

106TH CONGRESS
2D SESSION

H. R. 4210

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2000

Mrs. FOWLER (for herself, Mr. TRAFICANT, Mr. TERRY, Mr. BATEMAN, Mr. ISAKSON, Mr. SHAYS, Mr. CHAMBLISS, Mr. SPENCE, Mr. WATTS of Oklahoma, and Mr. MCCOLLUM) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Preparedness Against Terrorism Act of 2000”.

6 (b) REFERENCES.—Except as otherwise specifically
7 provided, whenever in this Act an amendment or repeal

1 is expressed in terms of an amendment to, or repeal of,
2 a section or other provision of law, the reference shall be
3 considered to be made to a section or other provision of
4 the Robert T. Stafford Disaster Relief and Emergency As-
5 sistance Act (42 U.S.C. 5121 et seq.).

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the President should strengthen Federal
9 interagency emergency planning by the Federal
10 Emergency Management Agency and other appro-
11 priate Federal, State, and local agencies for develop-
12 ment of a capability for early detection and warning
13 of and response to potential domestic terrorist at-
14 tacks involving weapons of mass destruction or
15 cybertechnology; and

16 (2) Federal efforts to assist State and local
17 emergency preparedness and response personnel in
18 preparation for domestic terrorist attacks should be
19 coordinated so as to eliminate duplicative Federal
20 programs.

21 (b) PURPOSES.—The purposes of this Act include—

22 (1) coordinating and making more effective
23 Federal efforts to assist State and local emergency
24 preparedness and response personnel in preparation
25 for domestic terrorist attacks;

1 (2) designating a lead entity to coordinate such
2 Federal efforts; and

3 (3) updating Federal authorities to reflect the
4 increased risk of terrorist attacks.

5 **SEC. 3. DEFINITION OF MAJOR DISASTER.**

6 Section 102(2) (42 U.S.C. 5122(2)) is amended by
7 striking “, or explosion” and inserting “, explosion, act
8 of terrorism, or other catastrophic event”.

9 **SEC. 4. ADMINISTRATION OF EMERGENCY PREPAREDNESS**

10 **PROGRAMS BY THE PRESIDENT.**

11 Title VI (42 U.S.C. 5195 et seq.) is amended—

12 (1) by striking “Director” each place it appears
13 (other than in sections 602(a)(7) and 603) and in-
14 serting “President”;

15 (2) in section 603 by striking “Director of the
16 Federal Emergency Management Agency” and in-
17 serting “President”;

18 (3) in section 611(c)—

19 (A) by striking “With the approval of the
20 President, the” and inserting “The”; and

21 (B) by striking “responsibilities and re-
22 view” and inserting “responsibilities. The Presi-
23 dent shall review”;

24 (4) in section 621(g) by striking the second
25 sentence;

1 (5) in section 623—

2 (A) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs
3 (1) and (2), respectively; and

4 (B) in paragraph (2) (as so redesignated)
5 by striking “unless” and all that follows
6 through “approval of the President,” and inserting “unless the President”; and

7 (6) in section 624 by striking “to the President
8 and Congress” and inserting “to Congress”.

9
10 **SEC. 5. DEFINITIONS.**

11 (a) HAZARD.—Section 602(a)(1)(B) (42 U.S.C.
12 5195a(a)(1)(B)) is amended by striking the period at the
13 end and inserting “, including a domestic terrorist attack
14 involving a weapon of mass destruction or
15 cybertechnology.”.

16 (b) EMERGENCY PREPAREDNESS.—Section
17 602(a)(3)(A) (42 U.S.C. 5195a(a)(3)(A)) is amended by
18 inserting “the predeployment of these and other essential
19 resources (including personnel),” before “the provision of
20 suitable warning systems,”.

21 (c) DIRECTOR.—Section 602(a) (42 U.S.C.
22 5195a(a)) is amended by striking paragraph (7) and re-
23 designating paragraphs (8), (9), and (10) as paragraphs
24 (7), (8), and (9), respectively.

