

107TH CONGRESS
1ST SESSION

H. R. 3555

To prevent, prepare for, and respond to the threat of terrorism in America,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. MENENDEZ (for himself, Mr. GEPHARDT, Ms. HARMAN, Mr. SCOTT, Mr. SKELTON, Mr. BORSKI, Mr. PASCRELL, Mr. BISHOP, Mrs. TAUSCHER, Mr. TURNER, Mr. COSTELLO, Ms. ROYBAL-ALLARD, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. PELOSI, Ms. DELAURO, Mr. CONYERS, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. ISRAEL, Mr. BACA, Mr. LARSON of Connecticut, Mr. BERMAN, Mr. THOMPSON of California, Ms. KAPTUR, Mrs. CHRISTENSEN, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mr. LANTOS, Mr. ORTIZ, Ms. BERKLEY, Ms. MCCARTHY of Missouri, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. HOLT, Mr. GREEN of Texas, Mr. OWENS, Ms. LEE, Mr. ACEVEDO-VILÁ, Mr. JACKSON of Illinois, Mr. ROTHMAN, Mr. SANDLIN, Mr. CROWLEY, Mr. KILDEE, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. REYES, Mr. ALLEN, Mr. WYNN, Mr. RODRIGUEZ, Mr. BALDACCI, Mr. FARR of California, Mr. LANGEVIN, Mr. DELAHUNT, Mr. UDALL of Colorado, Mr. HINOJOSA, Mr. MCINTYRE, Mr. TOWNS, Mr. OBERSTAR, Mr. GONZALEZ, Mr. MCGOVERN, Ms. WOOLSEY, Mr. STUPAK, Mr. ENGEL, Mr. LARSEN of Washington, Ms. SCHAKOWSKY, Mr. PASTOR, Ms. SOLIS, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. FATTAH, Mr. BARCIA, Ms. MCCOLLUM, Mr. ETHERIDGE, Mr. SCHIFF, Mr. LYNCH, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. FRANK, Mr. MALONEY of Connecticut, Mr. CARDIN, Mrs. LOWEY, Mr. HOLDEN, Mr. SERRANO, Mr. DICKS, Mr. SABO, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OLVER, Ms. HOOLEY of Oregon, Mr. MORAN of Virginia, Mr. CLYBURN, Mr. UNDERWOOD, Mr. LAMPSON, Mr. PRICE of North Carolina, Mr. LIPINSKI, Mr. CRAMER, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Mrs. THURMAN, Mr. ACKERMAN, Mr. HOYER, Mr. CUMMINGS, Mr. DEUTSCH, Mr. BRADY of Pennsylvania, Mr. KENNEDY of Rhode Island, Mr. PALLONE, Mr. KUCINICH, Mr. BLAGOJEVICH, Mr. FORD, Mr. THOMPSON of Mississippi, Ms. SLAUGHTER, Mr. FROST, Ms. CARSON of Indiana, Mr. BAIRD, and Mr. SAWYER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Education and the Workforce, Government Reform, Ways and Means, Armed Services, International Re-

lations, Intelligence (Permanent Select), Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent, prepare for, and respond to the threat of terrorism in America, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “United States Security (‘USA’) Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Buy America.
- Sec. 4. Definition.

TITLE I—ADAPT OUR PUBLIC HEALTH AND EMERGENCY
 PREPAREDNESS AND RESPONSE SYSTEMS TO NEW THREATS

Subtitle A—Better Prepared and Equipped Public Health Institutions

- Sec. 101. New facilities for Centers for Disease Control and Prevention for combating bioterrorism.
- Sec. 102. Establishment of Scientific Communications Center.
- Sec. 103. Improvement of inadequate security at Centers for Disease Control and Prevention.
- Sec. 104. Potassium iodide stockpiles.
- Sec. 105. Expansion of National Marrow Donor Program.
- Sec. 106. Establishment of national standards for quarantines.
- Sec. 107. Sequencing the genomes of biological pathogens.

Subtitle B—Improve American Communities’ Response to Emergency
 Incidents

- Sec. 111. Planning, training, and equipment for first responders.
- Sec. 112. Staffing for adequate fire and emergency response.

Sec. 113. Respiratory protection for civilian safety personnel.

Subtitle C—Prepare Our Schools for Emergency Incidents

Sec. 124. School security action grants.

TITLE II—SECURE ALL MODES OF TRANSPORTATION

Subtitle A—Secure Bridges, Tunnels, and Dams

Sec. 201. Highway infrastructure.

Sec. 202. Transportation recovery and response capabilities.

Sec. 203. Public communications and support.

Sec. 204. Security for locks and dams.

Subtitle B—Secure Seaports

Sec. 211. Secretary defined.

Sec. 212. Vulnerability assessments.

Sec. 213. Purchase of equipment to screen cargo.

Sec. 214. Efficient screening of cargo.

Sec. 215. Waterborne marine patrols to deter maritime threats.

Sec. 216. Tracking of foreign-flag vessels operating in U.S. Waters.

Sec. 217. Funding for port security infrastructure facilities.

Sec. 218. Assistant commandant for maritime security.

Sec. 219. Sea Marshall program.

Sec. 220. Hiring of permanent coast guard personnel.

Sec. 221. Purchase of secure communications equipment.

Sec. 222. Vhf-Dsc communications.

Sec. 223. Increased staffing.

Sec. 224. National port security task force.

Sec. 225. Local port security committees.

Sec. 226. Standards for maritime transportation security program.

Sec. 227. Maritime security institute.

Sec. 228. Computerized database on crime and security at ports.

Sec. 229. Maritime terrorism response plans.

Subtitle C—Secure Passenger Rail and Freight Rail

Sec. 241. Passenger rail and freight rail protection.

Subtitle D—Secure Public Transit Systems

Sec. 251. Security staffing.

Sec. 252. Security training.

Sec. 253. Technical support.

Sec. 254. Infrastructure and rolling stock security.

Sec. 255. Emergency response support equipment.

Sec. 256. Support of national defense.

Sec. 257. Research and development.

Subtitle E—Energy Pipeline Security Study

Sec. 261. Energy pipeline security study.

Subtitle F—Secure Aviation

Sec. 271. Security reporting.

Sec. 272. Real-time reporting of flight data.

Sec. 273. Installation of fuel cells at airports.

TITLE III—SECURE AMERICA’S PHYSICAL AND INFORMATIONAL
INFRASTRUCTURE

Subtitle A—Protect America’s Energy Infrastructure

- Sec. 301. Secure our oil refineries and natural gas storage facilities.
- Sec. 302. Secure our chemical facilities.
- Sec. 303. Secure our nuclear facilities and nuclear waste.
- Sec. 304. Secure our electric power grid.
- Sec. 305. Transportation of nuclear materials.
- Sec. 306. Design basis threat.
- Sec. 307. Defense of facilities.

Subtitle B—Secure America’s Information Infrastructure

- Sec. 311. Secure our fiber optic infrastructure.
- Sec. 312. Enhance cyber security.

Subtitle C—Secure Our Federal Buildings

- Sec. 321. Secure our Federal buildings.

TITLE IV—GIVE LAW ENFORCEMENT WHAT IT NEEDS TO
EFFECTIVELY COMBAT TERRORISM

Subtitle A—Give law enforcement the tools it needs to combat terrorism

- Sec. 401. Improve computer assessment technology.
- Sec. 402. Supplement local law enforcement.

Subtitle B—Protect the US Postal Service and its employees

- Sec. 411. Protect the postal service and its employees.

Subtitle C—Improve border and customs capabilities

- Sec. 421. Update border and customs technology and detection capabilities and increase personnel
- Sec. 422. Improve Customs Service reconnaissance.

TITLE V—IMPROVE INTERAGENCY AND INTERGOVERNMENTAL
COORDINATION AND INFORMATION SHARING

Subtitle A—Interagency and Intergovernmental Coordination

- Sec. 501. Improve interagency and intergovernmental coordination.

Subtitle B—Increase Capabilities for Federal, State, and Local Terrorism and
Prevention

- Sec. 511. Authority to share electronic, wire, and oral interception information.
- Sec. 512. Foreign intelligence information.
- Sec. 513. Disclosures to governmental agencies for counterterrorism purposes.
- Sec. 514. Multilateral cooperation against terrorists.
- Sec. 515. Information acquired from an electronic surveillance.
- Sec. 516. Information acquired from a physical search.

Sec. 517. Purpose of authority.

Subtitle C—Increasing Capabilities and Coordination within and between
Levels of Government

Sec. 521. Increase efficiency of information sharing and of background security clearances.

Sec. 522. Prevention of delay in reassignment of 24 megahertz for public safety purposes.

Sec. 523. Establishment of emerging threat workspaces.

Sec. 524. Maintenance of secure bioagent database.

Sec. 525. Establishment of joint task force for interagency clearinghouse.

TITLE VI—THE MILITARY: PREPARE, RESPOND, AND ASSIST
COMMUNITIES

Sec. 601. Threat reduction.

Sec. 602. Research and development.

Sec. 603. Readiness, training, and force protection.

Sec. 604. Command and control, threat assessment, and analysis.

TITLE VII—HOMELAND SECURITY STRATEGY AND BUDGET

Sec. 701. Director for Homeland Security and Program Associate Director for Homeland Security.

Sec. 702. Five-year homeland security strategy and budget.

Sec. 703. Fiscal year 2003 budget.

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—

3 (1) IN GENERAL.—The United States Security
4 (‘USA’) Act of 2001 is a pact between the people
5 and their government, working together, marshaling
6 our vast resources, to keep America safe from ter-
7 rorism, drawing upon the American spirit, intellect
8 and creativity, breaking new frontiers, and setting a
9 standard for the world. The United States Security
10 (‘USA’) Act of 2001 is the product of a collaborative
11 effort of Members of Congress in consultation with
12 constituents and local, State and Federal officials
13 from throughout America.

1 (2) COMPREHENSIVE APPROACH TO PRO-
2 TECTING AMERICA FROM TERRORISM.—The Con-
3 gress finds that to better enable America’s cities,
4 towns, and rural communities to prevent, prepare
5 for and respond comprehensively to the threat of ter-
6 rorism, the United States must—

7 (A) adapt its public health infrastructure
8 and emergency preparedness and response sys-
9 tems to new threats;

10 (B) secure all modes of transportation and
11 the national transportation infrastructure;

12 (C) protect our national physical and infor-
13 mation infrastructure;

14 (D) while preserving the fullness of our
15 constitutional rights and liberties, in the wake
16 of September 11th, enhance its law enforcement
17 capabilities;

18 (E) better utilize intelligence assets to pre-
19 vent terrorist acts and better coordinate and
20 share information among intelligence agencies
21 and law enforcement organizations and between
22 levels of government;

23 (F) prepare, train and equip our military
24 to assist in the appropriate manner to combat
25 terrorism; and

1 (G) ensure the Office of Homeland Secu-
2 rity has the responsibility and authority to ef-
3 fectively coordinate the various Federal agencies
4 and departments and to integrate Federal,
5 State, local, and private efforts to combat ter-
6 rorism.

7 (b) PURPOSES.—The purposes of this Act are as fol-
8 lows:

9 (1) With respect to adapting our public health
10 infrastructure and emergency preparedness and re-
11 sponse:

12 (A) Ensure that our public health care sys-
13 tem is fully prepared and equipped to prevent,
14 prepare, and respond to mass acts of terror.

15 (B) Ensure that the Centers for Disease
16 Control and its scientists are equipped with
17 modern facilities and communications systems
18 and that the staff and facilities of the CDC are
19 adequately protected.

20 (C) Assist hospitals in close proximity to
21 potential terrorist targets, such as nuclear fa-
22 cilities, in obtaining sufficient stockpiles for any
23 outbreaks that may ensue.

24 (D) Create unified standards for quar-
25 antines, so that all areas of the country can be

1 prepared and equipped to react to the unthink-
2 able.

3 (E) Provide the National Institutes of
4 Health with the necessary resources and tools
5 to enable its scientists to develop better re-
6 search and treatments for smallpox, anthrax,
7 and other leading biological threats.

8 (F) Ensure that communities have suffi-
9 ciently adequately trained and equipped fire
10 fighting personnel needed to save lives and
11 property and effectively respond to all types of
12 emergencies.

13 (G) Ensure that our children will be in
14 schools that have the planning, resources and
15 coordination to respond to emergency incidents.

16 (2) With respect to securing all modes of trans-
17 portation and transportation infrastructure:

18 (A) Strengthen critical bridge and tunnel
19 structures, improve surveillance monitoring of
20 highways, and improve tracking of Hazmat ma-
21 terial.

22 (B) Improve training and communication
23 of first responders and develop real-time infor-
24 mation for the traveling public to respond to
25 terrorist attacks.

1 (C) Provide adequate security for locks
2 and dams.

3 (D) Deploy container x-ray equipment and
4 require ships to carry transponders in U.S. wa-
5 ters.

6 (E) Increase resources, manpower and
7 training of an increasingly burdened Coast
8 Guard.

9 (F) Establish new Coast Guard port secu-
10 rity units to better secure ports.

11 (G) Deploy Sea Marshals to board and es-
12 cort high-risk vessels.

13 (H) Complete life safety investments in
14 Amtrak tunnel ventilation, lighting, and emer-
15 gency exits.

16 (I) Improve access control and communica-
17 tion on Amtrak trains and deploy more security
18 personnel and K-9 units.

19 (J) Secure access points to tracks, bridges
20 and tunnels.

21 (K) Improve monitoring of and encase
22 launch sites of pipelines, and hire and ade-
23 quately train additional security personnel.

24 (L) Hire and adequately train additional
25 personnel for security planning, surveillance

1 and patrolling, and improve communication and
2 monitoring of rolling stock equipment, stations,
3 and rights of way.

4 (M) Develop and refine evacuation plans
5 involving the mobilization of mass transit.

6 (3) With respect to protecting our physical and
7 information infrastructure:

8 (A) The Federal government should use
9 risk management as an important element in
10 developing a national strategy for preventing,
11 preparing for, and responding to terrorism.

12 (B) Secure the country's limited oil refin-
13 ing capacity, which is essential to economic sta-
14 bility and prosecution of the military effort
15 against far-flung terrorist groups.

16 (C) Secure our chemical manufacturing fa-
17 cilities and secure the transport of chemical
18 substances from terrorist attack.

19 (D) Secure United States nuclear plants,
20 many of which are located near densely popu-
21 lated urban areas, from sabotage, terrorist use
22 of small tactical fissile weapons or catastrophic
23 attack.

24 (E) Secure nuclear waste transportation
25 and storage.

1 (F) Secure our national fiber optic infra-
2 structure from physical attacks, sophisticated
3 exploitation, sabotage, and hacker attacks.

