

FIRST RESPONDER ANTI-TERRORISM TRAINING
RESOURCES ACT

DECEMBER 15, 2009.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 3978]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 3978 is to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism.

BACKGROUND AND NEED FOR LEGISLATION

The Federal Emergency Management Agency's (FEMA) Center for Domestic Preparedness (CDP), located in Anniston, Alabama, began its operations in 1998 and offers unique hands-on training to America's emergency responders on chemical, biological, radiological, nuclear, and explosive weapons. CDP is the Nation's leading all-hazards training center and the only federally-chartered weapons of mass destruction training center. Training at the CDP for State and local emergency responders is fully funded by the Department of Homeland Security. Thousands of responders from all fifty States, the District of Columbia, and all U.S. territories, have trained at the CDP. In addition, CDP provides training to Federal government employees, foreign officials, and private entities.

CDP often receives offers of donations from official sources (as do other Department of Homeland Security (DHS) training centers), particularly training displays such as railroad cars, trailers, and emergency response equipment, as well as offers of services such as guest lecturers. Authority for gift acceptance is granted under the Stafford Act (see 42 U.S.C. § 5197(d)). This authority only applies to gifts for preparedness purposes in accordance with the provisions of the Stafford Act. Since activities of the CDP are not conducted under the Stafford Act, this gift provision does not apply, and the CDP therefore lacks legal authority to accept gifts that would enhance its ability to deliver training. H.R. 3978 is necessary to close this statutory gap, by authorizing CDP to accept certain gifts for certain purposes.

Other DHS training centers not covered by the Stafford Act, such as the Federal Law Enforcement Training Center (FLETC), have statutory authority to accept gifts (see 6 U.S.C. § 464(a)). Consistent with the authority provided to FLETC in 2004, H.R. 3978 would authorize the Secretary to accept donations for activities of the CDP that will help bolster first responder terrorism preparedness and response training.

HEARINGS

No Committee hearings were held on H.R. 3978. However, during the 109th Congress, the Subcommittee on Management, Investigations, and Oversight conducted a related field hearing on July 22, 2008, in McClellan, Alabama entitled "Examining the Training of First Responders in Rural Communities." The Subcommittee received testimony from Hon. Dennis Schrader, Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security; Mr. Jim Walker, Director, Alabama Department of Homeland Security; Dr. William Meehan, President, Jacksonville State University; Mr. John Pearce, Associate Director, Auburn University Canine Detection Training

Center; and Mr. Matthew C. Knight, Vice President, Alabama Association of Rescue Squads.

COMMITTEE CONSIDERATION

The Subcommittee on Emergency Communications, Preparedness, and Response considered H.R. 3978 on November 3, 2009, and forwarded the measure to the Full Committee for consideration with a favorable recommendation, by voice vote.

The Committee on Homeland Security met on November 17, 2009, to consider H.R. 3978, and ordered the measure to be reported to the House with a favorable recommendation by voice vote. The Committee took the following actions:

The Committee adopted the measure, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 3978.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3978, the First Responder Anti-Terrorism Training Resources Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

NOVEMBER 19, 2009.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3978, the First Responder Anti-Terrorism Training Resources Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3978—First Responder Anti-Terrorism Training Resources Act

CBO estimates that implementing H.R. 3978 would have no significant cost over the next five years. Enacting this legislation would not affect direct spending or revenues.

The bill would allow the Department of Homeland Security (DHS) to accept non-monetary gifts, including real and personal property and services, for certain authorized activities of the Center for Domestic Preparedness that it would not otherwise be able to accept under current law. DHS would be required to report to Congress each year on the gifts received as a result of this bill. Because such gifts would be non-monetary and would, in most cases, not amount to a significant value, CBO estimates that implementing H.R. 3978 would not significantly affect the federal budget.

H.R. 3978 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3978 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

H.R. 3978 requires the Secretary of Homeland Security to submit an annual report to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs on gifts accepted under this bill.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This Act may be cited as the “First Responder Anti-Terrorism Training Resources Act”.

Section 2. Acceptance of gifts for first responder terrorism preparedness and response training

This section amends Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 to allow the Secretary of Homeland Security to accept and use gifts of property and services, including guest lecturers, for activities of the Center for Domestic Preparedness (CDP) that are related to preparedness for and response to terrorism.

The Committee views the authority to accept and use donated goods for activities of the CDP as important to first responder preparedness and response training. Currently, the CDP lacks the authority to accept donations of goods, such as training displays, and services, such as guest lecturers. Other DHS training centers, such as the Federal Law Enforcement Training Center, already benefit from this authority (see 6 U.S.C. § 464(a)).

The Secretary is required to report annually to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs on the donations that are accepted under this Act; how those donations contribute to the mission of the Center for Domestic Preparedness; and the amount of Federal savings generated by their acceptance.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 1204 OF THE IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

SEC. 1204. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

(a) * * *

* * * * *

(f) *ACCEPTANCE OF GIFTS.—*

(1) AUTHORITY.—Notwithstanding section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Secretary may accept and use gifts of property, both real and personal, and may accept gifts of services, including from guest lecturers, for otherwise authorized activities of the Center for Domestic Pre-

paredness that are related to preparedness for and response to terrorism.

(2) REPORT.—The Secretary shall report annually to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

(A) any gifts that were accepted under this subsection in the preceding year;

(B) how such gifts contribute to the mission of the Center for Domestic Preparedness; and

(C) the amount of Federal savings that were generated from the acceptance of such gifts.

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