

107TH CONGRESS
2^D SESSION

H. R. 5441

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide Federal grants to first responders to enhance their ability to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2002

Mr. HASTINGS of Florida introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide Federal grants to first responders to enhance their ability to respond to incidents of terrorism, including incidents involving weapons of mass destruction, 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.**

4 This Act may be cited as the “Homeland Emergency
5 Responders Organization Act of 2002”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Federal Government must enhance the
4 ability of first responders to coordinate and respond
5 to incidents of terrorism, including incidents involv-
6 ing weapons of mass destruction; and

7 (2) as a result of the events of September 11,
8 2001, it is necessary to empower the Federal Emer-
9 gency Management Agency (in this section referred
10 to as “FEMA”) to distribute Federal grant monies
11 to States and local communities and, define and
12 clarify the terms and conditions under which such
13 funds will be dispersed, spent, matched, and re-
14 ported.

15 (b) PURPOSES.—The purposes of this Act are—

16 (1) to establish within FEMA the Office of Na-
17 tional Preparedness;

18 (2) to establish a program, with criteria and
19 guidelines, for first responders to utilize Federal
20 grants to enhance their ability to respond to inci-
21 dents of terrorism, including incidents involving
22 weapons of mass destruction; and

23 (3) to establish a program, with criteria and
24 guidelines, for States to utilize Federal grant dollars
25 in establishing coordinated interstate and intrastate
26 antiterrorism programs, establishing mutual aid pro-

1 grams, planning, developing, and executing terrorism
2 response exercises, and establishing or upgrading
3 statewide emergency notification capabilities, such as
4 the “Amber Alert project” in California and Texas,
5 and such other purposes as the Director of FEMA
6 determines.

7 **SEC. 3. DEFINITIONS.**

8 (a) MAJOR DISASTER.—Section 102(2) of the Robert
9 T. Stafford Disaster Relief and Emergency Assistance Act
10 (42 U.S.C. 5122(2)) is amended by inserting “incident of
11 terrorism,” after “drought,”.

12 (b) WEAPON OF MASS DESTRUCTION.—Section
13 602(a) of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (42 U.S.C. 5165a(a)) is
15 amended by adding at the end the following:

16 “(11) WEAPON OF MASS DESTRUCTION.—The
17 term ‘weapon of mass destruction’ means any weap-
18 on or device that is intended, or has the capability,
19 to cause death or serious bodily injury to a signifi-
20 cant number of people through the release, dissemi-
21 nation, or impact of toxic or poisonous chemicals or
22 their precursors, disease organisms, or radiation or
23 radioactivity.”.

1 **SEC. 4. ESTABLISHMENT OF OFFICE OF NATIONAL PRE-**
2 **PAREDNESS.**

3 Subtitle A of title VI of the Robert T. Stafford Dis-
4 aster Relief and Emergency Assistance Act (42 U.S.C.
5 5196 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 616. OFFICE OF NATIONAL PREPAREDNESS.**

8 “(a) IN GENERAL.—There is established in the Fed-
9 eral Emergency Management Agency an office to be
10 known as the ‘Office of National Preparedness’ (referred
11 to in this section as the ‘Office’).

12 “(b) DEPUTY DIRECTOR.—The Office shall be head-
13 ed by a Deputy Director.

14 “(c) DUTIES.—

15 “(1) POINTS OF CONTACT.—Not later than 30
16 days after the date of the establishment of the Of-
17 fice, the Deputy Director shall designate a national
18 preparedness point of contact in each of the 10 re-
19 gional offices of the Agency.

20 “(2) ELIGIBILITY CRITERIA.—Not later than 90
21 days after the date of the establishment of the Of-
22 fice, the Deputy Director shall establish criteria to
23 determine eligibility of local first responders to re-
24 ceive grants under section 630.

25 “(3) DISTRIBUTION OF FUNDS.—Not later than
26 90 days after the date of the establishment of the

1 Office, the Deputy Director shall establish an expedient method of distributing grant funds under
2 section 630 to first responders through the regional
3 points of contact designated under paragraph (1).

4 “(4) EMERGENCY COMMUNICATIONS EQUIPMENT STANDARDS.—Not later than 120 days after
5 the date of the establishment of the Office, the Deputy Director shall establish standards for emergency
6 communications equipment to ensure interoperability
7 and deny grants under section 630 to State and first
8 responders that do not comply with those standards.