1 (d) WEAPON OF MASS DESTRUCTION.—Section 602
2 (42 U.S.C. 5195a) is amended by adding at the end the
3 following:

4 “(10) WEAPON OF MASS DESTRUCTION.—The
5 term ‘weapon of mass destruction’ means any weap-
6 on or device that is intended, or has the capability,
7 to cause death or serious bodily injury to a signifi-
8 cant number of people through the release, dissemi-
9 nation, or impact of—

10 “(A) toxic or poisonous chemicals or their
11 precursors;

12 “(B) a disease organism; or

13 “(C) radiation or radioactivity.”.

14 **SEC. 6. DETAILED FUNCTIONS OF ADMINISTRATION.**

15 (a) FEDERAL EMERGENCY RESPONSE PLANS AND
16 PROGRAMS.—Section 611(b) (42 U.S.C. 5196(b)) is
17 amended—

18 (1) by striking “may prepare” and inserting
19 “shall prepare”; and

20 (2) by adding at the end the following: “In ac-
21 cordance with section 313, the Director shall ensure
22 that Federal response plans and programs are ade-
23 quate to respond to the consequences of terrorism
24 directed against a target in the United States, in-

1 including terrorism involving weapons of mass destruc-
2 tion and terrorism involving cybertechnology.”.

3 (b) EMERGENCY PREPAREDNESS MEASURES.—Sec-
4 tion 611(e) (42 U.S.C. 5196(e)) is amended—

5 (1) in paragraph (1) by inserting “preventing
6 and” before “treating”;

7 (2) in paragraph (2) by striking “developing
8 shelter designs” and inserting “development of shel-
9 ter designs, equipment, clothing,”; and

10 (3) in paragraph (3) by striking “developing”
11 and all that follows through “thereof” and inserting
12 “development and standardization of equipment and
13 facilities”.

14 (c) TRAINING AND EXERCISE PROGRAMS.—Section
15 611(f) (42 U.S.C. 5196(f)) is amended—

16 (1) in the subsection heading by inserting “AND
17 EXERCISE” after “TRAINING”; and

18 (2) in paragraph (1)—

19 (A) in the matter preceding subparagraph
20 (A) by striking “may” and inserting “shall”;

21 (B) in subparagraph (A) by inserting “and
22 exercise” after “training”;

23 (C) in subparagraph (B) by striking “and”
24 at the end;

1 (D) in subparagraph (C) by striking the
2 period at the end and inserting “; and”; and

3 (E) by adding at the end the following:

4 “(D) establish priorities among training and ex-
5 ercise programs based on an assessment of the exist-
6 ing threats, capabilities, and objectives.”.

7 **SEC. 7. REPEALS.**

8 (a) **USE OF FUNDS TO PREPARE FOR AND RESPOND**
9 **TO HAZARDS.**—Section 615 (42 U.S.C. 5196d) is re-
10 pealed.

11 (b) **SECURITY REGULATIONS.**—Section 622 (42
12 U.S.C. 5197a) is repealed.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 Title VI (42 U.S.C. 5195 et seq.) is amended by add-
15 ing at the end the following:

16 **“SEC. 629. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) **IN GENERAL.**—There is authorized to be appro-
18 priated for each of fiscal years 2001 through 2003 such
19 sums as may be necessary to carry out this title.

20 “(b) **PRIORITIES.**—Amounts appropriated pursuant
21 to this section shall be used in a manner consistent with
22 priorities established under section 611(f)(1).”.

23 **SEC. 9. OFFICE OF TERRORISM PREPAREDNESS.**

24 (a) **IN GENERAL.**—Title VI of the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5195 et seq.) is amended by adding at the end the fol-
2 lowing:

3 **“Subtitle C—Office of Terrorism**
4 **Preparedness**

5 **“SEC. 651. ESTABLISHMENT OF OFFICE.**

6 “(a) IN GENERAL.—There is established in the Exec-
7 utive Office of the President an Office of Terrorism Pre-
8 paredness (in this subtitle referred to as the ‘Office’).