4 (G) Secure our nation's information net-
5 works from cyber attacks.

6 (H) Secure our Federal buildings from ter-
7 rorist attacks by improving detection, preven-
8 tion, and hardening security measures.

9 (I) Secure our national electric power grid.

10 (4) With respect to providing law enforcement
11 with what it needs to combat terrorism:

12 (A) To preserve our way of life against the
13 threat of terrorism, enhance the tools of law en-
14 forcement through the effective use of state of
15 the art technology while maintaining the full
16 complement of our Constitutional rights and
17 liberties.

18 (B) Enhance the readiness of Federal,
19 State, and local law enforcement personnel to
20 prevent, prepare for and respond to terrorism
21 through increased manpower, state of the art
22 equipment and training.

23 (C) Enhance the security of United States
24 Postal Service employees and the ability of the
25 Postal Service to detect and neutralize or other-

1 wise appropriately respond to unauthorized use
2 of the mail system that might be dangerous or
3 injurious to life, health, or property.

4 (D) Enhance the ability of border security
5 and customs personnel to protect against ter-
6 rorism through increased manpower, state of
7 the art equipment and training.

8 (E) Repel the threat of terrorism by pro-
9 moting greater public awareness, a sense of in-
10 dividual responsibility and participation, and
11 citizen preparedness.

12 (5) With respect to improving intelligence col-
13 lection and analysis:

14 (A) The role of intelligence for homeland
15 security is first and foremost one of identifying
16 and preventing terrorist attacks.

17 (B) Improve preventive measures by in-
18 creasing the capacity of the intelligence commu-
19 nity to collect and analyze information and to
20 improve information sharing mechanisms.

21 (6) With respect to military preparedness, re-
22 sponse and disaster assistance:

23 (A) Consider chemical, biological, radio-
24 logical, nuclear, and other high-yield explosive
25 weapons as a potential threat to any part of the

1 United States or any military installation, espe-
2 cially given the relative insecurity of fissile ma-
3 terial stockpiles in locations such as areas of
4 the Former Soviet Union.

5 (B) Reduce the relative threat to American
6 territory and territories and military installa-
7 tions posed by the existence or proliferation of
8 radiological or nuclear weapons, expertise, or
9 related materials existing within, or exported
10 from, states that were part of the former Soviet
11 Union.

12 (C) In the wake of the 11 September
13 events, support the Department of Defense's in-
14 creased emphasis on Asymmetric Threats.

15 (D) Provide sufficient resources to the De-
16 partment of Defense for it to simultaneously
17 address evolving terrorist threats and meet all
18 other necessary operational commitments. Cur-
19 rently, the Department of Defense has signifi-
20 cant infrastructure, maintenance, and force pro-
21 tection requirements. Because of its worldwide
22 nature, additional resources in the Department
23 of Defense community, both domestically and
24 internationally, are necessary to retain a high-
25 level of readiness.

1 **SEC. 3. BUY AMERICA.**

2 (a) PREFERENCE.—The head of a Federal depart-
3 ment or agency may provide financial assistance for a
4 project with any increase in funds authorized or made
5 available by, or with any increase in obligation authority
6 made available by, this Act (including the amendments
7 made by this Act) only if steel and manufactured goods
8 used in the project are melted and poured in the United
9 States.

10 (b) WAIVER.—The head of a Federal department or
11 agency may waive subsection (a) if the head of the Federal
12 department or agency finds that—

13 (1) applying subsection (a) would be incon-
14 sistent with the public interest;

15 (2) the steel and goods melted and poured in
16 the United States are not produced in a sufficient
17 and reasonably available amount or are not of a sat-
18 isfactory quality;

19 (3) when procuring a facility or equipment with
20 any increase in funds or obligation authority de-
21 scribed in subsection (a)—

22 (A) the cost of components and subcompo-
23 nents produced in the United States is more
24 than 60 percent of the cost of all components
25 of the facility or equipment; and

1 (B) final assembly of the facility or equip-
2 ment has occurred in the United States; or

3 (4) including domestic material will increase the
4 cost of the overall project by more than 25 percent.

5 (c) LABOR COSTS.—In this section, labor costs in-
6 volved in final assembly are not included in calculating the
7 cost of components.

8 **SEC. 4. DEFINITION.**

9 For the purposes of this Act and any amendment
10 made by this Act, the term “State” includes the territories
11 of the United States.

12 **TITLE I—ADAPT OUR PUBLIC**
13 **HEALTH AND EMERGENCY**
14 **PREPAREDNESS AND RE-**
15 **SPONSE SYSTEMS TO NEW**
16 **THREATS**

17 **Subtitle A—Better Prepared**
18 **and Equipped Public Health In-**
19 **stitutions**

20 **SEC. 101. NEW FACILITIES FOR CENTERS FOR DISEASE**
21 **CONTROL AND PREVENTION FOR COM-**
22 **BATING BIOTERRORISM.**

23 (a) IN GENERAL.—The Director of the Centers for
24 Disease Control and Prevention may design, construct,
25 and equip new facilities and renovate existing facilities (in-

1 cluding laboratories, laboratory support buildings, sci-
2 entific communication facilities, transshipment complexes,
3 secured and isolated parking structures, office buildings,
4 and other facilities and infrastructure) for defending
5 against and combating bioterrorism and other public
6 health threats.

7 (b) MULTIYEAR CONTRACTING AUTHORITY.—

8 (1) IN GENERAL.—For any project of design-
9 ing, constructing, equipping, or renovating any facil-
10 ity under subsection (a), the Director of the Centers
11 for Disease Control and Prevention may, using ap-
12 propriate competitive procedures, enter into a single
13 contract or related contracts that collectively include
14 the full scope of the project, to the extent or in the
15 amounts provided in advance in appropriations Acts.

16 (2) AVAILABILITY OF FUNDS CLAUSE.—Any
17 contract entered into pursuant to paragraph (1)
18 shall include the availability of funds clause provided
19 at section 52.232–18 of title 48, Code of Federal
20 Regulations, as in effect on the date of the enact-
21 ment of this section.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Director of the
24 Centers for Disease Control and Prevention \$300,000,000
25 for fiscal year 2002 to carry out this section. Such sums

1 shall remain available until expended. Such authorization
2 is in addition to other authorizations of appropriations
3 that are available for the purposes of this section.

4 **SEC. 102. ESTABLISHMENT OF SCIENTIFIC COMMUNICA-**
5 **TIONS CENTER.**

6 There are authorized to be appropriated to the Direc-
7 tor of the Centers for Disease Control and Prevention
8 \$85,000,000 for fiscal year 2002 to establish a Scientific
9 Communications Center, consistent with priorities as out-
10 lined in section 524 of this Act. Such sums shall remain
11 available until expended.

12 **SEC. 103. IMPROVEMENT OF INADEQUATE SECURITY AT**
13 **CENTERS FOR DISEASE CONTROL AND PRE-**
14 **VENTION.**

15 There are authorized to be appropriated to the Direc-
16 tor of the Centers for Disease Control and Prevention
17 \$96,000,000 for fiscal year 2002 to improve security at
18 the facilities of the Centers for Disease Control and Pre-
19 vention. Such sums shall remain available until expended.

20 **SEC. 104. POTASSIUM IODIDE STOCKPILES.**

21 Section 170 of the Atomic Energy Act of 1954 (42
22 U.S.C. 2210) is amended by adding at the end the fol-
23 lowing new subsection:

1 “v. Not later than 6 months after the date of the
2 enactment of this subsection, the Nuclear Regulatory
3 Commission shall—

4 “(1) ensure that sufficient stockpiles of potas-
5 sium iodide tablets have been established at public
6 facilities such as schools and hospitals within 50
7 miles of facilities indemnified under this section;

8 “(2) establish a plan for the distribution of the
9 stockpiles described in paragraph (1) to all individ-
10 uals located within 50 miles of facilities indemnified
11 under this section in the event of a release of radio-
12 nuclides; and

13 “(3) transmit to the Congress a report—

14 “(A) certifying that stockpiles have been
15 established as described in paragraph (1); and

16 “(B) including the plan described in para-
17 graph (2).”.

18 **SEC. 105. EXPANSION OF NATIONAL MARROW DONOR PRO-**
19 **GRAM.**

20 Section 379(b) of the Public Health Service Act (42
21 U.S.C. 274k(b)) is amended—

22 (1) in paragraph (7), by striking “and” after
23 the semicolon at the end;

24 (2) in paragraph (8), by striking the period at
25 the end and inserting “; and”; and

1 (3) by adding at the end the following para-
2 graph:

3 “(9) develop a contingency plan to provide bone
4 marrow to individuals needing such treatment be-
5 cause of nuclear accidents, disaster, or war, includ-
6 ing terrorist attacks involving chemical and biologi-
7 cal weapons.”.

8 **SEC. 106. ESTABLISHMENT OF NATIONAL STANDARDS FOR**
9 **QUARANTINES.**

10 Not later than 6 months after the enactment of this
11 Act, the Secretary of Health and Human Services shall
12 establish and implement national standards for the impo-
13 sition of quarantines in the United States.

14 **SEC. 107. SEQUENCING THE GENOMES OF BIOLOGICAL**
15 **PATHOGENS.**

16 There are authorized to be appropriated to the Direc-
17 tor of the National Institutes of Health \$10,000,000 for
18 fiscal year 2002 to sequence the genomes of smallpox, an-
19 thrax, and other leading biological pathogens. Such sums
20 shall remain available until expended.

1 **Subtitle B—Improve American**
2 **Communities’ Response to**
3 **Emergency Incidents**

4 **SEC. 111. PLANNING, TRAINING, AND EQUIPMENT FOR**
5 **FIRST RESPONDERS.**

6 (a) **AUTHORIZATION.**—The Director of the Federal
7 Emergency Management Agency shall make grants on a
8 competitive basis to units of local government and emer-
9 gency response units.

10 (b) **USE OF GRANTS.**—Grants made under this sec-
11 tion shall be used to—

12 (1) develop strategic response plans that—

13 (A) provide for a clearly defined and uni-
14 fied response to a terrorist attack or other ca-
15 tastrophe;

16 (B) coordinate the activities and proce-
17 dures of various emergency response units;

18 (C) define the relationship, roles, respon-
19 sibilities, jurisdictions, command structures,
20 and communication protocols of emergency re-
21 sponse units;

22 (D) coordinate response procedures with
23 similar emergency response units in neighboring
24 units of local government as well as with State
25 and Federal agencies;

1 (E) identify potential local targets of ter-
2 rorism and include specific response procedures
3 for each potential target;

4 (F) assess and address threats and outline
5 coordinated response procedures; and

6 (G) identify areas where additional train-
7 ing, equipment, or other assistance is needed to
8 implement such procedures;

9 (2) prepare and issue reports to units of local
10 government, State legislatures, and Congress that
11 include recommendations for specific legislative ac-
12 tion; and

13 (3) conduct public forums or other appropriate
14 activities to educate the public about—

15 (A) potential threats and steps the public
16 can take to prepare for them;

17 (B) the contents of the strategic response
18 plans;

19 (C) how to communicate with authorities
20 in the event of an emergency;

21 (D) the location of safe public assembly
22 areas or other emergency shelters; and

23 (E) other appropriate information, includ-
24 ing how to access medical care in response to

1 a biological attack despite one's insurance sta-
2 tus or coverage.

3 (c) STATE EMERGENCY MANAGEMENT COORDINA-
4 TORS.—The Director of the Federal Emergency Manage-
5 ment Agency shall designate for each State a representa-
6 tive of the Federal Emergency Management Agency to—

7 (1) advise and assist units of local government
8 of the State with the development of strategic re-
9 sponse plans;

10 (2) act as a liaison between units of local gov-
11 ernment of the State and the Federal Government;
12 and

13 (3) coordinate the sharing of information about
14 Federal Government initiatives and protocol.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—For the
16 purpose of carrying out this section, there are authorized
17 to be appropriated to the Director of the Federal Emer-
18 gency Management Agency \$500,000,000 for fiscal year
19 2002. Amounts appropriated under the preceding sentence
20 shall remain available until expended.

21 **SEC. 112. STAFFING FOR ADEQUATE FIRE AND EMERGENCY**
22 **RESPONSE.**

23 (a) IN GENERAL.—Title III of the Workforce Invest-
24 ment Act of 1998 (Public Law 105–220; 112 Stat. 1080)
25 is amended by adding at the end the following:

1 **“Subtitle E—Staffing for Adequate**
2 **Fire and Emergency Response**

3 **“SEC. 351. AUTHORITY TO MAKE GRANTS.**

4 “(a) DEFINITION.—In this section, the term ‘quali-
5 fying entity’, used with respect to a fiscal year, means any
6 eligible entity (including a State) that has submitted an
7 application under section 355 for the fiscal year that
8 meets the requirements of this subtitle and such additional
9 requirements as the Secretary may prescribe.

10 “(b) GRANT AUTHORIZATION.—The Secretary may
11 make grants to eligible entities to pay for the Federal
12 share of the cost of carrying out projects to hire fire-
13 fighters.

14 “(c) MINIMUM AMOUNT.—

15 “(1) AMOUNT.—For any fiscal year, the Sec-
16 retary shall ensure that the qualifying entities in
17 each State shall receive, through grants made under
18 this section, a total amount that is not less than $\frac{1}{2}$
19 of 1 percent of the amount appropriated under sec-
20 tion 362 for the fiscal year.

21 “(2) EXCEPTION.—Paragraph (1) shall not
22 apply for a fiscal year if the Secretary makes a
23 grant under this section to every qualifying entity
24 for the fiscal year.

1 “(d) GRANT PERIODS.—The Secretary may make
2 grants under this section for periods of 3 years.

3 “(e) FEDERAL SHARE.—

4 “(1) IN GENERAL.—The Federal share of the
5 cost of carrying out a project to hire firefighters
6 under this subtitle shall be not more than 75 per-
7 cent.

8 “(2) NON-FEDERAL SHARE.—The non-Federal
9 share shall be provided—

10 “(A) in cash;

11 “(B) in the case of a State or unit of local
12 government, from assets received through an
13 asset forfeiture program; or

14 “(C) in the case of a tribal organization or
15 the Bureau of Indian Affairs, from any Federal
16 funds made available for fire fighting functions
17 to assist an Indian tribe.

18 “(3) WAIVER.—The Secretary may waive the
19 requirements of paragraphs (1) and (2) for an eligi-
20 ble entity.

21 **“SEC. 352. APPLICATIONS.**

22 “(a) IN GENERAL.—To be eligible to receive a grant
23 under this subtitle, an entity shall submit an application
24 to the Secretary at such time, in such manner, and con-
25 taining such information as the Secretary may prescribe.

