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FIRST RESPONDER TERRORISM PREPAREDNESS ACT OF 2002

OCTOBER 1, 2002.—Ordered to be printed

Mr. JEFFORDS, from the Committee on Environment and Public Works, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[to accompany S. 2664]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2664) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including involving weapons of mass destruction, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

BACKGROUND

The Federal Emergency Management Agency (FEMA) is the Federal agency responsible for leading the nation in mitigating against, preparing for, responding to, and recovering from major disasters. Using an established Federal Response Plan, FEMA coordinates the efforts of 26 Federal agencies and works closely with affected State and local governments in responding to disasters.

The tragic events of September 11, 2001, have demonstrated a need to prepare not only for natural disasters, but for incidents of terrorism as well. Recognizing this need, the Administration proposed a \$3.5 billion initiative to prepare the nation's first respond-

ers-police, firefighters, and emergency medical personnel—to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

FEMA’s primary focus is to prepare the nation for all types of hazards—both natural and manmade—and the Agency has developed a strong and established relationship with the State and local first responders in preparedness, response, and recovery to major disasters. Because of this, the President tasked the Agency with administering the initiative.

S. 2664, the “First Responder Terrorism Preparedness Act of 2002”, establishes the framework for the Federal government to partner with State and local governments to achieve this goal. The bill authorizes FEMA’s Office of National Preparedness to lead a coordinated and integrated effort to build terrorism preparedness and response capability for weapons of mass destruction at all levels of government. It creates a new \$3.4 billion first responder grant program administered by the Office. The program will enhance the capabilities of first responders by focusing needed resources in the following areas—equipment, planning, training, and exercises. The bill also contains a section authorizing additional assistance for FEMA’s 28 Urban Search and Rescue task forces.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

First Responder Terrorism Preparedness Act of 2002.

Sec. 2. Findings and Purposes

SUMMARY

Section 2 sets out the Congressional findings and purposes of the legislation.

DISCUSSION

The purpose of this legislation is to establish the framework for the Federal government to partner with State and local governments to enhance preparedness and response efforts for incidents of terrorism, including incidents involving weapons of mass destruction. To achieve this goal, the bill authorizes the Office of National Preparedness at FEMA, created by the President in May of 2001, and establishes its mission and authorities. The Office will lead a coordinated and integrated effort to build terrorism preparedness and response capability for weapons of mass destruction at all levels of government.

The bill also creates a new \$3.4 billion first responder grant program administered by the Office. The program will enhance the capabilities of first responders by focusing needed resources in the following areas: equipment, planning, training, and exercises.

The bill also contains a section authorizing additional assistance for FEMA’s 28 Urban Search and Rescue task forces.

Sec. 3. Definitions

Section 3 amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) to define key terms.

Major Disaster.—includes the phrase “incident of terrorism” in the definition of “major disaster.” This change will ensure that FEMA can dedicate all of its resources to respond to any act of terrorism by providing the President with the authority to declare biological or chemical attacks to be major disasters.

Weapons of Mass Destruction.—defined as “any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of (A) toxic or poisonous chemicals or their precursors; (B) a disease organism; or (C) radiation or radioactivity.”

Sec. 4. Establishment of the Office of National Preparedness

SUMMARY

Section 4 amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) by adding a Section 616 that creates an Office of National Preparedness at the Federal Emergency Management Agency (FEMA). The President, with the advice and consent of the Senate, will appoint an Associate Director of the Office.

DISCUSSION

The President created the FEMA Office of National Preparedness on May 8, 2001, to coordinate all Federal programs dealing with weapons of mass destruction consequence management within the Departments of Defense, Health and Human Services, Justice, and Energy, the Environmental Protection Agency, and other Federal agencies. This Act authorizes the Office and provides it with specific authorities and functions.

The purpose of the Office is to lead a coordinated and integrated effort to build terrorism preparedness and response capability at all levels of government. Led by a Senate-confirmed Associate Director, the Office will establish standards for terrorism preparedness and response at all levels of government; integrate the capabilities of all levels of government to plan for and respond to acts of terrorism; coordinate the provision of Federal terrorism preparedness assistance to State, Tribal and local governments; establish standards for interoperable communications and warning systems; establish standards for first responder training and equipment for use in responding to weapons of mass destruction; and implement a first responder grant program. The Associate Director of the Office will designate a FEMA employee in each region to serve as the liaison for the States in that region. The Associate Director will make use of existing resources, such as planning documents and inter-agency boards and committees, to carry out the duties of the Office.

The committee supports the goal of developing a truly integrated national mutual aid system. Therefore the committee encourages the Office’s critical efforts to standardize and strengthen mutual aid agreements between States, regions, and the Federal government.

Sec. 5. Preparedness Assistance for First Responders

SUMMARY

Section 5 amends the title VI of the Robert T. Stafford Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) by adding Section a 630 that establishes a grant program at the Federal Emergency Management Agency for State and local first responders.

DISCUSSION

The purpose of the first responder grant program is to provide resources to enhance the capabilities of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

Definitions

There is broad consensus that any definition of first responders must include fire, emergency medical service, and law enforcement personnel. As FEMA implements the program, the Agency may need some flexibility to expand the definition of first responders to meet the needs of all constituents. To this end, the Act provides the Director with the authority to expand the definition of first responders based on the information provided by the Office and public comment received pursuant to the proposed rule issued by the Agency. FEMA will inform the committee prior to any expansion of this definition.

The Director is responsible for defining the term “local entity.” The legislation gives this discretion to the Director to ensure that all traditional first responders as defined in the Act, including career and volunteer first responder entities, are eligible for assistance. The committee’s intent is to provide the Director with the authority necessary to provide funds to both local governments and to non-government entities such as non-profit fire and emergency medical services departments. The committee does not intend to confer FEMA with the authority to provide first responder grants to for-profit organizations.

Program to Provide Assistance

The legislation provides for State and local cost share not to exceed 25 percent of costs eligible for assistance under the program. State and local governments may count in-kind contributions as part of their cost share. FEMA may use continuation grants with the States and territories, which the Agency may renew annually, subject to the availability of appropriations.