9 “(b) APPOINTMENT OF DIRECTOR.—The head of the
10 Office shall be the Director of the Office of Terrorism Pre-
11 paredness (in this subtitle referred to as the ‘Director’),
12 who shall be appointed by the President, by and with the
13 advice and consent of the Senate. In making the appoint-
14 ment, the President shall consult with the Director of the
15 Federal Emergency Management Agency, the Attorney
16 General of the United States, and the Secretary of De-
17 fense.

18 **“SEC. 652. DUTIES OF DIRECTOR.**

19 “The Director shall—

20 “(1) establish the policies, objectives, and prior-
21 ities of the Federal Government for enhancing the
22 capabilities of State and local emergency prepared-
23 ness and response personnel in early detection and
24 warning of and response to domestic terrorist at-

1 tacks, including attacks involving weapons of mass
2 destruction or cybertechnology;

3 “(2) publish a Domestic Terrorism Prepared-
4 ness Plan and an annual strategy for carrying out
5 the plan in accordance with section 653;

6 “(3) biannually review the terrorist attack pre-
7 paredness programs of State and local governmental
8 entities and provide recommendations to such enti-
9 ties based on such reviews;

10 “(4) establish voluntary minimum standards for
11 the terrorist attack preparedness programs of State
12 and local governmental entities in accordance with
13 section 656;

14 “(5) consult with, and serve as a contact for,
15 State and local governmental entities implementing
16 terrorist attack preparedness programs;

17 “(6) coordinate and oversee the implementation
18 by Federal departments and agencies of the policies,
19 objectives, and priorities established under para-
20 graph (1) and the fulfillment of the responsibilities
21 of such departments and agencies under the Domes-
22 tic Terrorism Preparedness Plan;

23 “(7) make recommendations to the President
24 and to the National Security Council regarding—

1 “(A) changes in the organization, manage-
2 ment, and budgets of Federal departments and
3 agencies; and

4 “(B) the allocation of personnel to and
5 within such departments and agencies;

6 to implement the policies, priorities, and objectives
7 established under paragraph (1) and the Domestic
8 Terrorism Preparedness Plan; and

9 “(8) notify a Federal department or agency in
10 writing if the Director finds that its policies are not
11 in compliance with its responsibilities under the Do-
12 mestic Terrorism Preparedness Plan and transmit a
13 copy of such notification to the President.

14 **“SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN**
15 **AND ANNUAL STRATEGY**

16 “(a) DEVELOPMENT OF PLAN.—Not later than 180
17 days after the date of appointment of the Director, the
18 Director shall develop a Domestic Terrorism Preparedness
19 Plan and transmit a copy of the plan to the President and
20 Congress. The Director, as necessary, may extend the
21 deadline established by this subsection, except that any
22 such extension may not exceed 90 days.

23 “(b) CONTENTS.—The Domestic Terrorism Pre-
24 paredness Plan shall include—

1 “(1) a statement of the policies, objectives, and
2 priorities established by the Director under section
3 652(1);

4 “(2) a plan for implementing such policies, ob-
5 jectives, and priorities, including measurable objec-
6 tives to be achieved in each of the following 5 years
7 for enhancing domestic preparedness against a ter-
8 rorist attack; and

9 “(3) a description of the specific role of each
10 Federal department and agency, and the roles of
11 State and local governmental entities, under the plan
12 developed under paragraph (2).

13 “(c) ANNUAL STRATEGY.—

14 “(1) IN GENERAL.—The Director shall develop
15 and transmit to the President and Congress, on the
16 date of transmittal of the Domestic Terrorism Pre-
17 paredness Plan and on February 1st of each of the
18 succeeding 4 fiscal years beginning after such date
19 of transmittal, an annual strategy for carrying out
20 the Domestic Terrorism Preparedness Plan in the
21 fiscal year following the fiscal year in which the
22 strategy is submitted.