1 “(b) CONTENTS.—Each such application shall—

2 “(1) include a long-term strategy and detailed
3 implementation plan, for the hiring to be conducted
4 under the grant, that reflects consultation with com-
5 munity groups and appropriate private and public
6 agencies and reflects consideration of a statewide
7 strategy for such hiring;

8 “(2) specify the reasons why the entity is un-
9 able to hire sufficient firefighters to address the en-
10 tity’s needs, without Federal assistance;

11 “(3)(A) specify the average number of fire-
12 fighters employed by the entity during the fiscal
13 year prior to the fiscal year for which the application
14 is submitted; and

15 “(B) outline the initial and planned level of
16 community support for implementing the strategy
17 and plan, including the level of financial and in-kind
18 contributions or other tangible commitments;

19 “(4)(A) specify plans for obtaining necessary
20 support and continuing the employment of a greater
21 number of firefighters than the number specified
22 under paragraph (3)(A), following the conclusion of
23 Federal assistance under this subtitle; and

24 “(B) include an assurance that the entity will
25 continue the employment of firefighters hired with

1 funds made available through the grant for at least
2 1 year after the end of the grant period; and

3 “(5) include assurances that the entity will, to
4 the extent practicable, seek, recruit, and hire mem-
5 bers of racial and ethnic minority groups and women
6 in order to increase the ranks of minorities and
7 women within the entity’s firefighter units.

8 “(c) SMALL JURISDICTIONS.—Notwithstanding any
9 other provision of this subtitle, the Secretary may waive
10 1 or more of the requirements of subsection (b), and may
11 make special provisions to facilitate the expedited submis-
12 sion, processing, and approval of an application under this
13 section, for an eligible entity that is a unit of local govern-
14 ment, or an eligible entity serving a fire district, that has
15 jurisdiction over an area with a population of less than
16 50,000.

17 “(d) PREFERENCE.—In awarding grants under this
18 subtitle, the Secretary—

19 “(1) shall give preference to a unit of local gov-
20 ernment; and

21 “(2) may give preference, where feasible, to an
22 eligible entity that submits an application containing
23 a plan that—

24 “(A) provides for hiring (including rehiring)
25 ing) career firefighters; and

1 “(B) requires the entity to contribute a
2 non-Federal share of more than 25 percent of
3 the cost of carrying out a project to hire the
4 firefighters.

5 “(e) STATE AND LOCAL APPLICATIONS.—If a unit of
6 local government for a community, and the State in which
7 the community is located, submit applications under this
8 section for a fiscal year to carry out a project in a commu-
9 nity, and the unit of local government and State are quali-
10 fying entities under section 353(a), the Secretary—

11 “(1) shall make a grant under this subtitle to
12 the unit of local government for that year; and

13 “(2) shall not make a grant under this subtitle
14 to the State to carry out a project in that commu-
15 nity for that year.

16 **“SEC. 353. USE OF FUNDS.**

17 “(a) IN GENERAL.—An eligible entity that receives
18 a grant under this subtitle shall use the funds made avail-
19 able through the grant to hire career firefighters. The
20 funds may only be used to increase the number of fire-
21 fighters employed by the agency from the number specified
22 under section 354(b)(3)(A). The funds may be used for
23 salaries and benefits for the firefighters.

24 “(b) HIRING COSTS.—

1 “(1) FISCAL YEAR 2002.—For fiscal year 2002,
2 in hiring any 1 firefighter, the entity may not use
3 more than \$90,000 of such funds.

4 “(2) SUBSEQUENT YEARS.—For each subse-
5 quent fiscal year, in hiring any 1 firefighter, the en-
6 tity may not use more than \$90,000 of such funds,
7 increased or decreased by the same percentage as
8 the percentage by which the Consumer Price Index
9 for All Urban Consumers (United States city aver-
10 age), published by the Secretary of Labor, has in-
11 creased or decreased by September of the preceding
12 fiscal year from such Index for September 2001.

13 “(3) WAIVERS.—The Secretary may waive the
14 requirements of paragraph (1) or (2) for an eligible
15 entity.

16 “(c) SUPPLEMENT, NOT SUPPLANT.—Funds appro-
17 priated pursuant to the authority of this subtitle shall be
18 used to supplement and not supplant other Federal, State,
19 and local public funds expended to hire firefighters.

20 **“SEC. 354. TECHNICAL ASSISTANCE.**

21 “The Secretary may provide technical assistance to
22 eligible entities to further the purposes of this Act.

23 **“SEC. 355. MONITORING AND EVALUATIONS.**

24 “(a) MONITORING COMPONENTS.—Each project
25 funded through a grant made under this subtitle shall con-

1 tain a monitoring component, developed pursuant to regu-
2 lations established by the Secretary. The monitoring re-
3 quired by this subsection shall include systematic identi-
4 fication and collection of data about the project through-
5 out the period of the project and presentation of such data
6 in a usable form.

7 “(b) EVALUATION COMPONENTS.—The Secretary
8 may require that selected grant recipients under this sub-
9 title conduct local evaluations or participate in a national
10 evaluation, pursuant to regulations established by the Sec-
11 retary. Such local or national evaluations may include as-
12 sessments of the implementation of different projects. The
13 Secretary may require selected grant recipients under this
14 subtitle to conduct local outcome evaluations to determine
15 the effectiveness of projects under this subtitle.

16 “(c) PERIODIC REPORTS.—The Secretary may re-
17 quire a grant recipient under this subtitle to submit to
18 the Secretary the results of the monitoring and evalua-
19 tions required under subsections (a) and (b) and such
20 other data and information as the Secretary determines
21 to be reasonably necessary.

22 “(d) REVOCATION OR SUSPENSION OF FUNDING.—
23 If the Secretary determines, as a result of the monitoring
24 or evaluations required by this section, or otherwise, that
25 a grant recipient under this subtitle is not in substantial

1 compliance with the terms and requirements of an ap-
2 proved grant application submitted under section 355, the
3 Secretary may revoke the grant or suspend part or all of
4 the funding provided under the grant.

5 **“SEC. 356. ACCESS TO DOCUMENTS.**

6 “For the purpose of conducting an audit or examina-
7 tion of a grant recipient that carries out a project under
8 this subtitle, the Secretary and the Comptroller General
9 of the United States shall have access to any pertinent
10 books, documents, papers, or records of the grant recipient
11 and any State or local government, person, business, or
12 other entity, that is involved in the project.

13 **“SEC. 357. REPORT TO CONGRESS.**

14 “Not later than September 30 of each year, the Sec-
15 retary shall submit an annual report to Congress con-
16 cerning the experiences of eligible entities in carrying out
17 projects under this subtitle, and the effects of the grants
18 made under this subtitle. The final report shall be sub-
19 mitted on September 30, 2008, and shall contain rec-
20 ommendations for such legislation as the Secretary may
21 consider appropriate, which may include reauthorization
22 of this subtitle.

23 **“SEC. 358. REGULATIONS.**

24 “The Secretary may issue regulations to carry out
25 this subtitle.

1 **“SEC. 359. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There is authorized to be appro-
3 priated to carry out this subtitle \$750,000,000 for fiscal
4 year 2002.

5 “(b) AVAILABILITY.—Funds appropriated under sub-
6 section (a) for a fiscal year shall remain available until
7 the end of the second succeeding fiscal year.

8 **“SEC. 360. DEFINITIONS.**

9 “In this subtitle:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a State, a unit of local government,
13 a tribal organization, or another public entity;
14 or

15 “(B) a multijurisdictional or regional con-
16 sortia of entities described in subparagraph (A).

17 “(2) FIREFIGHTER.—The term ‘firefighter’ has
18 the meaning given the term ‘employee in fire protec-
19 tion activities’ in section 3 of the Fair Labor Stand-
20 ards Act of 1938 (29 U.S.C. 203).

21 “(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
22 The terms ‘Indian tribe’ and ‘tribal organization’
23 have the meanings given the terms in section 4 of
24 the Indian Self-Determination and Education Assist-
25 ance Act (25 U.S.C. 450b).

1 “(4) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Labor, acting after consultation
3 with the Director of the Federal Emergency Man-
4 agement Agency.

5 “(5) STATE.—The term ‘State’ means each of
6 the several States of the United States, the District
7 of Columbia, the Commonwealth of Puerto Rico, the
8 United States Virgin Islands, Guam, American
9 Samoa, and the Commonwealth of the Northern
10 Mariana Islands.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents in section 1(b) of the Workforce Investment Act of
13 1998 (Public Law 105–220; 112 Stat. 936) is amended,
14 in the items relating to title III, by adding at the end the
15 following:

 “Subtitle E—Staffing for Adequate Fire and Emergency Response

 “Sec. 351. Authority to make grants.

 “Sec. 352. Applications.

 “Sec. 353. Use of funds.

 “Sec. 354. Technical assistance.

 “Sec. 355. Monitoring and evaluations.

 “Sec. 356. Access to documents.

 “Sec. 357. Report to Congress.

 “Sec. 358. Regulations.

 “Sec. 359. Authorization of appropriations.

 “Sec. 360. Definitions.”.

16 **SEC. 113. RESPIRATORY PROTECTION FOR CIVILIAN SAFE-**
17 **TY PERSONNEL.**

18 (a) IN GENERAL.—For the purpose of protecting
19 against exposure to biological and chemical agents, the
20 Secretary of Health and Human Services, acting through

1 the Office of Emergency Preparedness, shall provide ap-
2 propriate, approved respiratory protective devices to all
3 firefighters and emergency medical personnel within a 15-
4 mile radius of the Nation's 157 largest cities.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary of
7 Health and Human Services \$60,000,000 for fiscal year
8 2002 to carry out this section. Such sums shall remain
9 available until expended.

10 **Subtitle C—Prepare Our**
11 **Schools For Emergency Incidents**

12 **SEC. 124. SCHOOL SECURITY ACTION GRANTS.**

13 (a) SCHOOL SECURITY ACTION GRANTS.—The Sec-
14 retary of Education shall make grants to local educational
15 agencies and institutions of higher learning to enhance se-
16 curity and emergency preparedness.

17 (b) RESTRICTION.—The Secretary of Education may
18 award a grant under subsection (b) only to a local edu-
19 cational agency or an institution of higher learning that
20 demonstrates a need for financial assistance and a lack
21 of resources to implement emergency preparedness and se-
22 curity improvements.

23 (c) USE OF FUNDS.—A grant may be made under
24 this section only if the applicant involved agrees to use
25 the funds received under the grant to—

1 (1) prepare and implement emergency pre-
2 paredness and response plans;

3 (2) coordinate emergency preparedness and re-
4 sponse plans with local law enforcement, public safe-
5 ty, health, and mental health agencies;

6 (3) train school personnel, students, and par-
7 ents in crisis preparedness, emergency response, and
8 other school safety procedures;

9 (4) implement security measures, including
10 computer and Internet security measures, for high-
11 risk areas and facilities, including facilities con-
12 taining hazardous materials; and

13 (5) install or upgrade security equipment and
14 technology, including electronic access control and
15 intrusion detection systems, video surveillance equip-
16 ment, metal detection equipment, emergency man-
17 agement systems and communications equipment,
18 lighting, perimeter fencing, and other security meas-
19 ures.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary of Edu-
22 cation \$300,000,000 for fiscal year 2002 to carry out this
23 section. Such sums shall remain available until expended.

1 **TITLE II—SECURE ALL MODES**
2 **OF TRANSPORTATION**
3 **Subtitle A—Secure Bridges,**
4 **Tunnels, and Dams**

5 **SEC. 201. HIGHWAY INFRASTRUCTURE.**

6 There is authorized to be appropriated to the Sec-
7 retary of Transportation \$2,550,000,000 for fiscal year
8 2002 to establish and implement a program to address
9 the lack of security on critical highway infrastructure by—

10 (1) strengthening critical bridge and tunnel
11 structures;

12 (2) improving inspection facilities at approaches
13 to critical structures;

14 (3) installing surveillance monitoring systems;

15 (4) improving border crossing clearance;

16 (5) improving tracking of hazardous material
17 shipments;

18 (6) improving roads and bridges to facilitate
19 military transport;

20 (7) enhancing bridge and tunnel management
21 systems to include vulnerability assessments; and

22 (8) improving signing and providing for techno-
23 logical and other physical improvements to evacu-
24 ation routes.

25 Such sums shall remain available until expended.

1 **SEC. 202. TRANSPORTATION RECOVERY AND RESPONBE**
2 **CAPABILITIES.**

3 There is authorized to be appropriated to the Sec-
4 retary of Transportation \$500,000,000 for fiscal year
5 2002 to establish and implement a program to improve
6 interagency training for and communication among first
7 responders by—

8 (1) conducting training to facilitate rapid repair
9 and stabilization to temporarily reopen structures to
10 traffic;

11 (2) providing improved, interoperable commu-
12 nications equipment;

13 (3) deploying, maintaining, and operating emer-
14 gency command center facilities;

15 (4) developing, testing, and implementing evac-
16 uation plans;

17 (5) supporting permanent service restoration
18 after an emergency;

19 (6) providing emergency response training for
20 public safety organizations;

21 (7) acquiring equipment to facilitate incident
22 clearance; and

23 (8) improving response time to highway inci-
24 dents.

25 Such sums shall remain available until expended.

1 **SEC. 203. PUBLIC COMMUNICATIONS AND SUPPORT.**

2 There is authorized to be appropriated to the Sec-
3 retary of Transportation \$500,000,000 for fiscal year
4 2002 to—

5 (1) provide real-time information for the trav-
6 eling public using variable message, dedicated short-
7 range radio frequency, highway advisory radios, or
8 other methods;

9 (2) develop real-time information and guidance
10 for the public at large, including communications
11 systems and protocols for the general media; and

12 (3) enhance the 511 system.

13 Such sums shall remain available until expended.

14 **SEC. 204. SECURITY FOR LOCKS AND DAMS.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated to the Secretary of Transportation \$100,000,000
17 for fiscal year 2002 to establish and implement a program
18 to address—

19 (1) the lack of adequate security for locks and
20 dams;

21 (2) the lack of cargo information; and

22 (3) the inability to share information in a time-
23 ly fashion with agencies such as the Coast Guard.

24 Such sums shall remain available until expended.

25 (b) ASSESSMENT.—In carrying out the program, the
26 Secretary shall assess the threat at each critical infra-

1 structure component and implement measures to address
2 shortcomings.

3 **Subtitle B—Secure Seaports**

4 **SEC. 211. SECRETARY DEFINED.**

5 In this subtitle, the term “Secretary” means the Sec-
6 retary of the department in which the Coast Guard is op-
7 erating.

8 **SEC. 212. VULNERABILITY ASSESSMENTS.**

9 There is authorized to be appropriated to the Sec-
10 retary \$50,000,000 for fiscal year 2002 to conduct vulner-
11 ability assessments at the 50 busiest seaports in the
12 United States. Such sums shall remain available until ex-
13 pended.