Uses of Assistance

Grantees may use assistance for planning, equipment, training, and exercises and for training facilities and emergency operations centers. In the case of the training category, the bill directs the Office to promulgate regulations to ensure only legitimate first responder training organizations are eligible for grant funds.

In the case of the communications equipment category, it is important for the Office to develop a comprehensive strategy for achieving interoperability prior to providing funding. The committee intends that the Office proceed as expeditiously as possible in the development of this strategy and that the Office consider the

most cost effective methods available to achieve this goal, such as technology that will integrate existing communications equipment.

The committee recognizes the importance of maintaining the operational integrity of emergency systems that may be subject to failure as a result of fire or water damage to essential wiring or cabling, and of utilizing necessary measures to ensure continued operation of these vital systems.

It is cost-effective for these grants to leverage, when practicable, prior government investment in related technologies. Accordingly, grantees may use these grants to purchase both non-developmental and commercial technologies.

The purpose of this legislation is to enhance the current capabilities of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction. The committee believes the best way to achieve this goal is by dedicating resources to the nation's first responders for additional planning, equipment, training, and exercises, rather than diverting funds to pay personnel costs or to reimburse for expenses incurred prior to the passage of this Act. For this reason, grantees may not use assistance for pre-award costs or for compensation for first responders.

Allocation of Funds

The District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, will each receive \$3 million. Each of the 50 States will receive a base amount of \$15 million, plus a percentage of the remaining funds based on a formula developed by the Office. The committee intends that this formula take into account risk factors such as population, presence of vital infrastructure, and proximity to international borders. States are also directed to take these risk factors into consideration when distributing funds to tribal governments, local governments, and local entities.

Provision of Funds to Local Governments and Local Entities

There is a need to provide funds to both State and local first responders in a coordinated, strategic, and prompt manner. To ensure a coordinated effort at the State level, the Act designates that all funds will be awarded to the Governors of the States, who may retain up to 25 percent of the funds they receive for State-level first responder needs. Eligible activities best addressed at the State level may include exercises, planning, emergency operations centers, and training facilities. To ensure that the majority of these funds go to the local first responders as soon as possible, States must coordinate with local governments and local entities, and directly provide them with at least 75 percent of the funds received by the State within 45 days.

Administrative Expenses

A State may use up to 10 percent of the funds it retains for administrative expenses associated with this program. FEMA may use no more than 5 percent of the funds available for this program, or \$75 million in fiscal year 2003 or \$50 million in fiscal years 2004–2006 (whichever is less), for administrative expenses.

Maintenance of Expenditures

Because these funds are to supplement and not supplant State and local resources, grant recipients must agree to maintain average annual expenditures in the areas for which assistance is provided.

Reports

The Director must submit an annual report on the use of the assistance. States must also agree to conduct, or participate in, an exercise approved by FEMA to measure the progress of the State in enhancing first responder capabilities no later than 3 years after the enactment of this Act.

Coordination

The grant program created by this legislation is separate and distinct from both the Assistance to Firefighters Grant Program implemented by FEMA's U.S. Fire Administration, and the Community Oriented Policing Services Program implemented by the U.S. Department of Justice. Those programs provide for the basic needs of first responders, while this new program will enhance the capabilities of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction. All three programs are important components of a coordinated effort to provide supplemental assistance to States and local communities.

Cost Sharing for Emergency Operating Centers

Because of the immediate need to improve State and local emergency operations centers, the Act waives the Stafford Act's 50/50 cash match requirement for construction and renovation of these facilities. Instead, the Federal share for emergency operations centers constructed or renovated with funds provided under this Act will be not less than 75 percent of eligible costs. This cost share is consistent with the other categories of assistance provided by S. 2664.

Sec. 6. Protection of Health and Safety of First Responders

SUMMARY

Section 6 amends subtitle B of title VI of the Stafford Act to add a section to protect the health and safety of first responders.

DISCUSSION

In 1978 President Carter established by executive order the Federal Emergency Management Agency (FEMA). The newly established agency assumed the duties that the Federal Disaster Administration had performed since 1973. Even after FEMA's creation, aspects of the Federal role in disaster response and recovery remained unclear. After years of debate during the mid-1980s and several legislative attempts, Congress reached a compromise and passed the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 104-707) in 1988. The Stafford Act, last amended in the 106th Congress (P.L. 106-390), has helped reshape the Federal government's role in responding to national disasters.

However, the Stafford Act does not specifically address the Federal government's role in monitoring the health and safety of indi-

viduals exposed to harmful substances as a result of a disaster. In the case of the World Trade Center, environmental monitoring conducted by the U.S. Environmental Protection Agency has shown elevated levels of asbestos, dioxin, PCBs, benzene, metals, and particulates in air, dust, and water samples taken in the area.

The heroic efforts of emergency response personnel in the days and weeks following the September 11, 2001, disaster have underscored the need for a program to monitor and to track the health and safety of rescue workers. For example, scores of emergency response personnel responding to the World Trade Center attacks subsequently developed severe respiratory ailments. These workers will need long-term monitoring. This section addresses this important issue by amending the Stafford Act to authorize the President to carry out a program for the protection, assessment, monitoring, and study of the health and safety of first responders in a major disaster area. The bill does not require FEMA to provide treatment first responders.

If the President determines that one or more harmful substances (substances that the President determines may be harmful to human health) are present in a disaster area, the President may carry out a program for the protection, assessment, monitoring, and study of the health and safety of first responders. The intent of the program is to protect the health and safety of first responders exposed or potentially exposed to harmful substances as a direct result of the disaster and to prevent the recurrence of similar health impacts in future disasters.

The program may include the collection and analysis of environmental exposure data, performance of baseline sampling, establishment of an exposure registry, and study of the long-term health impacts of exposure through epidemiological studies. The program also may include developing and disseminating educational materials. The committee intends that medical or academic institutions in the proximate area of the disaster, and with experience in environmental and occupational health and safety, conduct such studies when feasible and appropriate. Institutions developing and carrying out the program may consult with the National Institute of Environmental Health Sciences, the Agency for Toxic Substances and Disease Registry, the Occupational Safety and Health Administration, the Environmental Protection Agency, or other agencies with significant experience and expertise in the area of worker health and safety.