23 “(2) CONTENTS.—The annual strategy for a
24 fiscal year shall include—

1 “(A) a description of Federal training and
2 exercise programs, grant programs, and other
3 activities conducted in the fiscal year preceding
4 the fiscal year for which the strategy has been
5 developed related to domestic preparedness
6 against a terrorist attack and recommendations
7 concerning whether any of such programs may
8 be duplicative;

9 “(B) a description of Federal training and
10 exercise programs, grant programs, and other
11 activities to be conducted in the fiscal year for
12 which the strategy has been developed under
13 the Domestic Terrorism Preparedness Plan and
14 measurable objectives to be achieved in such fis-
15 cal year for enhancing domestic preparedness
16 against a terrorist attack; and

17 “(C) a complete assessment of how the
18 budget proposal transmitted for the fiscal year
19 under section 654(a) is intended to implement
20 the strategy and whether the funding levels con-
21 tained in such proposal are sufficient to imple-
22 ment such strategy.

23 “(d) CONSULTATION.—

24 “(1) IN GENERAL.—In developing the Domestic
25 Terrorism Preparedness Plan and each annual strat-

1 egy for carrying out the plan, the Director shall con-
2 sult with—

3 “(A) the head of each Federal department
4 and agency that will have responsibilities under
5 the Domestic Terrorism Preparedness Plan or
6 annual strategy;

7 “(B) Congress; and

8 “(C) State and local officials.

9 “(2) REPORTS.—At the time the Director sub-
10 mits the Domestic Terrorism Preparedness Plan or
11 an annual strategy to the President and Congress,
12 the Director shall transmit a report to the President
13 and Congress indicating the persons consulted under
14 this subsection.

15 “(e) TRANSMISSION OF CLASSIFIED INFORMA-
16 TION.—Any part of the Domestic Terrorism Preparedness
17 Plan under subsection (a) or an annual strategy under
18 subsection (c) that involves information properly classified
19 under criteria established by an Executive order shall be
20 presented to Congress separately.

21 **“SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.**

22 “(a) DEVELOPMENT AND TRANSMISSION OF BUDG-
23 ET.—The Director shall develop for each fiscal year, with
24 the advice of the program managers of departments and
25 agencies with responsibilities under the Domestic Ter-

1 rorism Preparedness Plan and appropriate State and local
2 governmental entities, a consolidated budget proposal to
3 implement the Domestic Terrorism Preparedness Plan,
4 and shall transmit a copy of the budget proposal to the
5 President and Congress.

6 “(b) BUDGET SUBMISSIONS BY DEPARTMENTS AND
7 AGENCIES.—Each Federal Government program man-
8 ager, agency head, and department head with responsibil-
9 ities under the Domestic Terrorism Preparedness Plan
10 shall transmit the budget request of the program, agency,
11 or department relating to such responsibilities to the Di-
12 rector at the same time as such request is submitted to
13 their superiors (and before submission to the Office of
14 Management and Budget) in the preparation of the budget
15 of the President submitted to Congress under section
16 1105(a) of title 31, United States Code.

17 “(c) REVIEW OF BUDGET SUBMISSIONS.—The Direc-
18 tor shall—

19 “(1) review each budget request transmitted to
20 the Director under subsection (b);

21 “(2) certify in writing as to the adequacy of
22 such request to implement the objectives of the Do-
23 mestic Terrorism Preparedness Plan for the fiscal
24 year for which the request is submitted; and

1 “(3) notify the program manager, agency head,
2 or department head, as applicable, regarding the Di-
3 rector’s certification under paragraph (2).

4 “(d) REPROGRAMMING AND TRANSFER REQUESTS.—

5 “(1) IN GENERAL.—No Federal department or
6 agency shall submit to Congress a reprogramming or
7 transfer request that is included in the consolidated
8 budget proposal developed under subsection (a) un-
9 less such request has been approved by the Director.

10 “(2) APPEALS.—The Secretary of a department
11 or the head of an agency may appeal to the Presi-
12 dent any disapproval by the Director of a re-
13 programming or transfer request.

14 “(3) QUARTERLY REPORTS.—The Director
15 shall report to Congress on a quarterly basis regard-
16 ing the need for any reprogramming or transfer of
17 appropriated funds for activities under the Domestic
18 Terrorism Preparedness Plan.