14 **SEC. 213. PURCHASE OF EQUIPMENT TO SCREEN CARGO.**

15 There is authorized to be appropriated to the Sec-
16 retary \$200,000,000 for fiscal year 2002 to purchase x-
17 ray equipment to screen cargo transported by vessels.
18 Such sums shall remain available until expended.

19 **SEC. 214. EFFICIENT SCREENING OF CARGO.**

20 There is authorized to be appropriated to the Sec-
21 retary \$30,000,000 for fiscal year 2002 to establish a re-
22 search and development program to develop terrorism de-
23 tection technologies for the efficient screening of cargo.
24 Such sums shall remain available until expended.

1 **SEC. 215. WATERBORNE MARINE PATROLS TO DETER MARI-**
2 **TIME THREATS.**

3 There is authorized to be appropriated to the Sec-
4 retary \$164,000,000 for fiscal year 2002 to—

5 (1) establish a port security unit within the
6 Coast Guard;

7 (2) purchase 60 harbor patrol craft for such
8 unit; and

9 (3) require the unit to operate such craft at all
10 times.

11 Such sums shall remain available until expended.

12 **SEC. 216. TRACKING OF FOREIGN-FLAG VESSELS OPER-**
13 **ATING IN U.S. WATERS.**

14 There is authorized to be appropriated to the Sec-
15 retary \$14,000,000 for fiscal year 2002 to require vessels
16 to carry transponders in United States waters and to pro-
17 vide the Coast Guard with data from those transponders.

18 Such sums shall remain available until expended.

19 **SEC. 217. FUNDING FOR PORT SECURITY INFRASTRUCTURE**
20 **FACILITIES.**

21 There is authorized to be appropriated to the Sec-
22 retary \$50,000,000 for fiscal year 2002 to provide grants
23 and loans for the purchase of port security infrastructure
24 facilities, including security gates, surveillance systems,
25 and video systems. Such sums shall remain available until
26 expended.

1 **SEC. 218. ASSISTANT COMMANDANT FOR MARITIME SECUR-**
2 **RITY.**

3 There is authorized to be appropriated to the Sec-
4 retary \$5,000,000 for fiscal year 2002 to establish in the
5 Coast Guard the position of Assistant Commandant for
6 Maritime Security. Such sums shall remain available until
7 expended. The Assistant Commandant shall be responsible
8 for the Coast Guard's maritime border security oper-
9 ations.

10 **SEC. 219. SEA MARSHALL PROGRAM.**

11 There is authorized to be appropriated to the Sec-
12 retary \$155,000,000 for fiscal year 2002 to establish a
13 sea marshal program under which Coast Guard personnel
14 will board and escort high risk vessels (such as oil and
15 chemical tankers) entering a port in the United States.
16 The Secretary shall use at least 1,500 employees of the
17 Coast Guard to carry out the program. Such sums shall
18 remain available until expended.

19 **SEC. 220. HIRING OF PERMANENT COAST GUARD PER-**
20 **SONNEL.**

21 There is authorized to be appropriated to the Sec-
22 retary \$155,000,000 for fiscal year 2002 to hire 1,000 ad-
23 ditional Coast Guard personnel. Such sums shall remain
24 available until expended.

1 **SEC. 221. PURCHASE OF SECURE COMMUNICATIONS EQUIP-**
2 **MENT.**

3 There is authorized to be appropriated to the Sec-
4 retary \$70,000,000 for fiscal year 2002 to purchase secure
5 communications equipment to link Coast Guard groups
6 with vessels. Such sums shall remain available until ex-
7 pended.

8 **SEC. 222. VHF-DSC COMMUNICATIONS.**

9 There is authorized to be appropriated to the Sec-
10 retary \$4,000,000 for fiscal year 2002 to enter into a serv-
11 ice contract with a commercial communications company
12 to provide VHF-DSC communications. Such sums shall
13 remain available until expended.

14 **SEC. 223. INCREASED STAFFING.**

15 There is authorized to be appropriated to the Sec-
16 retary \$20,000,000 for fiscal year 2002 to increase staff-
17 ing at 44 Coast Guard groups to carry out security re-
18 sponsibilities. Such sums shall remain available until ex-
19 pended.

20 **SEC. 224. NATIONAL PORT SECURITY TASK FORCE.**

21 There is authorized to be appropriated to the Sec-
22 retary \$1,000,000 for fiscal year 2002 to establish a na-
23 tional port security task force to improve coordination be-
24 tween Federal, State, and local governmental entities, in-
25 dustry, and labor. Such sums shall remain available until
26 expended.

1 **SEC. 225. LOCAL PORT SECURITY COMMITTEES.**

2 There is authorized to be appropriated to the Sec-
3 retary \$5,000,000 for fiscal year 2002 to establish local
4 port security committees to improve coordination between
5 Federal, State, and local governmental entities, industry,
6 and labor. Such sums shall remain available until ex-
7 pended.

8 **SEC. 226. STANDARDS FOR MARITIME TRANSPORTATION**
9 **SECURITY PROGRAM.**

10 There is authorized to be appropriated to the Sec-
11 retary \$1,000,000 for fiscal year 2002 to establish regula-
12 tions concerning standards for the maritime transpor-
13 tation security program. Such sums shall remain available
14 until expended.

15 **SEC. 227. MARITIME SECURITY INSTITUTE.**

16 There is authorized to be appropriated to the Sec-
17 retary \$7,500,000 for fiscal year 2002 to establish a mari-
18 time security institute to train and certify maritime secu-
19 rity professionals. Such sums shall remain available until
20 expended.

21 **SEC. 228. COMPUTERIZED DATABASE ON CRIME AND SECUR-**
22 **RITY AT PORTS.**

23 There is authorized to be appropriated to the Presi-
24 dent \$10,000,000 for fiscal year 2002 to require Federal
25 agencies to gather and share data on crime and security

1 at seaports. Such sums shall remain available until ex-
2 pended.

3 **SEC. 229. MARITIME TERRORISM RESPONSE PLANS.**

4 There is authorized to be appropriated to the Sec-
5 retary \$50,000,000 for fiscal year 2002 to develop ter-
6 rorism response plans for responding to a maritime ter-
7 rorist attack and providing for periodic exercise of those
8 plans. Such sums shall remain available until expended.

9 **Subtitle C—Secure Passenger Rail**
10 **and Freight Rail Protection**

11 **SEC. 241. PASSENGER RAIL AND FREIGHT RAIL PROTEC-**
12 **TION.**

13 There are authorized to be appropriated to the Sec-
14 retary of Transportation for fiscal year 2002—

15 (1) \$748,000,000 for the National Railroad
16 Passenger Corporation for completing life safety in-
17 vestments in ventilation, lighting, emergency exits,
18 and tunnel integrity for Penn Station;

19 (2) \$100,000,000 for the National Railroad
20 Passenger Corporation for rehabilitation of tunnels
21 in Baltimore and Washington, D.C.;

22 (3) \$180,000,000 for the National Railroad
23 Passenger Corporation to—

24 (A) improve access control;

1 (B) develop an incident command system;

2 and

3 (C) introduce satellite communication sys-

4 tems;

5 (4) \$41,000,000 for the National Railroad Pas-
6 senger Corporation for—

7 (A) the hiring the training of 150 new po-

8 lice officers and 250 new security personnel;

9 and

10 (B) the establishment of terrorism and K-

11 9 units; and

12 (5) \$100,000,000 for the training and hiring of

13 security personnel to protect key freight rail facili-

14 ties.

15 Such sums shall remain available until expended.

16 **Subtitle D—Secure Public Transit**
17 **Systems**

18 **SEC. 251. SECURITY STAFFING.**

19 There is authorized to be appropriated to the Sec-

20 retary of Transportation \$300,000,000 for fiscal year

21 2002 to hire additional personnel for public transit secu-

22 rity planning, surveillance, patrols, and response. Such

23 sums shall remain available until expended.

1 **SEC. 252. SECURITY TRAINING.**

2 There is authorized to be appropriated to the Sec-
3 retary of Transportation \$25,000,000 for fiscal year 2002
4 to improve security at public transit facilities by—

5 (1) developing security programs;

6 (2) participating in programs external to transit
7 agencies;

8 (3) conducting emergency preparedness drills;

9 and

10 (4) conducting workshops and symposiums.

11 Such sums shall remain available until expended.

12 **SEC. 253. TECHNICAL SUPPORT.**

13 There is authorized to be appropriated to the Sec-
14 retary of Transportation \$100,000,000 for fiscal year
15 2002 to improve security at public transit facilities by—

16 (1) securing support for development of emer-
17 gency preparedness plans;

18 (2) conducting security needs assessments; and

19 (3) developing infrastructure security plans.

20 Such sums shall remain available until expended.

21 **SEC. 254. INFRASTRUCTURE AND ROLLING STOCK SECU-
22 RITY.**

23 There is authorized to be appropriated to the Sec-
24 retary of Transportation \$2,550,000,000 for fiscal year
25 2002 to install communications, surveillance, detection
26 systems, and equipment at public transit facilities for en-

1 hancing the security of rolling stock, stations, facilities,
2 rights-of-way, bridges, tunnels, electronic systems, and
3 other systems. Such sums shall remain available until ex-
4 pended.

5 **SEC. 255. EMERGENCY RESPONSE SUPPORT EQUIPMENT.**

6 There is authorized to be appropriated to the Sec-
7 retary of Transportation \$100,000,000 for fiscal year
8 2002 to improve security at public transit facilities by ac-
9 quiring personal protective and detection equipment, sup-
10 port vehicles, and equipment for emergency response and
11 recovery. Such sums shall remain available until expended.

12 **SEC. 256. SUPPORT OF NATIONAL DEFENSE.**

13 There is authorized to be appropriated to the Sec-
14 retary of Transportation \$50,000,000 for fiscal year 2002
15 to develop and refine evacuation plans, including plans for
16 mobilization of transit systems for evacuation needs. Such
17 sums shall remain available until expended.

18 **SEC. 257. RESEARCH AND DEVELOPMENT.**

19 There is authorized to be appropriated to the Sec-
20 retary of Transportation \$25,000,000 for fiscal year 2002
21 to research and develop systems and facilities that will
22 mitigate threats and enhance detection of security threats
23 in mass transit environments. Such sums shall remain
24 available until expended.

1 **Subtitle E—Energy Pipeline**
2 **Security Study**

3 **SEC. 261. ENERGY PIPELINE SECURITY STUDY.**

4 There are authorized to be appropriated to the Sec-
5 retary of Transportation \$5,000,000 for fiscal year 2002
6 for the Secretary to enter into an arrangement with the
7 National Academy of Sciences for a comprehensive study
8 by the National Academy of Sciences’s Transportation Re-
9 search Board of the security of energy pipelines, including
10 issues related to monitoring, hardening of facilities, and
11 hiring and training of security personnel. Such sums shall
12 remain available until expended.

13 **Subtitle F—Secure Aviation**

14 **SEC. 271. SECURITY REPORTING.**

15 There is authorized to be appropriated \$1,000,000
16 for fiscal year 2003 for upgrading and expanding the cur-
17 rent infrastructure of the Aviation Safety Reporting Sys-
18 tem of the Federal Aviation Administration and National
19 Aeronautics and Space Administration to collect and proc-
20 ess reports on deficiencies and lapses in the Nation’s avia-
21 tion security system from employees of public and private
22 aviation-related entities.

23 **SEC. 272. REAL-TIME REPORTING OF FLIGHT DATA.**

24 (a) PILOT PROJECTS.—The Secretary of Transpor-
25 tation shall carry out pilot projects with air carriers for

1 the real-time transmission to the Federal Aviation Admin-
2 istration of cockpit voice and flight data and cabin video
3 data from aircraft of such air carriers. The Secretary shall
4 provide funding for the installation and operation of
5 equipment necessary for the transmission of such data
6 under the pilot projects.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated \$60,000,000 to carry out
9 this section.

10 **SEC. 273. INSTALLATION OF FUEL CELLS AT AIRPORTS.**

11 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-
12 retary of Transportation shall establish a pilot program
13 to deploy commercially available fuel cells at public use
14 airports to ensure a reliable energy supply for new and
15 emerging aviation security technologies, airport control
16 towers, airport terminals, and other airport facilities.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated \$20,000,000 to carry out
19 this section.

1 **TITLE III—PROTECT AMERICA’S**
2 **PHYSICAL AND INFORMA-**
3 **TIONAL INFRASTRUCTURE**
4 **Subtitle A—Secure America’s**
5 **Energy Infrastructure**

6 **SEC. 301. SECURE OUR OIL REFINERIES AND NATURAL GAS**
7 **STORAGE FACILITIES.**

8 (a) RISK MANAGEMENT ASSESSMENT.—Not later
9 than one year after the date of enactment of this Act, the
10 Secretary of Energy shall transmit to Congress a report
11 describing the results of a risk management assessment
12 of oil refineries and natural gas and liquid natural gas
13 storage facilities in the United States. Such report shall
14 include the results of a threat assessment, vulnerabilty as-
15 sessment and criticality assessment of oil refineries and
16 natural gas and liquid natural gas storage facilities in the
17 United States, and make recommendations on actions that
18 may reduce the risk and mitigate the consequences of an
19 attack or event. Such report shall assess but not be limited
20 to:

21 (1) construction of interactive, distributed secu-
22 rity architecture with control over network, estab-
23 lishment of automated intrusion detection, alert, re-
24 sponse, and forensic information gathering, and

1 encryption of all wireless and Internet-based commu-
2 nications;

3 (2) dedicated backup and alternate power sup-
4 plies and telecommunications capability;

5 (3) enhanced background investigation and per-
6 sonnel security procedures;

7 (4) hardening perimeter and internal security of
8 refineries and natural gas and liquid natural gas
9 storage facilities and improving monitoring of pipe-
10 lines;

11 (5) conducting physical and logical penetration
12 tests using government or private security special-
13 ists;

14 (6) physical inspections of tankers before they
15 access facilities; and

16 (7) establishment of alternate and backup
17 modes of transportation, and facility ingress and
18 egress.

19 (b) DEMONSTRATION PROJECTS.—The Secretary of
20 Energy shall provide support for projects to demonstrate
21 the best practices identified under subsection (a) and
22 other appropriate topics.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Secretary of En-
25 ergy for fiscal year 2002 to carry out this section—

1 (1) \$25,000,000 for subsection (a); and

2 (2) \$25,000,000 for subsection (b).