Participation in any study under this section is voluntary, and the President shall take appropriate measures to protect participant privacy. Not later than 1 year after a study's completion, the President, or the institution conducting the study, will present the findings to the Director, the Secretary of Health and Human Services, the Secretary of Labor, and the Administrator of the Environmental Protection Agency.

Sec. 7. Urban Search and Rescue Task Forces

SUMMARY

Section 7 amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) by adding a Sec-

tion 631 to authorize additional assistance for Urban Search and Rescue Task Forces.

DISCUSSION

The purpose of Section 7 is to provide the needed funds, equipment, and training to ensure that all urban search and rescue task forces have the full capability to respond to any disaster, including acts of terrorism involving a weapon of mass destruction. The Federal Emergency Management Agency (FEMA) established the National Urban Search and Rescue Response System in 1989 pursuant to requirement in the Earthquakes Hazards Reduction Act of 1977, which directed FEMA to provide adequate search and rescue capacity in the event of an earthquake. There currently are 28 task forces throughout the United States.

The terrorist attacks of September 11, 2001, demonstrated the need for fully equipped and trained task forces. The committee recognizes that the Federal Government has a responsibility to ensure that each task force is adequately trained and equipped to perform urban search and rescue functions in all environments, including the aftermath from acts of terrorism involving weapons of mass destruction.

The Federal Government also needs to ensure that each task force has adequate equipment to meet all operational needs and staff support, and the capability to put two full teams in the field to meet any disaster or act of terrorism. While these task forces were originally created for earthquake response, they have an expanding and vital role in responding to acts of terrorism, including those involving weapons of mass destruction. These task forces also have a role to play in sharing their expertise with other first responders.

This section authorizes mandatory grants of \$1,500,000 for the cost of operations for each FEMA-designated urban search and rescue task force. It also authorizes additional discretionary grants for operations, equipment, training, transportation, expansion, and incident support teams. The Act establishes a goal of providing each task force with the resources necessary to train and equip two teams that can deploy simultaneously. The Director of FEMA may not designate any additional task forces until all 28 current task forces have that capability.

Sec. 8. Authorization of Appropriations

SUMMARY

Section 8 authorizes \$3.5 billion for fiscal years 2003–2006 for carrying out the purposes of this Act.

DISCUSSION

This level of funding is consistent with the President's fiscal year 2003 budget request. The total amount is divided into funds for the First Responder Grant Program and for Urban Search and Rescue Task Forces. The higher amount of funding for urban search and rescue in fiscal year 2003 reflects the initial need to train and equip the task forces to respond to incidents of weapons of mass destruction and to enable them to deploy two teams simultaneously. The urban search and rescue funds authorized for fiscal

years 2004–2006 are for operations and maintenance costs. Funds appropriated for the task forces are available until expended.

LEGISLATIVE HISTORY

Senator James M. Jeffords and Senator Bob Smith introduced S. 2664 the “First Responder Terrorism Preparedness Act of 2002,” on June 20, 2002. The committee reported the bill favorably, with amendments, on June 27, 2002, by voice vote.

HEARINGS

Prior to the introduction of S. 2664 the Committee on Environment and Public Works held two hearings on emergency response issues. On October 16, 2001, the committee held a hearing on the Federal response to the September 11, 2001 attacks, receiving testimony from Hon. Joseph Allbaugh, Director, Federal Emergency Management Agency; Edward P. Plaughner, Chief, Arlington County Fire Department Arlington, VA; Jeffrey L. Metzinger, Chief, Sacramento Metropolitan Fire Department and Member, FEMA Urban Search and Rescue Team; and Robert Hessinger, Member, Ohio Task Force One.

On March 12, 2002, the committee held a hearing to consider the President’s budget request for first response to disasters, receiving testimony from Hon. Joe Allbaugh, Director, Federal Emergency Management Agency; Woodbury P. Fogg, P.E., on behalf of the National Emergency Management Association; Ed Wilson, Chief, City of Portland Fire Department, Portland, OR; Mike O’Neil, Chief, South Burlington Fire Department, Burlington, VT; and Kenneth E. Zirkle, President, The University of Findlay, Findlay, OH.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2664 on June 27, 2002. By voice vote, the committee agreed to three amendments offered by Senator Hillary Clinton.

The first amendment, as modified, offered by Senator Clinton establishes a program to protect the health and safety of first responders and was accepted as modified by second degree. The second amendment offered by Senator Clinton requires States to use criteria established by FEMA to disburse funds to local governments and local entities within 45 days and to coordinate with them concerning the use of this assistance. The third amendment offered by Senator Clinton provides that FEMA will coordinate with the Department of Justice in relation to the Community Oriented Policing Services program.

The committee then agreed to favorably report S. 2664, as amended, by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 2664 would impose no unfunded mandates on local, State, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 6, 2002.

Hon. JAMES M. JEFFORDS, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2664, the First Responder Terrorism Preparedness Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg, who can be reached at 226-2860

Sincerely,

DAN L. CRIPPEN.

 CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2664, First Responder Terrorism Preparedness Act of 2002, as ordered reported by the Senate Committee on Environment and Public Works on June 27, 2002

Summary

S. 2664 would authorize grants to States to help first responders prepare for terrorist incidents, authorize grants to urban search and rescue task forces, require the President to provide public education and conduct ongoing studies of harmful substances at disaster sites, and establish an Office of National Preparedness within the Federal Emergency Management Agency (FEMA).

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 2664 would cost about \$12.3 billion over the 2003-2007 period. S. 2664 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2664 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would authorize grants for State, local, and tribal governments to support their activities as first responders to terrorist attacks.

Estimated Cost to the Federal Government

The estimated budgetary impact of S. 2664 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

By Fiscal Year, in Millions of Dollars

	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	3,504	3,504	3,508	3,508	12
Estimated Outlays	1,577	2,454	2,981	3,333	1,935

Basis of Estimate

S. 2664 includes four major provisions: grants for first responders, grants for urban search and rescue task forces, a program to monitor harmful substances at disaster sites, and the establishment of an Office of National Preparedness.