19 “(e) RECORDS.—The Director shall maintain records
20 regarding certifications under subsection (c)(2).

21 “(f) NOTICE TO OMB OF INADEQUATE REQUESTS.—
22 If the Director determines under subsection (c)(2) that a
23 budget request is not adequate to implement the objectives
24 of the Domestic Terrorism Preparedness Plan for the fis-
25 cal year for which the request is submitted, the Director

1 shall transmit a written statement of such determination
2 to the Director of the Office of Management and Budget.

3 “(g) **TIMELY DEVELOPMENT AND SUBMISSION OF**
4 **BUDGET REQUESTS.**—The head of each Federal depart-
5 ment and agency with responsibilities under the Domestic
6 Terrorism Preparedness Plan shall ensure timely develop-
7 ment and transmittal of budget requests pursuant to sub-
8 section (b) in such format as may be designated by the
9 Director with the concurrence of the Director of the Office
10 of Management and Budget.

11 **“SEC. 655. CERTIFICATION OF FEDERAL TRAINING AND EX-**
12 **ERCISE PROGRAMS.**

13 “(a) **CERTIFICATION OF PROGRAMS.**—Not later than
14 270 days after the date of appointment of the Director,
15 the Director shall conduct a review of each training and
16 exercise program being conducted by a Federal depart-
17 ment or agency to enhance the capabilities of State and
18 local emergency preparedness and response personnel with
19 respect to terrorist attacks. Upon completing the review,
20 the Director shall either certify or deny certification for
21 the program based on criteria to be developed by the Di-
22 rector. The Director, as necessary, may extend the dead-
23 line established by this subsection with respect to a train-
24 ing or exercise program, except that any such extension
25 may not exceed 180 days.

1 “(b) RECERTIFICATION OF PROGRAMS.—A training
2 or exercise program that is certified by the Director under
3 subsection (a) shall be reviewed by the Director on or be-
4 fore June 15th of the third fiscal year beginning after the
5 date of certification and on or before June 15th of every
6 third fiscal year thereafter. Upon completing each review,
7 the Director shall either recertify or deny recertification
8 for the program based on criteria to be developed by the
9 Director.

10 “(c) EFFECT OF DENIALS.—The Director may not
11 certify a budget request transmitted for a fiscal year
12 under section 654 with respect to any training or exercise
13 program for which the Director has denied certification
14 or recertification for a period including such fiscal year
15 under this section.

16 “(d) DEVELOPMENT OF CERTIFICATION CRITERIA.—
17 In developing criteria for certifications and recertifications
18 under this section, the Director shall seek to eliminate du-
19 plicative Federal programs and to further Federal efforts
20 toward implementation of the policies, objectives, and pri-
21 orities of the Domestic Terrorism Preparedness Plan.

22 “(e) ESTABLISHMENT OF NEW PROGRAMS AND OF-
23 FICES.—Before a Federal department or agency may es-
24 tablish a new program or office to enhance the capabilities
25 of State and local emergency preparedness and response

1 personnel with respect to terrorist attacks, the head of the
2 department or agency shall consult with the Director to
3 determine whether the new program or office is consistent
4 with the Domestic Terrorism Preparedness Plan.

5 **“SEC. 656. VOLUNTARY MINIMUM STANDARDS FOR STATE**
6 **AND LOCAL PROGRAMS.**

7 “The Director shall establish voluntary minimum
8 standards for the terrorist attack preparedness programs
9 of State and local governmental entities for the purpose
10 of providing guidance in the development and implementa-
11 tion of such programs. The standards shall include stand-
12 ards for equipment, exercises, and training.

13 **“SEC. 657. GRANTS TO STATE AND LOCAL ENTITIES.**

14 “The Director may make grants to a State or local
15 governmental entity to offset the costs of participation by
16 the entity in any training or exercise program that has
17 been certified by the Director under section 655.