3 Such sums shall remain available until expended.

4 **SEC. 302. SECURE OUR CHEMICAL FACILITIES.**

5 (a) IN GENERAL.—The Administrator of the Envi-
6 ronmental Protection Agency, in consultation with the Of-
7 fice of Homeland Security, shall transmit to Congress a
8 report describing the results of a risk management assess-
9 ment of chemical manufacturing facilities in the United
10 States. Such report shall include the results of a threat
11 assessment, vulnerability assessment and criticality as-
12 sessment of chemical manufacturing facilities in the
13 United States, and make recommendations on actions that
14 may reduce the risk and mitigate the consequences of an
15 attack or event.

16 (b) DEMONSTRATION PROJECTS.—The Adminis-
17 trator of the Environmental Protection Agency shall pro-
18 vide support for projects to demonstrate best practices
19 identified under subsection (a).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Administrator the
22 Environmental Protection Agency for fiscal year 2002 to
23 carry out this section—

24 (1) \$25,000,000 for subsection (a); and

25 (2) \$25,000,000 for subsection (b).

1 Such sums shall remain available until expended.

2 **SEC. 303. SECURE OUR NUCLEAR FACILITIES AND NU-**
3 **CLEAR WASTE.**

4 (a) RISK MANAGEMENT ASSESSMENT.—Not later
5 than one year after the date of enactment of this Act, the
6 Chairman of the Nuclear Regulatory Commission shall
7 transmit to Congress a report describing the results of a
8 risk management assessment of nuclear facilities in the
9 United States. Such report shall include the results of a
10 threat assessment, vulnerabilty assessment and criticality
11 assessment of nuclear facilities in the United States, and
12 make recommendations on actions that may reduce the
13 risk and mitigate the consequences of an attack or event.

14 (b) NUCLEAR WASTE TRANSPORTATION AND STOR-
15 AGE.—

16 (1) TERRORIST ATTACK DEFENSE INTER-
17 AGENCY PLAN.—

18 (A) IN GENERAL.—The Secretary of En-
19 ergy shall coordinate the development and im-
20 plementation of an interagency plan to prepare
21 for and defend against terrorist attacks against
22 high-level nuclear waste transportation facilities
23 and infrastructure, interim storage facilities,
24 intermodal transfer facilities, or central reposi-
25 tories. Such plan shall—

1 (i) include an assessment of terrorism
2 risks and economic feasibility of defending
3 against attacks on all transportation and
4 storage of high-level nuclear waste;

5 (ii) give special attention to the risks
6 of nuclear waste being used as a radio-
7 logical weapon; and

8 (iii) include an analysis of the eco-
9 nomic, public health, and environmental
10 costs of implementing the plan.

11 (B) INTERIM REPORT.—Not later than
12 April 15, 2002, the Secretary of Energy shall
13 transmit to the Congress an interim report on
14 the development of the plan under subpara-
15 graph (A).

16 (C) FINAL REPORT.—Not later than De-
17 cember 31, 2002, the Secretary of Energy shall
18 transmit to the Congress a report containing
19 the final plan developed under subparagraph
20 (A).

21 (2) RESPONSE PLAN.—

22 (A) IN GENERAL.—The Federal Emer-
23 gency Management Agency shall coordinate and
24 develop a plan to ensure that Federal, State,
25 and local governments can respond adequately

1 to the consequences of a terrorist attack against
2 the transportation or storage of high-level nu-
3 clear waste. Such plan shall—

4 (i) include procedures for notifying
5 State and local emergency response units
6 when nuclear waste is transported through
7 their jurisdictions; and

8 (ii) include necessary preresponse
9 preparations to ensure the adequate re-
10 sponse of “first responders”.

11 (B) INTERIM REPORT.—Not later than
12 March 31, 2003, the Federal Emergency Man-
13 agement Agency shall transmit to the Congress
14 an interim report on the development of the
15 plan under subparagraph (A).

16 (C) FINAL REPORT.—Not later than
17 March 31, 2004, the Federal Emergency Man-
18 agement Agency shall transmit to the Congress
19 a report containing the final plan developed
20 under subparagraph (A).

21 (c) DEMONSTRATION PROJECTS.—The Chairman of
22 the Nuclear Regulatory Commission shall provide support
23 for projects to demonstrate best practices indentified
24 under subsection (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Chairman of the
3 Nuclear Regulatory Commission for fiscal year 2002 to
4 carry out this section—

5 (1) \$25,000,000 for subsection (a); and

6 (2) \$25,000,000 for subsection (b).

7 Such sums shall remain available until expended.

8 **SEC. 304. SECURE OUR ELECTRIC POWER GRID.**

9 (a) RISK MANAGEMENT ASSESSMENT.—Not later
10 than one year after the date of enactment of this Act, the
11 Chairman of the Federal Energy Regulatory Commission
12 shall transmit to Congress a report describing the results
13 of a risk management assessment of the electric power
14 grid in the United States. Such report shall include the
15 results of a threat assessment, vulnerability assessment
16 and criticality assessment of electric power generation,
17 transmission, and local distribution facilities in the United
18 States, and make recommendations on actions that may
19 reduce the risk and mitigate the consequences of an attack
20 or event.

21 (b) DEMONSTRATION PROJECTS.—The Chairman of
22 the Federal Energy Regulatory Commission shall provide
23 support for projects to demonstrate best practices
24 indentified under subsection (a).

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Chairman of the
3 Federal Energy Regulatory Commission for fiscal year
4 2002 to carry out this section—

5 (1) \$25,000,000 for subsection (a); and

6 (2) \$25,000,000 for subsection (b).

7 Such sums shall remain available until expended.

8 **SEC. 305. TRANSPORTATION OF NUCLEAR MATERIALS.**

9 (a) AMENDMENT.—Chapter 14 of the Atomic Energy
10 Act of 1954 (42 U.S.C. 2201–2210b) is amended by add-
11 ing at the end the following new section:

12 “SEC. 170C. TRANSPORTATION OF NUCLEAR MATE-
13 RIALS.—

14 “a. The Nuclear Regulatory Commission shall estab-
15 lish a system to ensure that—

16 “(1) with respect to activities by any party pur-
17 suant to a license issued under this Act, each vehicle
18 transporting materials described in subsection b. in
19 the United States—

20 “(A) from a facility licensed by the Nu-
21 clear Regulatory Commission;

22 “(B) from a facility licensed by an agree-
23 ment State; or

1 “(C) from a country with whom the United
2 States has an agreement for cooperation under
3 section 123,

4 carries a manifest describing the type and amount of
5 materials being transported;

6 “(2) each individual driving or traveling with
7 such a vehicle has been subject to a security back-
8 ground check by appropriate Federal entities; and

9 “(3) no such vehicle transports such materials
10 to a destination other than a facility licensed by the
11 Nuclear Regulatory Commission or an agreement
12 State under this Act or other appropriate Federal
13 facility, or to a destination outside the United States
14 in a country with whom the United States has an
15 agreement for cooperation under section 123.

16 “b. Except as otherwise provided by the Commission
17 by regulation, the materials referred to in subsection a.(1)
18 are byproduct materials, source materials, special nuclear
19 materials, high-level radioactive waste, spent nuclear fuel,
20 transuranic waste, and low-level radioactive waste (as de-
21 fined in section 2(16) of the Nuclear Waste Policy Act
22 of 1982 (42 U.S.C. 10101(16))).”.

23 (b) REGULATIONS.—Not later than 6 months after
24 the date of the enactment of this Act, and from time to
25 time thereafter as it considers necessary, the Nuclear Reg-

1 ulatory Commission shall issue regulations identifying ra-
2 dioactive materials that, consistent with the protection of
3 public health and safety and the common defense and se-
4 curity, are appropriate exceptions to the transportation re-
5 quirements of section 170C of the Atomic Energy Act of
6 1954, as added by subsection (a) of this section.

7 (c) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall take effect upon the issuance of regu-
9 lations under subsection (b).

10 (d) TABLE OF SECTIONS AMENDMENT.—The table
11 of sections for chapter 14 of the Atomic Energy Act of
12 1954 is amended by adding at the end the following new
13 item:

“Sec. 170C. Transportation of nuclear materials.”.

14 **SEC. 306. DESIGN BASIS THREAT.**

15 (a) RULEMAKING.—Chapter 14 of the Atomic Energy
16 Act of 1954 (42 U.S.C. 2201–2210b) is amended by add-
17 ing at the end the following new section:

18 “SEC. 170D. DESIGN BASIS THREAT.—

19 “a. The Nuclear Regulatory Commission, not later
20 than 120 days after the date of the enactment of this sec-
21 tion, after consultation with the Secretary of Defense, the
22 Director of Central Intelligence, the Director of the Fed-
23 eral Bureau of Investigation, the National Security Advi-
24 sor, the Director of Homeland Security (or any successor
25 official), and any other appropriate Federal, State, or non-

1 governmental entities, shall commence a rulemaking to
2 consider changes to the design basis threat for facilities
3 licensed by the Commission under this Act. Within 18
4 months after the date of the enactment of this section,
5 the Commission shall issue a final rule revising the design
6 basis threat and shall revise associated regulations, guid-
7 ance, and orders accordingly.

8 “b. Actions taken under subsection a. shall take into
9 account, but not be limited to—

10 “(1) the events of September 11, 2001;

11 “(2) the potential for attack on facilities by
12 multiple coordinated teams totaling in the aggregate
13 a larger number of individuals;

14 “(3) the potential for assistance in an attack
15 from several persons employed at the facility;

16 “(4) the potential for suicide attacks;

17 “(5) water-based and air-based threats;

18 “(6) the potential use of explosive devices of
19 considerable size and other modern weaponry;

20 “(7) the potential for attacks by persons with
21 a sophisticated knowledge of facility operations;

22 “(8) the threat of fires, especially fires of long
23 duration;

24 “(9) protection of spent fuel storage pools and
25 dry cask storage, including after reactor closure; and

1 “(10) any new security role assumed by other
2 Federal entities at facilities licensed by the Commis-
3 sion under this Act.

4 “c. Regulations, guidance, and orders issued under
5 this section shall establish requirements for licensees relat-
6 ing to construction, operation, security procedures, and
7 emergency response. The Commission, through such regu-
8 lations, guidance, and orders shall require conforming
9 amendments to existing licenses.

10 “d. Actions taken under subsection a. shall require
11 licensees to provide for armed escorts for all spent fuel
12 shipments, capable of repelling attacks by a large number
13 of attackers working as several coordinated teams and
14 using sophisticated techniques and equipment.

15 “e. (1) Actions taken under subsection a. shall in-
16 clude the establishment of an operational safeguards re-
17 sponse evaluation program, whose Director shall report di-
18 rectly to the Nuclear Regulatory Commission, which shall
19 ensure that the operational safeguards response of each
20 facility described in paragraph (2) is tested at least once
21 every 2 years through Commission designed, supervised,
22 and evaluated force-on-force exercises to determine wheth-
23 er the ability to defeat the design basis threat is being
24 maintained.

1 “(2) Facilities subject to testing under paragraph (1)
2 include commercial nuclear powerplants, research reac-
3 tors, spent fuel storage facilities and associated support
4 facilities and equipment, and any other licensed facility
5 the Nuclear Regulatory Commission considers appro-
6 priate.

7 “f. Regulations, guidance, and orders issued under
8 this section shall be reviewed and revised as appropriate
9 at least once every 5 years.

10 “g. In carrying out this section, the Commission shall
11 control the dissemination of restricted data, safeguards in-
12 formation, and other classified national security informa-
13 tion in such a manner as to assure the common defense
14 and security, consistent with chapter 12.”.

15 (b) TABLE OF SECTIONS AMENDMENT.—The table of
16 sections for chapter 14 of the Atomic Energy Act of 1954
17 is amended by adding at the end the following new item:

“Sec. 170D. Design basis threat.”.

18 **SEC. 307. DEFENSE OF FACILITIES.**

19 (a) AMENDMENT.—Chapter 14 of the Atomic Energy
20 Act of 1954 (42 U.S.C. 2201–2210b) is amended by add-
21 ing at the end the following new section:

22 “SEC. 170E. DEFENSE OF FACILITIES.—

23 “Whenever a state of war or national emergency ex-
24 ists, the President is authorized to deploy the Armed
25 Forces of the United States, or the National Guard, to

1 defend facilities licensed by the Nuclear Regulatory Com-
2 mission under this Act from terrorist attack or threat
3 from any foreign power. The President is also authorized
4 to restrict air space in the vicinity of such facilities.”.

5 (b) TABLE OF SECTIONS AMENDMENT.—The table of
6 sections for chapter 14 of the Atomic Energy Act of 1954
7 is amended by adding at the end the following new item:
“Sec. 170E. Defense of facilities.”.

8 (c) SAVINGS.—Nothing in the amendment made by
9 subsection (a) shall be construed to limit the President’s
10 authority under any other Act or under the Constitution.

11 **Subtitle B—Secure America’s** 12 **Information Infrastructure**

13 **SEC. 311. SECURE OUR FIBER OPTIC INFRASTRUCTURE.**

14 (a) RISK MANAGEMENT ASSESSMENT.—Not later
15 than one year after the date of enactment of this Act, the
16 Secretary of Commerce, acting through the National Tele-
17 communications and Information Administration of the
18 Department of Commerce, shall transmit to Congress a
19 report describing the results of a risk management assess-
20 ment of the Nation’s fiber optic infrastructure. Such re-
21 port shall include the results of a threat assessment,
22 vulnerabilty assessment and criticality assessment of such
23 infrastructure in the United States, and make rec-
24 ommendations on actions that may reduce the risk and

1 mitigate the consequences of an attack or event. Such re-
2 port shall assess but not be limited to:

3 (1) PHYSICAL ATTACKS.—Physical attack
4 against Network Operations Centers (NOC's), Point
5 of Presence facilities (POP's), or signal amplifi-
6 cation/regeneration facilities: computer equipment,
7 mechanical systems, electrical systems.

8 (2) SOPHISTICATED EXPLOITATION.—Use of
9 sophisticated techniques to exploit active fiber optic
10 cable, to extract data or degrade or permanently
11 darken fiber over time.

12 (3) SABOTAGE.—Sabotage (cutting/bending) of
13 in-ground or aerial cable lines.

14 (4) HACKER ATTACKS.—Logical (hacker) at-
15 tacks against network to deactivate one or more
16 runs, alter repeater synchronization, or cripple moni-
17 toring ability.

18 (b) REPORT.—The National Telecommunications and
19 Information Administration shall submit a report on the
20 evaluation and assessment conducted under this section
21 to the Congress not later than December 31, 2002.

22 (c) DEMONSTRATION PROJECTS.—The Secretary of
23 Commerce shall provide support for projects to dem-
24 onstrate best practices indentified under subsection (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary of Com-
3 merce for fiscal year 2002 to carry out this section—

4 (1) \$25,000,000 for subsection (a); and

5 (2) \$25,000,000 for subsection (b).