For this estimate, CBO assumes S. 2664 will be enacted near the beginning of fiscal year 2003 and that the specified and estimated authorization levels for implementing the bill will be appropriated for each year. Estimates of outlays are based on information from FEMA, the Agency for Toxic Substances and Disease Registry (ATSDR), and historical spending patterns of similar programs.

Grants for First Responders

S. 2664 would authorize FEMA to provide grants to States to help first responders prepare for terrorist incidents. First responders include fire, emergency medical service, and law enforcement personnel. For those grants, the bill would authorize the appropriation of \$13.7 billion over the 2003–2006 period. CBO estimates that amount would be spent over the 2003–2008 period.

Grants for Urban Search and Rescue Task Forces

S. 2664 would authorize FEMA to provide grants to urban search and rescue task forces to cover their operating expenses. These task forces locate, rescue, and provide initial medical service to victims trapped in confined spaces. For those grants, the bill would authorize the appropriation of \$286 million over the 2003–2006 period, and CBO estimates that this total would be spent over the 2003–2008 period.

Response to Harmful Substances

S. 2664 would require the President to establish a new program to provide public education and conduct ongoing studies of substances harmful to human health that are present at disaster sites. Based on information from FEMA and ATSDR, CBO estimates that implementing the provisions in this bill would cost about \$30 million over the 2003–2007 period.

Under this bill, CBO assumes that FEMA would work cooperatively with ATSDR to conduct long-term epidemiological studies in certain disaster areas. According to the ATSDR, each long-term study conducted under this bill would cost \$3 million to \$5 million a year and could last from 5 to 15 years. CBO cannot predict the number of such studies that might be required in the future. For this estimate, we assume that one new study would be initiated every other year at an average cost of \$4 million per year.

Office of National Preparedness

S. 2664 would establish an office within FEMA to develop standards, write guidelines, and provide assistance to State, tribal, and local governments related to terrorist incidents. FEMA's existing Office of National Preparedness currently addresses terrorism, and CBO estimates that implementing this provision would not significantly affect the Federal budget.

Pay-As-You-Go Considerations: None.

Intergovernmental and Private-Sector Impact

S. 2664 contains no intergovernmental or private-sector mandates as defined in UMRA and would authorize grants for State, local, and tribal governments to support their activities as first responders to terrorist attacks.

Previous Estimate

On December 6, 2001, CBO transmitted a cost estimate for S. 1621, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area, as ordered reported by the Senate Committee on Environment and Public Works on November 8, 2001. That bill is very similar to the provisions in S. 2664 related to monitoring harmful substances at disaster sites, and the cost estimates for those provisions are the same.

Estimate Prepared By: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Lauren Marks.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

ADDITIONAL VIEWS OF SENATOR CLINTON

Since September 11, our entire world has changed: all Americans have been called on to become vigilant in their every day lives and although the terrorists responsible for the attacks targeted two cities, communities across the country, thousands of miles away from Ground Zero, now find themselves on the front lines in the war against terrorism here at home. Along with this new responsibility comes a heavy burden that these communities should not be forced to shoulder alone.

That is why I support S. 2664, the "First Responder Terrorism Act of 2002." I believe S. 2664 is a strong step in the right direction in getting additional financial support to our States, cities, towns, counties, and first responders—those who have the primary responsibility for protecting our communities across the America. The \$3.5 billion authorized under the bill for fiscal years 2003 through 2006 will help our communities and first responders secure the strongest homeland defense possible.

I am also pleased that during the Environment and Public Works Committee's consideration of S. 2664, Chairman James M. Jeffords and Ranking Member Bob Smith accepted three amendments I offered to the bill that were designed to address, in part, issues of first responder health and safety, the speed with which Federal assistance under S. 2664 is given to local communities, and coordination among first responder programs.

Recognizing that the health and safety of our first responders is paramount, the first of the three amendments accepted provides for outreach, education, protection, and monitoring of the health and safety of first responders exposed to harmful substances in the event of a disaster. As we have been learning from the experience of first responders at Ground Zero, exposure to asbestos, particle matter, and other airborne pollutants can cause short-term health effects and may lead to long-term injury. We have a moral obligation to track the health of first responders and provide them with information and assistance in receiving treatment so that they can maintain, or regain, their good health.

Although I believe that local communities should receive Federal assistance from the Federal Government directly, rather than as a pass through from the States, the second amendment that was accepted is designed to increase the speed and efficiency with which States will pass through the Federal assistance under S. 2664 to our cities, towns, counties, and first responders across the country. Specifically, this amendment requires States to allocate and pass through the Federal assistance to local communities within 45 days of the date the States receive the funds from the Federal Government. States must coordinate with local governments and local entities in doing so. The amendment also requires States to allocate the Federal assistance to local governments and local entities in accordance with criteria established by the Director of the Federal Emergency Management Agency (FEMA); the same criteria FEMA will use in allocating Federal assistance to the States.

The third amendment directs the FEMA Director to coordinate with the United States Attorney General regarding the COPS Program in implementing the provisions of S. 2664. This language is

consistent with language that was in the bill, as introduced, which requires the FEMA Director to coordinate with the Administrator of the U.S. Fire Administration on key programs like the Assistance to Firefighters program (also referred to as the FIRE Act grants). As we move forward with improving our homeland defense, coordination will be key and I believe this amendment will be helpful in that regard.

Although there are many good provisions in S. 2664, I nevertheless have four major concerns that I hope can still be addressed. First, I believe strongly that cities and counties should receive homeland security funding directly from the Federal Government and not as a pass through from the States.

Second, States and local communities should be permitted to use at least a portion of the homeland security assistance received for first responder personnel costs, including overtime. Third, we in Congress should support, not penalize, communities that took the initiative in the aftermath of September 11—and significantly improved the security in their communities—by enabling those communities to use a portion of Federal assistance authorized by this bill to pay for homeland-security costs that were incurred after September 11, but before enactment of this legislation.

Finally, the 25 percent matching requirement for States and local communities that seek Federal assistance will be too large for many communities that are financially distressed. The bill currently has no provision that would enable such communities, regardless of size, to seek a waiver of the matching requirement.