18 **“SEC. 658. POWERS OF DIRECTOR.**

19 “In carrying out this subtitle, the Director may—

20 “(1) select, appoint, employ, and fix compensa-
21 tion of such officers and employees as may be nec-
22 essary to carry out the functions of the Office under
23 this subtitle;

24 “(2) direct, with the concurrence of the Sec-
25 retary of a department or head of an agency, the

1 temporary reassignment within the Federal Govern-
2 ment of personnel employed by such department or
3 agency;

4 “(3) use for administrative purposes, on a reim-
5 bursable basis, the available services, equipment,
6 personnel, and facilities of Federal, State, and local
7 agencies;

8 “(4) procure the services of experts and con-
9 sultants in accordance with section 3109 of title 5,
10 United States Code, relating to appointments in the
11 Federal Service, at rates of compensation for indi-
12 viduals not to exceed the daily equivalent of the rate
13 of pay payable for GS-18 of the General Schedule
14 under section 5332 of title 5, United States Code;

15 “(5) accept and use donations of property from
16 Federal, State, and local government agencies;

17 “(6) use the mails in the same manner as any
18 other department or agency of the executive branch;
19 and

20 “(7) monitor the implementation of the Domes-
21 tic Terrorism Preparedness Plan, including—

22 “(A) conducting program and performance
23 audits and evaluations; and

1 “(B) requesting assistance from the In-
2 specter General of the relevant agency in such
3 audits and evaluations.

4 **“SEC. 659. ROLE OF DIRECTOR IN NATIONAL SECURITY**
5 **COUNCIL EFFORTS.**

6 “The Director may, in the Director’s role as principal
7 adviser to the National Security Council on Federal efforts
8 to assist State and local governmental entities in domestic
9 terrorist attack preparedness matters, and subject to the
10 direction of the President, attend and participate in meet-
11 ings of the National Security Council.

12 **“SEC. 660. COORDINATION WITH EXECUTIVE BRANCH DE-**
13 **PARTMENTS AND AGENCIES.**

14 “(a) REQUESTS FOR ASSISTANCE.—The head of each
15 Federal department and agency with responsibilities under
16 the Domestic Terrorism Preparedness Plan shall cooper-
17 ate with the Director and, subject to laws governing disclo-
18 sure of information, provide such assistance, information,
19 and advice as the Director may request.

20 “(b) CERTIFICATION OF POLICY CHANGES BY DIREC-
21 TOR.—

22 “(1) IN GENERAL.—The head of each Federal
23 department and agency with responsibilities under
24 the Domestic Terrorism Preparedness Plan shall,
25 unless exigent circumstances require otherwise, no-

1 tify the Director in writing regarding any proposed
2 change in policies relating to the activities of such
3 department or agency under the Domestic Terrorism
4 Preparedness Plan prior to implementation of such
5 change. The Director shall promptly review such
6 proposed change and certify to the department or
7 agency head in writing whether such change is con-
8 sistent with the Domestic Terrorism Preparedness
9 Plan.

10 “(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If
11 prior notice of a proposed change under paragraph
12 (1) is not possible, the department or agency head
13 shall notify the Director as soon as practicable. The
14 Director shall review such change and certify to the
15 department or agency head in writing whether such
16 change is consistent with the Domestic Terrorism
17 Preparedness Plan.

18 “(c) GENERAL SERVICES ADMINISTRATION.—The
19 Administrator of General Services shall provide to the Di-
20 rector on a reimbursable basis such administrative support
21 services as the Director may request.

22 **“SEC. 661. AUTHORIZATION OF APPROPRIATIONS.**

23 ““There is authorized to be appropriated to carry out
24 this subtitle \$9,000,000 for fiscal year 2001 and such
25 sums as may be necessary for each of fiscal years 2002

1 through 2005. Such sums shall remain available until ex-
2 pended.”.

3 (b) EXECUTIVE SCHEDULE PAY RATES.—Section
4 5313 of title 5, United States Code, is amended by adding
5 at the end the following:

6 “Director, Office of Terrorism Preparedness.”.

○