6 Such sums shall remain available until expended.

7 **SEC. 312. ENHANCE CYBER SECURITY.**

8 (a) PROTECTION OF FEDERAL INFORMATION TECH-
9 NOLOGY INFRASTRUCTURE.—The Secretary or Director of
10 every Federal department or agency shall ensure that the
11 Chief Information Officer of that department or agency—

12 (1) upgrades information and security systems
13 to protect from denial-of-service or other attacks
14 against information systems;

15 (2) implements an early-warning system to as-
16 sist law enforcement officials in the event of an at-
17 tack; and

18 (3) supports the development of new tech-
19 nologies (including digital encryption) for protecting
20 Federal database systems.

21 (b) PROTECTION OF STATE AND LOCAL INFORMA-
22 TION SYSTEMS.—There is authorized to be appropriated
23 for fiscal year 2002—

24 (1) \$2,000,000,000 for matching grants to
25 State and local Governments for improving informa-

1 tion and security systems and employee training;
2 and

3 (2) \$50,000,000 for recruitment by the Cor-
4 poration for National Service, in association with the
5 Department of Justice, of information technology se-
6 curity specialists to work with local government
7 agencies and law enforcement authorities and im-
8 prove network security at the local municipal level.
9 Such sums shall remain available until expended.

10 (c) UNIVERSITY GRANTS.—There is authorized to be
11 appropriated \$325,000,000 for fiscal year 2002 to make
12 Federal grants to public and private universities to provide
13 greater educational opportunities in information security
14 for approximately 10,000 students. Such sums shall re-
15 main available until expended.

16 **Subtitle C—Secure Our Federal** 17 **Buildings**

18 **SEC. 321. SECURE OUR FEDERAL BUILDINGS.**

19 (a) VULNERABILITY ASSESSMENT.—The Attorney
20 General shall update the June 28, 1995 study entitled
21 “Vulnerability Assessment of Federal Facilities. Such up-
22 date shall take into account the events of September 11,
23 2001. The update shall address the screening of employ-
24 ees, the adequacy of current identification systems, the
25 adequacy of current surveillance measures, the potential

1 increased need for magnetometers, need for mail proc-
2 essing at offsite secure locations, and cybersecurity.

3 (b) RISK MANAGEMENT ASSESSMENT.—Not later
4 than one year after the date of enactment of this Act, the
5 Administrator of the General Services Administration
6 shall transmit to Congress a report describing the results
7 of a risk management assessment of Federal buildings.
8 Such report shall include the results of a threat assess-
9 ment, vulnerabilty assessment and criticality assessment
10 of Federal buildings, and make recommendations on ac-
11 tions that may reduce the risk and mitigate the con-
12 sequences of an attack or event.

13 (c) DEMONSTRATION PROJECTS.—The Adminis-
14 trator of General Services Administrationr shall provide
15 support for projects to demonstrate best practices
16 indentified under subsection (a).

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Administrator of
19 General Services Administration for fiscal year 2002 to
20 carry out this section—

21 (1) \$25,000,000 for subsection (a); and

22 (2) \$25,000,000 for subsection (b).

23 Such sums shall remain available until expended.

1 **TITLE IV—GIVE LAW ENFORCE-**
2 **MENT WHAT IT NEEDS TO EF-**
3 **ECTIVELY COMBAT TER-**
4 **RORISM**

5 **Subtitle A—Give Law Enforcement**
6 **the Tools It Needs To Combat**
7 **Terrorism**

8 **SEC. 401. IMPROVE COMPUTER ASSESSMENT TECH-**
9 **NOLOGY.**

10 The Director of the Federal Bureau of Investigation
11 and the Director of Central Intelligence, in cooperation
12 with the Department of Transportation and the Depart-
13 ment of Defense, shall investigate whether computer
14 knowledge assessment technologies already known and
15 previously tested, with a 90 percent accuracy level, by ei-
16 ther the Federal Bureau of Investigation or the Central
17 Intelligence Agency, can be used to detect individuals with
18 terrorist training. The Directors shall report the results
19 of the investigation to Congress.

20 **SEC. 402. SUPPLEMENT LOCAL LAW ENFORCEMENT.**

21 (a) PILOT PROGRAM.—(1) From amounts available
22 to carry out this section, the Attorney General shall create
23 a pilot program for eventually establishing civilian supple-
24 mental incident response teams, comprised of volunteers
25 from the general public, in 120 of the largest metropolitan

1 areas, with funding made available for materials, equip-
2 ment, and training.

3 (2) In accordance with accepted Federal crisis re-
4 sponse and consequence management plans, these teams
5 shall, as much as is practicable, provide assistance to
6 State and local law enforcement agencies in a manner
7 similar to that provided by the Civilian Emergency Re-
8 sponse Teams of the Federal Emergency Management
9 Agency. Volunteers shall receive training in life-saving
10 skills, rescuer safety, civic assistance, general civil sup-
11 port, and other similar training as appropriate.

12 (3) In creating the pilot program, due deference shall
13 be afforded (to avoid duplication, redundancy, and over-
14 lap, and achieve as high a level of coordination as possible
15 and necessary) to each of the following:

16 (A) The program created and defined under
17 section 1403(1) of the Defense Against Weapons of
18 Mass Destruction Act of 1996 (title XIV of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 1997; 50 U.S.C. 2302(1)).

21 (B) Section 523.

22 (C) The initiatives included under Section
23 603(1) and 603(2).

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated \$15,000,000 to carry

1 out this section. Such sums shall remain available until
2 expended.

3 (c) CONTOMS FUNDING.—There is authorized to be
4 appropriated \$2,400,000 for fiscal year 2002 to fully fund
5 the counter narcotics tactical operations medical support
6 program in the Department of Justice. Such sums shall
7 remain available until expended.

8 **Subtitle B—Protect the U.S. Postal**
9 **Service and Its Employees**

10 **SEC. 411. PROTECT THE POSTAL SERVICE AND ITS EM-**
11 **PLOYEES.**

12 (a) IN GENERAL.—There is authorized to be appro-
13 priated for fiscal year 2002 the sum of \$1,089,300,000,
14 to be used by the United States Postal Service to enhance
15 the Postal Service’s ability to detect and neutralize, or oth-
16 erwise appropriately respond to, any substance or other
17 matter (whether biological, chemical, or otherwise) entered
18 into the mails, without authorization, that might be dan-
19 gerous or injurious to life, health, or property. Such sums
20 shall remain available until expended.

21 (b) SPECIFIC PURPOSES.—The amount authorized by
22 subsection (a) consists of the following:

23 (1) \$13,000,000 for medical expenses and
24 emergency treatment costs.

1 (2) \$33,200,000 for protective equipment
2 (gloves and masks).

3 (3) \$25,600,000 for environmental testing
4 (equipment and services).

5 (4) \$45,000,000 for communications and edu-
6 cation for all customers and employees.

7 (5) \$245,000,000 for acquisition and installa-
8 tion of antibiological systems using sanitation tech-
9 nology.

10 (6) \$53,000,000 for deployment of sanitation
11 technology (testing and employee training).

12 (7) \$9,500,000 for off-site irradiation services.

13 (8) \$306,500,000 for hazard detection equip-
14 ment (with Department of Justice Joint Program
15 Office for Biological Warfare Detection).

16 (9) \$67,000,000 for equipment and building
17 cleaning modifications.

18 (10) \$97,900,000 for building heating, ventila-
19 tion, and air-conditioning system modifications
20 (based on recommendations of the Centers for Dis-
21 ease Control and Prevention).

22 (11) \$145,100,000 for major equipment modi-
23 fication (to include automatic vacuuming).

24 (12) \$48,500,000 for implementation of new se-
25 curity initiatives.

1 **Subtitle C—Improve Border and**
2 **Customs Capabilities**

3 **SEC. 421. UPDATE BORDER AND CUSTOMS TECHNOLOGY**
4 **AND DETECTION CAPABILITIES AND IN-**
5 **CREASE PERSONNEL**

6 (a) **NEUTRON SCANNER TECHNOLOGY.**—The Cus-
7 toms Service shall expedite the development and deploy-
8 ment of pulsed fast neutron analysis (PFNA) technology
9 for use by the Customs Service.

10 (b) **TECHNOLOGY TO DETECT BIOLOGICAL OR**
11 **CHEMICAL AGENTS.**—There is authorized to appropriated
12 for fiscal year 2002 \$500,000,000 for the development of
13 scanners, for use by the Customs Service, that are capable
14 of sensing biological and chemical contaminants in micro-
15 scopic airborne quantities. Such sums shall remain avail-
16 able until expended.

17 (c) **IDENTIFICATION OF INDIVIDUALS CROSSING U.S.**
18 **BORDERS.**—

19 (1) **IDENTIFICATION.**—

20 (A) **IN GENERAL.**—The Attorney General
21 shall develop a program to—

22 (i) encourage the use of biometrics to
23 identify in a racially and ethnically neutral
24 manner individuals crossing the borders
25 into the United States;

1 (ii) integrate Federal databases and
2 watch lists so as to better identify those
3 who should not be permitted entry into the
4 United States;

5 (iii) provide for the use of better pro-
6 duction techniques, including holograms,
7 magnetic strips, and embedded chips, for
8 official Federal, State, and territory-issued
9 forms of identification; and

10 (iv) implement biometric scanning
11 techniques, including fingerprint recogni-
12 tion and “laser visas” to speed and auto-
13 mate security scanning techniques at bor-
14 der checkpoints (including airports) while
15 increasing accuracy.

16 (B) AUTHORIZATION OF APPROPRIA-
17 TIONS.—For the purpose of carrying out sub-
18 paragraph (A), there is authorized to be appro-
19 priated \$30,000,000 for fiscal year 2002.
20 Amounts appropriated under the preceding sen-
21 tence shall remain available until expended.

22 (d) INCREASED NUMBERS OF BORDER PATROL, IM-
23 MIGRATION OFFICERS, CUSTOMS INSPECTORS, AND U.S.
24 MARSHALS.—

1 (1) BORDER PATROL.—(A) The Attorney Gen-
2 eral shall carry out a program to increase the num-
3 ber of United States Border Patrol personnel (from
4 the number authorized under current law) to 10,500
5 by fiscal year 2003.

6 (B) There is authorized to be appropriated
7 \$136,000,000 for fiscal year 2002 to carry out sub-
8 paragraph (A). Such sums shall remain available
9 until expended.

10 (2) INS.—(A) The Attorney General shall carry
11 out a program to increase the number of Immigra-
12 tion and Naturalization Service inspectors at ports
13 of entry to 6000 by fiscal year 2003.

14 (B) There is authorized to be appropriated
15 \$71,850,000 for fiscal year 2002 to carry out sub-
16 paragraph (A). Such sums shall remain available
17 until expended.

18 (3) CUSTOMS INSPECTORS.—(A) The Secretary
19 of the Treasury shall carry out a program to in-
20 crease the number of Customs Service inspectors at
21 ports of entry to 9000 by fiscal year 2003.

22 (B) There is authorized to be appropriated
23 \$71,850,000 for fiscal year 2002 to carry out sub-
24 paragraph (A). Such sums shall remain available
25 until expended.

1 (4) U.S. MARSHALS.—(A) The Attorney Gen-
2 eral shall carry out a program to increase the num-
3 ber of United States marshals to 5200 by fiscal year
4 2003.

5 (B) There is authorized to be appropriated
6 \$12,500,000 for fiscal year 2002 to carry out sub-
7 paragraph (A). Such sums shall remain available
8 until expended.

9 (e) BORDER HEALTH INSPECTORS.—

10 (1) ESTABLISHMENT.—The Commissioner of
11 Immigration and Naturalization, in consultation
12 with the heads of appropriate departments and
13 agencies, shall establish a corps of border health in-
14 spectors, to be composed of medical doctors or other
15 medical professionals, whose function shall be to in-
16 spect individuals entering the United States at the
17 borders for signs of infectious disease who may be
18 intending purposefully to infect others.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated \$10,000,000
21 for fiscal year 2002 for—

22 (A) the corps of border health inspectors
23 established under paragraph (1); and

24 (B) equipment and technology necessary
25 for the corps to carry out its functions effec-

1 tively, including on site communications tech-
2 nology, laboratories, medicines, medical equip-
3 ment, and medical instruments and technology.

4 Such sums shall remain available until expended.

5 (f) AMOUNTS TO REMAIN AVAILABLE.—Amounts ap-
6 propriated under this section shall remain available until
7 expended.

8 (g) DISTRICT JUDGES FOR THE DISTRICT
9 COURTS.—

10 (1) IN GENERAL.—The President shall appoint,
11 by and with the advice and consent of the Senate—

12 (A) 5 additional district judges for the
13 southern district of California;

14 (B) 1 additional district judge for the dis-
15 trict of New Mexico;

16 (C) 1 additional district judge for the
17 southern district of Texas; and

18 (D) 2 additional district judges for the
19 western district of Texas.

20 (2) TABLES.—In order that the table contained
21 in section 133 of title 28, United States Code, will,
22 with respect to each judicial district, reflect the
23 changes in the total number of permanent district
24 judgeships authorized as a result of paragraph (1)
25 of this subsection, such table is amended—

1 (A) by striking the item relating to Cali-
2 fornia and inserting the following:

“California:	
Northern	14
Eastern	6
Central	27
Southern	13”;

3 (B) by striking the item relating to New
4 Mexico and inserting the following:

“New Mexico	7”;
-------------------	-----

5 and

6 (C) by striking the item relating to Texas
7 and inserting the following:

“Texas:	
Northern	12
Southern	20
Eastern	7
Western	13”.

8 (h) TEMPORARY JUDGESHIIPS.—The President shall
9 appoint, by and with the advice and consent of the
10 Senate—

11 (1) 4 additional district judges for the district
12 of Arizona;

13 (2) 3 additional district judges for the southern
14 district of California;

15 (3) 1 additional district judge for the district of
16 New Mexico; and

17 (4) 1 additional district judge for the western
18 district of Texas.

1 For the district of Arizona, the first 4 vacancies arising
2 on the district court 7 years or more after judges are first
3 confirmed to fill all 4 temporary district judgeships cre-
4 ated in that district by this subsection shall not be filled.
5 For the southern district of California, the first 3 vacan-
6 cies arising on the district court 7 years or more after
7 judges are first confirmed to fill all 3 temporary district
8 judgeships created in that district by this subsection shall
9 not be filled. For each of the other judicial districts named
10 in this subsection, the first vacancy arising on the district
11 court 7 years or more after a judge is first confirmed to
12 fill the temporary district judgeship created in that district
13 by this subsection shall not be filled.