These concerns, discussed in greater detail below, are based upon dozens of conversations I have had with mayors, county executives, and first responders in New York and across the country, and upon the testimony of local government leaders and first responders who have appeared before the EPW Committee and other congressional committees.

Direct Funding to Local Communities

Although our States must play a critically important role in coordinating local, statewide, and regional homeland security efforts, effective homeland security requires that resources be sent directly to those communities on the front lines. Federal homeland security funds should be provided to local communities directly because, since September 11, our local communities have borne, and continue to bear, the most significant security burdens. They should therefore receive Federal assistance as quickly and efficiently as possible. See National League of Cities (NLC) Resolution 2002-01 (“[M]unicipalities have taken a direct role in national defense which was previously assumed to be a Federal responsibility.”).

When disaster strikes in any community, citizens usually don’t call the White House, the Congress, or even a Federal or State agency; instead they call 911 and the local first responders come to the rescue. Indeed, a guiding principle of the Gilmore Commission is that “[a]ll terrorist incidents are local or at least will start that way. Effective response and recovery can only be achieved with the recognition that local responders are the first line of defense” The Advisory Panel to Assess Domestic Response Ca-

pabilities for Terrorism Involving Weapons of Mass Destruction (the “Gilmore Commission”), December 2001.

That local communities would receive funding more quickly and efficiently by receiving Federal funding directly, particularly when the funding is by formula, rather than as a pass-through from the States, is irrefutable. That is why the U.S. Conference of Mayors, National League of Cities, National Association of Counties, and first responders across the country support direct funding to local communities. See, e.g., Cities United for Science Progress (CUSP), Partnership of U.S. Conference of Mayors and DuPont, Emergency Preparedness Survey (January 2002), at p. 11 (finding that vast majority of mayors believe that emergency preparedness funding for their respective cities would be hampered by having Federal funds go to the States instead of directly to cities); March 12, 2002 Testimony of Fire Chief Ed Wilson, city of Portland, Oregon before the Senate Committee on Environment and Public Works; March 12, 2002 Testimony of Michael E. O’Neil, Chief Engineer, South Burlington Fire Department, before the Senate Committee on Environment and Public Works (disagreeing with Bush Administration’s position that funding should go to the States and not directly to local governments). As Fire Chief Ed Wilson of Portland testified, the Community Development Block Grant Program is an “excellent model” for dispersing first responder funds because “[i]t would allow Federal funding to go directly to cities . . . This model . . . would avoid unnecessary delays in getting funding to local communities who need it now.”

With respect to S. 2664, the concern about the speed with which local communities receive funding from the States was addressed in part by the adoption of the amendment I offered that requires States to pass through funds to local communities within 45 days of the date the States receive funding from the Federal Government. Unfortunately, however, that amendment cannot resolve the more fundamental issue of how long it will take FEMA to allocate funds to the States, particularly since S. 2664 contains no formulas for allocating funds, but instead leaves it to FEMA to determine the allocation of funds to the States based on a broad set of criteria. Such a construct is unusual. See Eugene Boyd and Ben Canada, “Block Grants: An Overview,” Congressional Research Service, January 26, 2001 (“For most block grants, such as the Community Development Block Grant, Congress prescribes formulas in the authorizing legislation for distributing the funds. For a few grants, Congress gives authority for the method for distribution of funds to Federal executive agencies.”).

It is my sincere hope that as we further consider S. 2664 that at least a portion of the Federal assistance will be allocated directly, by formula, to local communities to ensure that these communities receive desperately needed funding as quickly and as efficiently as possible. I believe it critically important that our local communities receive Federal assistance quickly because when it comes to securing a strong homeland defense, time is of the essence.

First Responder Personnel Costs

Any legislation whose purpose is to support first responders should provide adequate flexibility to local communities to use block grant funds for first responder personnel costs. That is why I strongly believe that S. 2664 should contain language that permits States and local communities to use at least a portion of Federal assistance received to cover first responder personnel costs, including overtime. S. 2664 explicitly states, however, that the Federal assistance provided in the bill cannot be used for first responder compensation. (Federal assistance “shall not be used to provide compensation to first responders [including payment for overtime.]”).

Allowing at least a portion of funds to be used for first responder personnel costs is important because those costs, particularly overtime costs, are part and parcel of first responder training. Not only do more experienced first responders work overtime to train less experienced first responders, but local communities also incur overtime costs when they must use additional first responder personnel to protect residents while training takes place. See July 30, 2002 testimony of Chief Michael Maglione of the Bridgeport, Connecticut Fire Department and on behalf of the International Association of Fire Chiefs (IAFC) before the Subcommittee on National Security, Veterans Affairs, and International Relations of the House Committee on Government Reform.

Funding first responder personnel costs is also important because central to our homeland defense are the men and women who serve as our fire fighters, police officers, and emergency service personnel. Since September 11, we as a Nation have required more and more of our first responders in terms of training and preparedness and their jobs have become increasingly dangerous, even as they face local budget cuts, closings of police precincts and fire houses, and layoffs of their fellow first responders.

Although FEMA Director Joe M. Allbaugh testified before the EPW Committee during its March 12, 2002 hearing that he did not believe that paying first responder overtime expenses was a Federal Government responsibility, I can think of few Federal Government responsibilities that are more important than ensuring that our State and local communities have the first responder personnel that are vital to protecting our citizens. Presumably, that is why Homeland Security Director Ridge has indicated that he would be supportive of a provision that would permit local communities to use a percentage of their Federal assistance received for personnel costs, including overtime. I hope that within the Bush Administration, Director Ridge’s position will prevail and I ask my colleagues to support giving States and local communities greater flexibility in using Federal homeland security assistance, including using a portion of the funds received for first responder personnel costs.

Retroactivity

S. 2664 has been interpreted to prohibit States and local communities from using Federal funds to cover expenses that were incurred before enactment. Such a policy penalizes those communities that took the initiative after September 11 in purchasing equipment, conducting training, and the like to improve the secu-

ity in their communities. Accordingly, as we further consider S. 2664, I encourage my colleagues to support a provision that would permit States and local communities to use a portion of Federal assistance received to cover homeland security expenses incurred after January 1 of this year.

