victimization indicators, quality of life
14 measures, community perceptions, and first responder
15 perceptions of their own work.

16 (c) PERIODIC REVIEW AND REPORTS.—The Attorney
17 General may require a grant recipient to submit to the
18 Attorney General the results of the monitoring and evalua-
19 tions required under subsections (a) and (b) and such
20 other data and information as the Attorney General deems
21 reasonably necessary.

22 **SEC. 8. REVOCATION OR SUSPENSION OF FUNDING.**

23 If the Attorney General determines, as a result of the
24 reviews required by section 7, or otherwise, that a grant
25 recipient under this Act is not in substantial compliance

1 with the terms and requirements of an approved grant ap-
2 plication submitted under section 4, the Attorney General
3 may revoke or suspend funding of that grant, in whole
4 or in part.

5 **SEC. 9. ACCESS TO DOCUMENTS.**

6 (a) BY THE ATTORNEY GENERAL.—The Attorney
7 General shall have access for the purpose of audit and ex-
8 amination to any pertinent books, documents, papers, or
9 records of a grant recipient under this Act and to the per-
10 tinent books, documents, papers, or records of State and
11 local governments, persons, businesses, and other entities
12 that are involved in programs, projects, or activities for
13 which assistance is provided under this Act.

14 (b) BY THE COMPTROLLER GENERAL.—Subsection
15 (a) shall apply with respect to audits and examinations
16 conducted by the Comptroller General of the United
17 States or by an authorized representative of the Comp-
18 troller General.

19 **SEC. 10. GENERAL REGULATORY AUTHORITY.**

20 The Attorney General may promulgate regulations
21 and guidelines to carry out this Act.

22 **SEC. 11. DEFINITIONS.**

23 In this Act:

24 (1) The term “career first responder” means a
25 person hired on a permanent basis who is authorized

1 by law or by a State or local public agency as a first
2 responder.

3 (2) The term “Indian tribe” means a tribe,
4 band, pueblo, nation, or other organized group or
5 community of Indians, including an Alaska Native
6 village (as defined in or established under the Alaska
7 Native Claims Settlement Act (43 U.S.C. 1601 et
8 seq.)), that is recognized as eligible for the special
9 programs and services provided by the United States
10 to Indians because of their status as Indians.

11 (3) The term “first responder” means a law en-
12 forcement officer, fire fighter, or emergency support
13 worker.

14 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to carry out
16 this Act, to remain available until expended,
17 \$10,000,000,000 in the aggregate for the period of 10 fis-
18 cal years from fiscal year 2002 through fiscal year 2011.

○