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated \$15,200,000 for fiscal
16 year 2002 to carry out the provisions of subsections (g)
17 and (h), including such sums as may be necessary to pro-
18 vide appropriate space and facilities for the judicial posi-
19 tions created by this Act. Such sums shall remain available
20 until expended.

21 **SEC. 422. IMPROVE CUSTOMS SERVICE RECONNAISSANCE.**

22 (a) PROGRAM.—The Director of Homeland Security,
23 in consultation with the United States Custom Service,
24 shall consider a program to improve aerial reconnaissance
25 activities on the United States borders, to include the ac-

1quisition and deployment of unmanned aerial vehicle sys-
2tems.

3 (b) USE OF UNMANNED AERIAL VEHICLES.—Under
4the program, the United States Customs Service may ac-
5quire and deploy unmanned aerial vehicle systems.

6 (c) COMMENCEMENT.—If approved, the program
7under this section shall begin during fiscal year 2003.

8 (d) AUTHORIZATION.—There is authorized to be ap-
9propriated \$300,000 for fiscal year 2002 and \$26,000,000
10to purchase, using appropriate competitive procedures
11equipment to meet the requirements established under
12subsection (a). Such sums shall remain available until ex-
13pended.

14 **TITLE V—IMPROVE INTER-**
15 **AGENCY AND INTERGOVERN-**
16 **MENTAL COORDINATION AND**
17 **INFORMATION SHARING**

18 **Subtitle A—Interagency and**
19 **Intergovernmental Coordination**

20 **SEC. 501. IMPROVE INTERAGENCY AND INTERGOVERN-**
21 **MENTAL COORDINATION.**

22 (a) SENSE OF CONGRESS.—It is the Sense of Con-
23gress that the organization and culture of various Federal
24entities prevent maximally effective and timely sharing of

1 vital information relevant to preventing, preparing for, or
2 responding to acts of terrorism.

3 (b) DUTY OF PRESIDENT.—The President shall,
4 through the Office of Homeland Security, oversee the ap-
5 propriate sharing of information among Federal, State,
6 and local agencies involved in intelligence collection and
7 law enforcement for the purpose of protecting homeland
8 security.

9 (c) ESTABLISHMENT OF ENTITY.—The Assistant to
10 the President for Homeland Security shall establish an en-
11 tity within Office of Homeland Security to develop a sys-
12 tem-wide information network to reduce interagency
13 compartmentalization of vital intelligence, to provide co-
14 ordination in areas in which agency responsibilities over-
15 lap, and to avoid duplication of unnecessary efforts and
16 resources.

17 (d) SPECIFIC DUTIES.—The entity established under
18 subsection (b) shall—

19 (1) integrate in the information network the
20 databases of existing watch lists of suspected terror-
21 ists now collected and maintained by the Federal
22 Bureau of Investigation, the Immigration and Natu-
23 ralization Service, the Department of Justice and
24 the State Department and any other appropriate in-
25 telligence or law enforcement agencies;

1 (2) ensure appropriate access to the informa-
2 tion network on a timely basis by Federal, State,
3 and local intelligence and law enforcement entities;

4 (3) ensure appropriate training exists for the
5 use of the network for all Federal, State, and local
6 users;

7 (4) protect personal privacy and other relevant
8 personal liberties by ensuring access to the network
9 to authorized users only and protection of sensitive
10 information on the network as needed;

11 (5) include in the network all such data from
12 biometric and other technologies as are available, in-
13 cluding fingerprints, DNA, and other biological in-
14 formation of suspected terrorists; and

15 (6) consider possible consolidation of other Fed-
16 eral entities, especially in the area of border control,
17 that may duplicate information sharing.

18 (e) PROTECTING CONFIDENTIALITY.—In establishing
19 and maintaining the network under subsection (c), the As-
20 sistant to the President for Homeland Security Affairs
21 shall ensure that the information in the database is only
22 provided to individuals who are approved for access to the
23 information involved, and shall ensure that the network
24 is operated in compliance with requirements under law re-

1 guarding protection against unauthorized disclosure of in-
2 formation for reasons of national security.

3 (f) AUTHORIZATION.—There is authorized to be ap-
4 propriated \$5,000,000 for fiscal year 2002 to the Execu-
5 tive Office of the President for the establishment of the
6 information network under this section. Such sums shall
7 remain available until expended.

8 **Subtitle B—Increase Capabilities**
9 **for Federal, State, and Local**
10 **Terrorism and Prevention**

11 **SEC. 511. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND**
12 **ORAL INTERCEPTION INFORMATION.**

13 Section 2517(6) of title 18, United States Code, is
14 amended as follows:

15 (1) In the first sentence, by inserting after “na-
16 tional security official” the following: “or to law en-
17 forcement personnel of a State or political subdivi-
18 sion of a State (including the chief executive officer
19 of that State or political subdivision who has the au-
20 thority to appoint or direct the chief law enforce-
21 ment officer of that State or political subdivision)”.

22 (2) In the second sentence, by striking “Fed-
23 eral”.

24 (3) By adding at the end the following: “Any
25 chief executive officer or law enforcement personnel

1 of a State or political subdivision of a State who re-
2 ceives information pursuant to this paragraph shall
3 only use that information consistent with such
4 guidelines as the Attorney General shall issue to pro-
5 tect confidentiality.”.

6 **SEC. 512. FOREIGN INTELLIGENCE INFORMATION.**

7 Section 203(d)(1) of the Uniting and Strengthening
8 America by Providing Appropriate Tools Required to
9 Intercept and Obstruct Terrorism Act (USA PATRIOT
10 ACT) of 2001 (Public Law 107–56) is amended as fol-
11 lows:

12 (1) In the first sentence, by inserting after “na-
13 tional security official” the following: “or to law en-
14 forcement personnel of a State or political subdivi-
15 sion of a State (including the chief executive officer
16 of that State or political subdivision who has the au-
17 thority to appoint or direct the chief law enforce-
18 ment officer of that State or political subdivision)”.

19 (2) In the second sentence, by striking “Fed-
20 eral”.

21 (3) By adding at the end the following: “Any
22 chief executive officer or law enforcement personnel
23 of a State or political subdivision of a State who re-
24 ceives information pursuant to this paragraph shall
25 only use that information consistent with such

1 guidelines as the Attorney General shall issue to pro-
2 tect confidentiality.”.

3 **SEC. 513. DISCLOSURES TO GOVERNMENTAL AGENCIES**
4 **FOR COUNTERTERRORISM PURPOSES.**

5 Section 626(a) of the Fair Credit Reporting Act (15
6 U.S.C. 1681 et seq.) is amended by adding at the end
7 the following: “The recipient of that consumer report or
8 information may further disclose the contents of that re-
9 port or information to law enforcement personnel of a
10 State or political subdivision of a State (including the chief
11 executive officer of that State or political subdivision who
12 has the authority to appoint or direct the chief law en-
13 forcement officer of that State or political subdivision) to
14 assist the official who is to receive that information in the
15 performance of the official duties of that official. Any chief
16 executive officer or law enforcement personnel of a State
17 or political subdivision of a State who receives information
18 pursuant to this subsection shall only use that information
19 consistent with such guidelines as the Attorney General
20 shall issue to protect confidentiality.”.

21 **SEC. 514. MULTILATERAL COOPERATION AGAINST TERROR-**
22 **ISTS.**

23 Section 222(f) of the Immigration and Nationality
24 Act (8 U.S.C. 1202(f)) is amended—

1 (1) in paragraph (1), by striking the period at
2 the end and inserting a semicolon;

3 (2) by redesignating paragraph (2) as para-
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) the Secretary of State may provide copies
8 of any record of the Department of State and of dip-
9 lomatic and consular offices of the United States
10 pertaining to the issuance or refusal of visas or per-
11 mits to enter the United States, or any information
12 contained in those records, to law enforcement per-
13 sonnel of a State or political subdivision of a State
14 (including the chief executive officer of that State or
15 political subdivision who has the authority to appoint
16 or direct the chief law enforcement officer of that
17 State or political subdivision), if the Secretary deter-
18 mines that it is necessary and appropriate, however,
19 any chief executive officer or law enforcement per-
20 sonnel of a State or political subdivision of a State
21 who receives information pursuant to this paragraph
22 shall only use that information consistent with such
23 guidelines as the Attorney General shall issue to pro-
24 tect confidentiality; and”.

1 **SEC. 515. INFORMATION ACQUIRED FROM AN ELECTRONIC**
2 **SURVEILLANCE.**

3 Section 160(k)(1) of the Foreign Intelligence Surveil-
4 lance Act of 1978 (50 U.S.C. 1806) is amended by insert-
5 ing after “law enforcement officers” the following: “or law
6 enforcement personnel of a State or political subdivision
7 of a State (including the chief executive officer of that
8 State or political subdivision who has the authority to ap-
9 point or direct the chief law enforcement officer of that
10 State or political subdivision)”.

11 **SEC. 516. INFORMATION ACQUIRED FROM A PHYSICAL**
12 **SEARCH.**

13 Section 305(k)(1) of the Foreign Intelligence Surveil-
14 lance Act of 1978 (50 U.S.C. 1825) is amended by insert-
15 ing after “law enforcement officers” the following: “or law
16 enforcement personnel of a State or political subdivision
17 of a State (including the chief executive officer of that
18 State or political subdivision who has the authority to ap-
19 point or direct the chief law enforcement officer of that
20 State or political subdivision)”.

21 **SEC. 517. PURPOSE OF AUTHORITY.**

22 The authorities provided by the amendments made
23 by sections 511 through 516 are for the purpose of pro-
24 tecting the territory, critical infrastructures, and citizens
25 of the United States by Federal, State, and local govern-
26 ment entities from the threat or use of chemical, biologi-

1 cal, radiological, nuclear, cyber, or conventional weapons
2 by military or other means.

3 **Subtitle C—Increasing Capabilities**
4 **and Coordination within and**
5 **between Levels of Government**

6 **SEC. 521. INCREASE EFFICIENCY OF INFORMATION SHAR-**
7 **ING AND OF BACKGROUND SECURITY CLEAR-**
8 **ANCES.**

9 (a) BACKGROUND SECURITY CLEARANCES.—The
10 President shall make such adjustments to the conduct of
11 background investigations by agencies and Departments
12 of the United States for access to classified information
13 as are required to provide for the following:

14 (1) Background investigations are conducted
15 for access to such information on elected State offi-
16 cials if the officials elect to have such access.

17 (2) Background investigations are conducted
18 for access to such information on elected local offi-
19 cials as the President determines appropriate.

20 (3) Background investigations are conducted
21 for access to such information on State and local law
22 enforcement personnel so that—

23 (A) in the case of a State law enforcement
24 official, at least one such official in the State
25 has access to such information; and

1 (B) in the case of a local law enforcement
2 official, at least one such official for each Field
3 Office of the Federal Bureau of Investigation in
4 the State has access to such information.

5 (4) Expeditious completion of background in-
6 vestigations.

7 (5) Increase in personnel within agencies and
8 Departments of the United States to conduct back-
9 ground investigations.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated \$10,000,000 for fiscal
12 year 2002 to be available until expended, and such sums
13 as are necessary in succeeding fiscal years, to carry out
14 paragraph (1). Such sums shall remain available until ex-
15 pended.

16 **SEC. 522. PREVENTION OF DELAY IN REASSIGNMENT OF 24**
17 **MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.**

18 Section 309(j)(14) of the Communications Act of
19 1934 (47 U.S.C. 309(j)(14) is amended by adding at the
20 end the following new subparagraph:

21 “(D) EXTENSIONS NOT PERMITTED FOR
22 CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR
23 PUBLIC SAFETY SERVICES.—Notwithstanding
24 subparagraph (B), the Commission shall not
25 grant any extension under such subparagraph

1 from the limitation of subparagraph (A) with
2 respect to the frequencies assigned, pursuant to
3 section 337(a)(1), for public safety services.
4 The Commission shall take all actions necessary
5 to complete assignment of the electromagnetic
6 spectrum between 764 and 776 megahertz, in-
7 clusive, and between 794 and 806 megahertz,
8 inclusive, for public safety services and to per-
9 mit operations by public safety services on those
10 frequencies commencing no later than January
11 1, 2007.”.

12 **SEC. 523. ESTABLISHMENT OF EMERGING THREAT WORK-**
13 **SPACES.**

14 (a) IN GENERAL.—The Attorney General shall estab-
15 lish, in conjunction with appropriate crisis response and
16 consequence management officials, emerging threat work-
17 spaces in 56 regions throughout the United States to pre-
18 pare for and respond to states of emergency resulting from
19 acts of terrorism committed in or around the region. Such
20 emerging threat workspaces shall be operated in accord-
21 ance with accepted crisis response and consequence man-
22 agement activities and procedures from funds made avail-
23 able under subsection (c).

24 (b) FUNCTIONS OF EMERGING THREAT WORK-
25 SPACES.—An emerging threat workspace shall be used in

1 non-military efforts to coordinate Federal, State, and local
2 personnel—

3 (1) to develop and test technologies and proto-
4 cols for command, control, communications, com-
5 puters, intelligence, and surveillance for urban oper-
6 ations, and to develop response procedures for a
7 state of emergency; and

8 (2) to assist with the coordination, training,
9 planning, and response operations of all pertinent of-
10 ficials and personnel involved in responding to a
11 state of emergency.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Attorney General
14 to carry out this section \$168,000,000 for fiscal year
15 2002, such sums to be available until expended.

16 **SEC. 524. MAINTENANCE OF SECURE BIOAGENT DATABASE.**

17 (a) IN GENERAL.—In order to ensure access to infor-
18 mation needed to prevent or investigate terrorist activity
19 conducted through the use of biological agents, the Sec-
20 retary of Health and Human Services, acting through the
21 Director of the Centers for Disease Control and Preven-
22 tion, shall maintain a database containing information on
23 the possession and physical attributes (such as particular
24 strain and physical characteristics) of select biological

1 agents determined by the Secretary and the Director to
2 pose a threat to public health by terrorist attack.

3 (b) ACCESS TO DATABASE.—The database main-
4 tained under subsection (a) shall be accessible by author-
5 ized personnel of the Department of Health and Human
6 Services, the Federal Bureau of Investigation, agencies
7 and Departments of the intelligence community, Federal,
8 State, and local law enforcement agencies, and other de-
9 partments and agencies of the United States relating to
10 the national security.

11 (c) MAINTENANCE OF INFORMATION INFRASTRUC-
12 TURE.—In maintaining the database, the Secretary shall
13 maintain an information technology infrastructure and
14 communications connectivity for such database and exist-
15 ing databases of information with respect to genetic se-
16 quencing of known sources of anthrax or other biological
17 or chemical weapon agents collected by the departments
18 and agencies referred to in subsection (a) to provide for
19 interoperability of those databases with the database
20 maintained under such subsection.