Matching Requirement

Given the current state of our economy and the tremendous additional homeland security burdens that cities, counties, and States have borne since September 11, significant local matches of Federal homeland security funding are burdens that many of our distressed communities should not have to bear. This is so because if a significant match is required, first responder funds “will only go to those agencies and governments that can fiscally afford the match and not necessarily where the need is the greatest.” March 12, 2002 Testimony of Woodbury P. Fogg, P.E. on behalf of the National Emergency Management Association before the Senate Committee on Environment and Public Works. See generally U. S. Government Accounting Office, “National Preparedness: Integration of Federal, State, Local, and Private Sector Efforts Is Critical to an Effective National Strategy for Homeland Security,” GAO-02-621T, April 10, 2002 Testimony before the House Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure, at p. 18 (noting distribution formula for homeland security block grants could be based on several considerations, including the State or local government’s capacity to respond to a disaster and that capacity depends on a number of factors, “the most important of which perhaps is the underlying strength of the State’s tax base and whether that base is expanding or is in decline”).

S. 2664 provides for a maximum State or local match of twenty-five percent of the Federal assistance received. Not only is this matching requirement too large, but the bill also contains no provision that would enable distressed communities, regardless of their size, to seek a waiver of the matching requirement. See generally “Protecting Our Nation: The American Fire Service Position Paper on the Department of Homeland Security,” p.3.

In short, under S. 2664, many communities that are most in need of Federal homeland security funding assistance may be least able to receive it. This can be rectified, however, by reducing the matching requirement to 10 percent and permitting distressed communities to seek a waiver of that requirement. These amendments to

S. 2664 should enable even the most distressed community to obtain Federal assistance to improve the level of security for that community and its citizens.

In conclusion, just as our Federal Government pays for defense overseas, it is our duty to fund our defense at home. Indeed, Article 4, Section 4 of our Constitution reads: “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion . . .” By providing our communities with the resources and tools they need to respond to the national call for heightened security, we will have a better-prepared home front and a stronger America.

I look forward to continuing to work with Chairman Jeffords, Ranking Member Smith, and other members of the Environment and Public Works Committee and Senate to address these issues so that we may have the strongest homeland defense possible.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

[The former Disaster Relief Act of 1974; 42 U.S.C. 5121-5205]

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 “Robert T. Stafford Disaster Relief and Emergency Assistance Act”.

* * * * *

DEFINITIONS

SEC. 102. As used in this Act—

(1) * * *

* * * * *

(2) MAJOR DISASTER.—“Major disaster” means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought *incident of terrorism*), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

* * * * *

SEC. 602. DEFINITIONS.

(a) DEFINITIONS.—For purposes of this title only:

(1) * * *

* * * * *

(11) WEAPON OF MASS DESTRUCTION.—*The term ‘weapon of mass destruction’ has the meaning given the term in section 2302 of title 50, United States Code.*

* * * * *

SEC. 614. REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS.

Notwithstanding any other provision of this title, funds appropriated to carry out this title (*other than section 630*) may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title (*other than section 630*) for such purpose.

* * * * *

SEC. 616. OFFICE OF NATIONAL PREPAREDNESS.

(a) *IN GENERAL.*—*There is established in the Federal Emergency Management Agency an office to be known as the ‘Office of National Preparedness’ (referred to in this section as the ‘Office’).*

(b) *APPOINTMENT OF ASSOCIATE DIRECTOR.*—

(1) *IN GENERAL.*—*The Office shall be headed by an Associate Director, who shall be appointed by the President, by and with the advice and consent of the Senate.*

(2) *COMPENSATION.*—*The Associate Director shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

(c) *DUTIES.*—*The Office shall—*

(1) *lead a coordinated and integrated overall effort to build viable terrorism preparedness and response capability at all levels of government;*

(2) *establish clearly defined standards and guidelines for Federal, State, tribal, and local government terrorism preparedness and response;*

(3) *establish and coordinate an integrated capability for Federal, State, tribal, and local governments and emergency responders to plan for and address potential consequences of terrorism;*

(4) *coordinate provision of Federal terrorism preparedness assistance to State, tribal, and local governments;*

(5) *establish standards for a national, interoperable emergency communications and warning system;*

(6) *establish standards for training of first responders (as defined in section 630(a)), and for equipment to be used by first responders, to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and*

(7) *carry out such other related activities as are approved by the Director.*

(d) *DESIGNATION OF REGIONAL CONTACTS.*—*The Associate Director shall designate an officer or employee of the Federal Emergency Management Agency in each of the 10 regions of the Agency to serve as the Office contact for the States in that region.*

(e) *USE OF EXISTING RESOURCES.*—*In carrying out this section, the Associate Director shall—*

(1) *to the maximum extent practicable, use existing resources, including planning documents, equipment lists, and program inventories; and*

(2) *consult with and use—*

- (A) existing Federal interagency boards and committees;
 (B) existing government agencies; and
 (C) nongovernmental organizations.

* * * * *

SEC. 626. AUTHORIZATION OF APPROPRIATIONS AND TRANSFERS OF FUNDS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.]

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title (other than sections 630 and 632).

(2) PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.—There are authorized to be appropriated to carry out section 630—

(A) \$3,340,000,000 for fiscal year 2003; and

(B) \$3,458,000,000 for each of fiscal years 2004 through 2006.

(3) URBAN SEARCH AND RESCUE TASK FORCES.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out section 632—

(i) \$160,000,000 for fiscal year 2003; and

(ii) \$42,000,000 for each of fiscal years 2004 through 2006.

(B) AVAILABILITY OF AMOUNTS.—Amounts made available under subparagraph (A) shall remain available until expended.

* * * * *

SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ‘Director’ means the Director of the Federal Emergency Management Agency, acting through the Office of National Preparedness established by section 616.

(2) FIRST RESPONDER.—The term ‘first responder’ means—

(A) fire, emergency medical service, and law enforcement personnel; and

(B) such other personnel as are identified by the Director.

(3) LOCAL ENTITY.—The term ‘local entity’ has the meaning given the term by regulation promulgated by the Director.

(4) PROGRAM.—The term ‘program’ means the program established under subsection (b).

(b) PROGRAM TO PROVIDE ASSISTANCE.—

(1) IN GENERAL.—The Director shall establish a program to provide assistance to States to enhance the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

(2) FEDERAL SHARE.—The Federal share of the costs eligible to be paid using assistance provided under the program shall be not less than 75 percent, as determined by the Director.

(3) *FORMS OF ASSISTANCE.*—Assistance provided under paragraph (1) may consist of—

(A) grants; and

(B) such other forms of assistance as the Director determines to be appropriate.

(c) *USES OF ASSISTANCE.*—Assistance provided under subsection (b)—

(1) shall be used—

(A) to purchase, to the maximum extent practicable, interoperable equipment that is necessary to respond to incidents of terrorism, including incidents involving weapons of mass destruction;

(B) to train first responders, consistent with guidelines and standards developed by the Director;

(C) in consultation with the Director, to develop, construct, or upgrade terrorism preparedness training facilities;

(D) to develop, construct, or upgrade emergency operating centers;

(E) to develop preparedness and response plans consistent with Federal, State, and local strategies, as determined by the Director;

(F) to provide systems and equipment to meet communication needs, such as emergency notification systems, interoperable equipment, and secure communication equipment;

(G) to conduct exercises; and

(H) to carry out such other related activities as are approved by the Director; and

(2) shall not be used to provide compensation to first responders (including payment for overtime).

(d) *ALLOCATION OF FUNDS.*—For each fiscal year, in providing assistance under subsection (b), the Director shall make available—

(1) to each of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, \$3,000,000; and

(2) to each State (other than a State specified in paragraph (1))—

(A) a base amount of \$15,000,000; and

(B) a percentage of the total remaining funds made available for the fiscal year based on criteria established by the Director, such as—

(i) population;

(ii) location of vital infrastructure, including—

(I) military installations;

(II) public buildings (as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612));

(III) nuclear power plants;

(IV) chemical plants; and

(V) national landmarks; and

(iii) proximity to international borders.

(e) *PROVISION OF FUNDS TO LOCAL GOVERNMENTS AND LOCAL ENTITIES.*—

(1) *IN GENERAL.*—For each fiscal year, not less than 75 percent of the assistance provided to each State under this section shall be provided to local governments and local entities within the State.

(2) *ALLOCATION OF FUNDS.*—Under paragraph (1), a State shall allocate assistance to local governments and local entities within the State in accordance with criteria established by the Director, such as the criteria specified in subsection (d)(2)(B).

(3) *DEADLINE FOR PROVISION OF FUNDS.*—Under paragraph (1), a State shall provide all assistance to local government and local entities not later than 45 days after the date on which the State receives the assistance.

(4) *COORDINATION.*—Each State shall coordinate with local governments and local entities concerning the use of assistance provided to local governments and local entities under paragraph (1).

(f) *ADMINISTRATIVE EXPENSES.*—

(1) *DIRECTOR.*—For each fiscal year, the Director may use to pay salaries and other administrative expenses incurred in administering the program not more than the lesser of—

(A) 5 percent of the funds made available to carry out this section for the fiscal year; or

(B)(i) for fiscal year 2003, \$75,000,000; and

(ii) for each of fiscal years 2004 through 2006, \$50,000,000.

(2) *RECIPIENTS OF ASSISTANCE.*—For each fiscal year, not more than 10 percent of the funds retained by a State after application of subsection (e) may be used to pay salaries and other administrative expenses incurred in administering the program.

(g) *MAINTENANCE OF EXPENDITURES.*—The Director may provide assistance to a State under this section only if the State agrees to maintain, and to ensure that each local government that receives funds from the State in accordance with subsection (e) maintains, for the fiscal year for which the assistance is provided, the aggregate expenditures by the State or the local government, respectively, for the uses described in subsection (c)(1) at a level that is at or above the average annual level of those expenditures by the State or local government, respectively, for the 2 fiscal years preceding the fiscal year for which the assistance is provided.

(h) *REPORTS.*—

(1) *ANNUAL REPORT TO THE DIRECTOR.*—As a condition of receipt of assistance under this section for a fiscal year, a State shall submit to the Director, not later than 60 days after the end of the fiscal year, a report on the use of the assistance in the fiscal year.

(2) *EXERCISE AND REPORT TO CONGRESS.*—As a condition of receipt of assistance under this section, not later than 3 years after the date of enactment of this section, a State shall—

(A) conduct an exercise, or participate in a regional exercise, approved by the Director, to measure the progress of the State in enhancing the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(B) submit a report on the results of the exercise to—

(i) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate; and

(ii) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(i) COORDINATION.—

(1) WITH FEDERAL AGENCIES.—The Director shall, as necessary, coordinate the provision of assistance under this section with activities carried out by—

(A) the Administrator of the United States Fire Administration in connection with the implementation by the Administrator of the assistance to firefighters grant program established under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) (as added by section 1701(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654, 1654A–360));

(B) the Attorney General, in connection with the implementation of the Community Oriented Policing Services (COPS) Program established under section 1701(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)); and

(C) other appropriate Federal agencies.

(2) WITH INDIAN TRIBES.—In providing and using assistance under this section, the Director and the States shall, as appropriate, coordinate with—

(A) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and other tribal organizations; and

(B) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) and other Alaska Native organizations.

SEC. 631. PROTECTION OF HEALTH AND SAFETY OF FIRST RESPONDERS.

(a) DEFINITIONS.—In this section:

(1) FIRST RESPONDER.—The term ‘first responder’ has the meaning given the term in section 630(a).

(2) HARMFUL SUBSTANCE.—The term ‘harmful substance’ means a substance that the President determines may be harmful to human health.

(3) PROGRAM.—The term ‘program’ means a program described in subsection (b)(1).

(b) PROGRAM.—

(1) IN GENERAL.—If the President determines that 1 or more harmful substances are being, or have been, released in an area that the President has declared to be a major disaster area under this Act, the President shall carry out a program with respect to the area for the protection, assessment, monitoring, and study of the health and safety of first responders.