21 (d) PROTECTING CONFIDENTIALITY.—In maintain-
22 ing the database, the Secretary shall ensure that the infor-
23 mation in the database is only provided to individuals who
24 are approved for access to the information involved, and
25 shall ensure that the database is operated in compliance

1 with requirements under law regarding protection against
2 unauthorized disclosure of information for reasons of na-
3 tional security.

4 **SEC. 525. ESTABLISHMENT OF JOINT TASK FORCE FOR**
5 **INTERAGENCY CLEARINGHOUSE.**

6 (a) IN GENERAL.—Not later than four months after
7 the date of the enactment of this Act, the President shall
8 establish within the Office for Homeland Security a center
9 for purposes of developing an interagency clearinghouse
10 for new counterterrorism technologies.

11 (b) MEMBERSHIP.—(1) The President shall appoint
12 to the center such personnel of the Office for Homeland
13 Security as the President determines appropriate.

14 (2) The President shall provide for the detail of per-
15 sonnel to the center from—

16 (A) the Federal Bureau of Investigation,

17 (B) the intelligence community,

18 (C) Federal law enforcement agencies,

19 (D) the Department of Defense, and

20 (E) departments and agencies of the United
21 States relating to the national security and research
22 and development.

23 (3) There shall be representation in the center from
24 private sector technology organizations and any non-profit
25 technology organizations, as appropriate. Private sector or

1 non-profit personnel in the Center shall not receive a sal-
2 ary for their services but may be reimbursed for expenses
3 incurred in the performance of duties for the Center.

4 (4) The Assistant to the President for Homeland Se-
5 curity shall serve as the chairperson of the center, and
6 may appoint an executive director to operate the center.

7 (c) DUTIES.—The center shall—

8 (1) solicit and analyze new counterterrorism
9 technologies from private sector vendors;

10 (2) forward proposals and recommendations to
11 the departments and agencies of the United States
12 relating to the national security as appropriate;

13 (3) conduct outreach to the private sector with
14 respect to needs of the Federal Government and
15 conduct outreach to the agencies and Departments
16 of the United States with respect to appropriate
17 technologies available in the private sector; and

18 (4) recommend to the President changes to the
19 Federal budget for technology procurement and re-
20 search and development as needed.

1 **TITLE VI—PREVENT THE PRO-**
2 **LIFERATION OF WEAPONS OF**
3 **MASS DESTRUCTION AND**
4 **PREPARE THE MILITARY TO**
5 **EFFECTIVELY FIGHT TER-**
6 **RORISM**

7 **SEC. 601. THREAT REDUCTION.**

8 (a) FINDINGS.—Congress finds that the potential for
9 the international proliferation of nuclear, chemical, bio-
10 logical, and other weapons of mass destruction poses per-
11 haps the greatest threat to the security of the United
12 States.

13 (b) STATEMENT OF POLICY.—It is the policy of the
14 United States to work with other nations, especially Rus-
15 sia, to prevent the spread of nuclear, chemical, biological,
16 and other weapons of mass destruction, and to prevent
17 the proliferation of nuclear, chemical, and biological weap-
18 ons materials and expertise.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—In fur-
20 therance of the policy described in subsection (b), in addi-
21 tion to any funds otherwise authorized to be appropriated,
22 there are authorized to be appropriated the following
23 amounts for fiscal year 2002:

24 (1) For cooperative threat reduction programs
25 of the Department of Defense, \$50,000,000, of

1 which not more than \$25,000,000 may be used for
2 nuclear warhead storage and transportation security.

3 (2) For cooperative threat reduction programs
4 and other related programs of the Department En-
5 ergy, \$650,000,000, of which not more than the fol-
6 lowing amounts may be obligated for the purposes
7 specified:

8 (A) \$200,000,000 for the International
9 Materials Protection Control and Accounting
10 Program.

11 (B) \$200,000,000 for warhead dismantle-
12 ment transparency activities.

13 (C) \$75,000,000 for the initiatives for pro-
14 liferation prevention and nuclear cities initia-
15 tive.

16 (D) \$75,000,000 for non-proliferation
17 verification research and development.

18 (E) \$50,000,000 for U.S.—Russian fissile
19 material disposition.

20 (F) \$38,000,000 for ending Russian civil
21 plutonium production.

22 (3) For cooperative threat reduction programs
23 and other related programs the Department of
24 State, \$50,000,000, of which not more than

1 \$30,000,000 may be used for export control assist-
2 ance.

3 (d) REPORT ON DEBT FOR SECURITY PROGRAMS
4 AND OTHER SOURCES OF FUNDING FOR NUCLEAR NON-
5 PROLIFERATION PROGRAMS.—

6 (1) STUDY.—The President shall conduct a
7 study of—

8 (A) the feasibility of creating a new source
9 of funds for nuclear nonproliferation programs
10 in Russia through establishment of a program
11 providing for the forgiveness of international
12 debt of Russia in exchange for payments by
13 Russia into an independent fund that, under
14 strict conditions, would support the implemen-
15 tation of agreed-upon nuclear nonproliferation
16 programs; and

17 (B) other potential alternative sources of
18 funding for nuclear nonproliferation programs,
19 such as funding through the establishment of a
20 loan guarantee program.

21 (2) CONSULTATION.—In the conduct of the
22 study under paragraph (1), the President shall con-
23 sult with appropriate representatives of Russia and
24 other nations whose participation in such a program

1 the President determines to be necessary or desir-
2 able.

3 (3) REPORT ON PRESIDENTIAL DETERMINA-
4 TIONS.—Not later than April 15, 2002, the Presi-
5 dent shall submit to Congress a report on the study
6 required by paragraph (1). The report shall include
7 the President’s determinations, together with sup-
8 porting facts and reasoning, as to each of the fol-
9 lowing:

10 (A) The prospects for the participation of
11 creditor nations in addition to the United
12 States in the program of debt forgiveness.

13 (B) The extent to which payments by Rus-
14 sia into a fund described in paragraph (1)
15 should be made in Russian currency.

16 (C) The appropriate ratio between the
17 amount of such payments and the amount of
18 debt forgiven.

19 (D) The purposes for which amounts in
20 the fund should be permitted to be expended.

21 (E) The means for assuring that those
22 amounts are expended for those purposes.

23 (F) The feasibility of establishing such a
24 program.

1 (G) The prospects for establishing a loan
2 guarantee program under which loan guaran-
3 tees are made to private lenders that provide
4 loans to the Government of Russia for one or
5 more of the following purposes:

6 (i) Retirement of sovereign debt of
7 Russia.

8 (ii) Support of nuclear nonprolifera-
9 tion programs and activities of Russia.

10 (iii) Development of the energy infra-
11 structure of Russia, including development
12 of peaceful uses of nuclear energy in a
13 manner that complies with the Nuclear
14 Nonproliferation Treaty.

15 (4) LEGISLATIVE PROPOSAL.—The report
16 under paragraph (3) shall include a legislative pro-
17 posal for implementing any program that the Presi-
18 dent recommends based on the determinations under
19 that paragraph.

20 (5) NUCLEAR NONPROLIFERATION TREATY DE-
21 FINED.—In this section, the term “Nuclear Non-
22 proliferation Treaty” means the Treaty on the Non-
23 proliferation of Nuclear Weapons, as opened for sig-
24 nature July 1, 1968.

1 **SEC. 602. RESEARCH AND DEVELOPMENT.**

2 (a) **PLAN REQUIRED.**—The Secretary of Defense
3 shall develop an integrated plan for the Department of De-
4 fense for the use of technology to combat terrorism. The
5 plan shall include the following elements:

6 (1) An identification of the near-term, mid-
7 term, and long-term requirements of the Depart-
8 ment for the use of technology for such purposes.

9 (2) An identification of the core technologies of
10 the Department that are applicable for use for such
11 purposes.

12 (3) An action plan for the use of technology for
13 such purposes, including an identification of the par-
14 ticipants and resources required for such action
15 plan.

16 (b) **COVERED TECHNOLOGIES.**—In preparing the
17 plan required by subsection (a), the Secretary shall focus
18 on technologies that emphasize survivability and denial,
19 deterrence and warning, consequence management and re-
20 covery, and tracking and retaliation.

21 (c) **INVESTMENT.**—From amounts made available to
22 carry out this subsection, the Secretary shall invest in spe-
23 cific technologies that offer assurances for maintaining
24 into the future the United States' advantage in tech-
25 nologies referred to in subsection (b). Such specific tech-

1 nologies shall include miniaturization, bulk explosives de-
2 tection, advanced mapping and tracking, and robotics.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$512,000,000 for fiscal
5 year 2002 to carry out subsection (c). Such sums shall
6 remain available until expended.

7 **SEC. 603. READINESS, TRAINING, AND FORCE PROTECTION.**

8 There is authorized to be appropriated for the mili-
9 tary functions of the Department of Defense
10 \$5,578,000,000 for fiscal year 2002, as follows:

11 (1) For modernization of perimeter security and
12 facility upgrades at military installations,
13 \$767,000,000.

14 (2) For enhancement of antiterrorism and force
15 protection measures through training initiatives and
16 minor acquisitions, \$643,000,000, of which
17 \$10,000,000 shall be available for the Fire and
18 Emergency Services and Emergency Medical Serv-
19 ices Programs in the Department of Defense.

20 (3) For readiness improvements through in-
21 creased flying hours and vehicle miles,
22 \$1,506,000,000.

23 (4) For depot maintenance and procurement of
24 spare parts, \$1,384,000,000.

1 (5) For increased special duty pay,
2 \$1,278,000,000.

3 Such sums shall remain available until expended.

4 **SEC. 604. COMMAND AND CONTROL, THREAT ASSESSMENT,**
5 **AND ANALYSIS.**

6 There is authorized to be appropriated for the mili-
7 tary functions of the Department of Defense
8 \$1,160,000,000 for fiscal year 2002 for the following pur-
9 poses:

10 (1) For improved communications and coordi-
11 nation, \$900,000,000.

12 (2) For improved connectivity and information
13 assurance, \$200,000,000.

14 (3) For creating and instituting a comprehen-
15 sive threat and risk assessment process,
16 \$20,000,000.

17 (4) For implementing new methodologies for in-
18 telligence research and dissemination, \$40,000,000.

19 Such sums shall remain available until expended.

1 **TITLE VII—HOMELAND SECUR-**
2 **RITY STRATEGY AND BUDGET**

3 **SEC. 701. DIRECTOR FOR HOMELAND SECURITY AND PRO-**
4 **GRAM ASSOCIATE DIRECTOR FOR HOME-**
5 **LAND SECURITY.**

6 (a) DIRECTOR.—There shall be within the Executive
7 Office of the President a Director of Homeland Security,
8 who shall be appointed by the President with the advice
9 and consent of the Senate.

10 (b) PROGRAM ASSOCIATE DIRECTOR.—There shall be
11 within the Office of Management and Budget a Program
12 Associate Director for Homeland Security.

13 **SEC. 702. FIVE-YEAR HOMELAND SECURITY STRATEGY AND**
14 **BUDGET.**

15 (a) COMPREHENSIVE RISK ASSESSMENT.—The Di-
16 rector of Homeland Security shall conduct, in coordination
17 with United States intelligence, law enforcement, and
18 other appropriate agencies, a comprehensive risk assess-
19 ment of threat to the United States. Such risk assessment
20 shall—

21 (1) include, to the extent the Director considers
22 appropriate and practicable, an identification of
23 vulnerabilities of the United States and terrorist
24 groups that may intend to conduct terrorist attacks
25 on United States territory;

1 (2) attempt to prioritize risks and cover a pe-
2 riod of at least five years;

3 (3) be provided to Congress not later than May
4 15, 2002; and

5 (4) be updated and provided to Congress annu-
6 ally not later than May 15th.

7 (b) HOMELAND SECURITY STRATEGY.—The Director
8 of Homeland Security shall develop a 5-year homeland se-
9 curity strategy to respond to the risk assessment required
10 by subsection (a). Such strategy shall—

11 (1) clearly define homeland security, including
12 the specific programs and activities of Federal agen-
13 cies that constitute homeland security;

14 (2) specify the roles of Federal agencies in pre-
15 venting, preparing for, and responding to acts of ter-
16 rorism, and prioritize the activities of such agencies
17 in accordance with the risk assessment;

18 (3) identify areas in which Federal agencies
19 should coordinate with State or local governments
20 including those of the District of Columbia, to pre-
21 vent, prepare for, and respond to acts of terrorism,
22 and make recommendations on how such coordina-
23 tion can be effectively implemented;

1 (4) recommend an appropriate budget for each
2 Federal agency for a five-year period to meet the re-
3 quirements of the homeland security strategy;

4 (5) identify those risks which the Director be-
5 lieves either cannot be prevented or for which more
6 than 5 years will be required to adequately imple-
7 ment prevention measures;

8 (6) be provided to Congress, in both classified
9 and unclassified form, not later than November 15,
10 2002; and

11 (7) be updated and provided to Congress annu-
12 ally, in both classified and unclassified form, not
13 later than November 15th.

14 (c) HOMELAND SECURITY BUDGET.—(1) The Pro-
15 gram Associate Director for Homeland Security shall be
16 responsible for ensuring that, beginning with the Presi-
17 dent’s budget submission to Congress for fiscal year 2004,
18 the President’s budget submission is consistent with the
19 budget recommended by the Director of Homeland Secu-
20 rity. In carrying out such responsibility, the Program As-
21 sociate Director shall notify the Director of Homeland Se-
22 curity and the Director of Office of Management and
23 Budget of any case in which the budget request for an
24 agency to the Office of Management and Budget is not
25 consistent with the recommended budget of the Director

1 of Homeland Security for such agency. In any such case,
2 the head of the agency, the Program Associate Director,
3 and the Director of Homeland Security shall seek to agree
4 on an appropriate budget that meets homeland security
5 requirements.

6 (2) In the event that no agreement can be reached
7 under paragraph (1) for an agency, the Director of Home-
8 land Security and the Director of the Office of Manage-
9 ment and Budget shall resolve the funding level for the
10 agency to bring it into compliance with the Office of
11 Homeland Security Budget. The head of the agency or
12 the Director of Homeland Security may appeal such reso-
13 lution to the President.

14 **SEC. 703. FISCAL YEAR 2003 BUDGET.**

15 The Director of Homeland Security shall be involved,
16 to the maximum extent practicable, in the formulation of
17 the President's budget request to Congress for fiscal year
18 2003 in order to ensure an adequate budget for homeland
19 security. Not later than the date that is 30 days after the
20 date of the submission of such request, the Director of
21 Homeland Security shall submit a report to Congress that
22 identifies any budgetary shortfalls with respect to an agen-
23 cy budget for the purposes of homeland security.

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