(2) ACTIVITIES.—A program shall include—

(A) collection and analysis of environmental and exposure data;

(B) development and dissemination of educational materials;

(C) provision of information on releases of a harmful substance;

(D) identification of, performance of baseline health assessments on, taking biological samples from, and establishment of an exposure registry of first responders exposed to a harmful substance;

(E) study of the long-term health impacts of any exposures of first responders to a harmful substance through epidemiological studies; and

(F) provision of assistance to participants in registries and studies under subparagraphs (D) and (E) in determining eligibility for health coverage and identifying appropriate health services.

(3) PARTICIPATION IN REGISTRIES AND STUDIES.—

(A) IN GENERAL.—Participation in any registry or study under subparagraph (D) or (E) of paragraph (2) shall be voluntary.

(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

(4) COOPERATIVE AGREEMENTS.—The President may carry out a program through a cooperative agreement with a medical or academic institution, or a consortium of such institutions, that is—

(A) located in close proximity to the major disaster area with respect to which the program is carried out; and

(B) experienced in the area of environmental or occupational health and safety, including experience in—

(i) conducting long-term epidemiological studies;

(ii) conducting long-term mental health studies;

and

(iii) establishing and maintaining environmental exposure or disease registries.

(c) REPORTS AND RESPONSES TO STUDIES.—

(1) REPORTS.—Not later than 1 year after the date of completion of a study under subsection (b)(2)(E), the President, or the medical or academic institution or consortium of such institutions that entered into the cooperative agreement under subsection (b)(4), shall submit to the Director, the Secretary of Health and Human Services, the Secretary of Labor, and the Administrator of the Environmental Protection Agency a report on the study.

(2) CHANGES IN PROCEDURES.—To protect the health and safety of first responders, the President shall make such changes in procedures as the President determines to be necessary based on the findings of a report submitted under paragraph (1).

SEC. 632. URBAN SEARCH AND RESCUE TASK FORCES.

(a) DEFINITIONS.—In this section:

(1) URBAN SEARCH AND RESCUE EQUIPMENT.—The term ‘urban search and rescue equipment’ means any equipment that

the Director determines to be necessary to respond to a major disaster or emergency declared by the President under this Act.

(2) **URBAN SEARCH AND RESCUE TASK FORCE.**—*The term ‘urban search and rescue task force’ means any of the 28 urban search and rescue task forces designated by the Director as of the date of enactment of this section.*

(b) **ASSISTANCE.**—

(1) **MANDATORY GRANTS FOR COSTS OF OPERATIONS.**—*For each fiscal year, of the amounts made available to carry out this section, the Director shall provide to each urban search and rescue task force a grant of not less than \$1,500,000 to pay the costs of operations of the urban search and rescue task force (including costs of basic urban search and rescue equipment).*

(2) **DISCRETIONARY GRANTS.**—*The Director may provide to any urban search and rescue task force a grant, in such amount as the Director determines to be appropriate, to pay the costs of—*

(A) *operations in excess of the funds provided under paragraph (1);*

(B) *urban search and rescue equipment;*

(C) *equipment necessary for an urban search and rescue task force to operate in an environment contaminated or otherwise affected by a weapon of mass destruction;*

(D) *training, including training for operating in an environment described in subparagraph (C);*

(E) *transportation;*

(F) *expansion of the urban search and rescue task force; and*

(G) *incident support teams, including costs of conducting appropriate evaluations of the readiness of the urban search and rescue task force.*

(3) **PRIORITY FOR FUNDING.**—*The Director shall distribute funding under this subsection so as to ensure that each urban search and rescue task force has the capacity to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.*

(c) **GRANT REQUIREMENTS.**—*The Director shall establish such requirements as are necessary to provide grants under this section.*

(d) **ESTABLISHMENT OF ADDITIONAL URBAN SEARCH AND RESCUE TASK FORCES.**—

(1) **IN GENERAL.**—*Subject to paragraph (2), the Director may establish urban search and rescue task forces in addition to the 28 urban search and rescue task forces in existence on the date of enactment of this section.*

(2) **REQUIREMENT OF FULL FUNDING OF EXISTING URBAN SEARCH AND RESCUE TASK FORCES.**—*Except in the case of an urban search and rescue task force designated to replace any urban search and rescue task force that withdraws or is otherwise no longer considered to be an urban search and rescue task force designated by the Director, no additional urban search and rescue task forces may be designated or funded until the 28 urban search and rescue task forces are able to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.*

the Director determines to be necessary to respond to a major disaster or emergency declared by the President under this Act.

(2) *URBAN SEARCH AND RESCUE TASK FORCE.—The term ‘urban search and rescue task force’ means any of the 28 urban search and rescue task forces designated by the Director as of the date of enactment of this section.*

(b) *ASSISTANCE.—*

(1) *MANDATORY GRANTS FOR COSTS OF OPERATIONS.—For each fiscal year, of the amounts made available to carry out this section, the Director shall provide to each urban search and rescue task force a grant of not less than \$1,500,000 to pay the costs of operations of the urban search and rescue task force (including costs of basic urban search and rescue equipment).*

(2) *DISCRETIONARY GRANTS.—The Director may provide to any urban search and rescue task force a grant, in such amount as the Director determines to be appropriate, to pay the costs of—*

(A) *operations in excess of the funds provided under paragraph (1);*

(B) *urban search and rescue equipment;*

(C) *equipment necessary for an urban search and rescue task force to operate in an environment contaminated or otherwise affected by a weapon of mass destruction;*

(D) *training, including training for operating in an environment described in subparagraph (C);*

(E) *transportation;*

(F) *expansion of the urban search and rescue task force; and*

(G) *incident support teams, including costs of conducting appropriate evaluations of the readiness of the urban search and rescue task force.*

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(1) *IN GENERAL.—Subject to paragraph (2), the Director may establish urban search and rescue task forces in addition to the 28 urban search and rescue task forces in existence on the date of enactment of this section.*

(2) *REQUIREMENT OF FULL FUNDING OF EXISTING URBAN SEARCH AND RESCUE TASK FORCES.—Except in the case of an urban search and rescue task force designated to replace any urban search and rescue task force that withdraws or is otherwise no longer considered to be an urban search and rescue task force designated by the Director, no additional urban search and rescue task forces may be designated or funded until the 28 urban search and rescue task forces are able to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.*