9 “(5) RESPONSE EQUIPMENT STANDARDS.—Not
10 later than 120 days after the date of the establishment of the Office, the Deputy Director shall establish
11 standards for equipment to be used by personnel
12 that have responsibilities relating to homeland preparedness or security, or both, and that are under
13 the jurisdiction of a first responder to respond to incidents of terrorism, including incidents involving
14 weapons of mass destruction.

15 “(6) STANDARDS FOR TERRORISM PREPAREDNESS.—Not later than 1 year after the date of the
16 establishment of the Office, the Deputy Director
17 shall establish clearly defined standards and guidelines for terrorism preparedness and response by
18
19
20
21
22
23
24
25

1 State governments to ensure interstate and intra-
2 state response capabilities.

3 “(7) WEB SITE.—Not later than 1 year after
4 the date of the establishment of the Office, the Dep-
5 uty Director shall create a Web site for use by
6 States and local first responders for purposes of
7 sharing information on homeland security prepared-
8 ness.

9 “(8) PROGRESS REPORT.—Not later than 1
10 year after the date of the establishment of the Of-
11 fice, the Director shall transmit to Congress a report
12 on the progress of the Office in carrying out its du-
13 ties under paragraphs (1) through (7).

14 “(9) RESPONSE CAPABILITY.—Not later than 3
15 years after the date of the establishment of the Of-
16 fice, the Deputy Director shall lead a coordinated
17 and integrated effort to build a nationwide viable
18 terrorism preparedness and response capability.

19 “(10) TRAINING STANDARDS.—The Deputy Di-
20 rector shall establish standards for the training of
21 personnel that have responsibilities relating to home-
22 land preparedness or security, or both, and that are
23 under the jurisdiction of a first responder.

1 “(11) MISCELLANEOUS.—The Office and Dep-
2 puty Director shall carry out such other duties as the
3 Director may delegate.

4 “(d) USE OF EXISTING RESOURCES.—In carrying
5 out this section, the Deputy Director shall—

6 “(1) use existing resources, including personnel
7 of the Agency and, when appropriate, planning docu-
8 ments, equipment lists, program inventories, and
9 plans of the Department of Agriculture, the Depart-
10 ment of Transportation, and the Department of
11 Health and Human Services; and

12 “(2) consult with and use—

13 “(A) existing Federal interagency boards
14 and committees;

15 “(B) existing Government agencies; and

16 “(C) nongovernmental organizations.”.

17 **SEC. 5. PREPAREDNESS ASSISTANCE FOR FIRST RESPOND-**
18 **ERS.**

19 Subtitle B of title VI of the Robert T. Stafford Dis-
20 aster Relief and Emergency Assistance Act (42 U.S.C.
21 5197 et seq.) is amended by adding at the end the fol-
22 lowing:

1 **“SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RE-**
2 **SPONDERS.**

3 “(a) DEFINITIONS.—In this section and section 616,
4 the following definitions apply:

5 “(1) STATE.—The term ‘State’ means the 50
6 States.

7 “(2) FIRST RESPONDER.—The term ‘first re-
8 sponder’ means any local governmental entity, In-
9 dian tribe (as defined in section 4 of the Indian Self-
10 Determination and Education Assistance Act (25
11 U.S.C. 450(b)), Indian tribe organization, or Native
12 village (as defined in section 3 of the Alaska Native
13 Claims Settlement Act (43 U.S.C. 1602)) that has
14 jurisdiction over 1 or more of the following:

15 “(A) Law enforcement officers.

16 “(B) Firefighters.

17 “(C) Emergency personnel.

18 “(D) Public and environmental health per-
19 sonnel.

20 “(E) Such other personnel with duties re-
21 lated to homeland preparedness or security, or
22 both, as the Director may determine.

23 “(b) GRANT PROGRAM.—The Deputy Director of the
24 Office of National Preparedness shall establish a program
25 to make grants to first responders and States to prepare

1 for and respond to incidents of terrorism, including inci-
2 dents involving weapons of mass destruction.

3 “(c) MAINTENANCE OF EFFORT.—

4 “(1) IN GENERAL.—No first responder or State
5 shall be eligible to receive a grant under this section
6 unless the aggregate expenditures of the first re-
7 sponder or State for homeland preparedness and se-
8 curity (as defined by the Deputy Director) are main-
9 tained at a level which does not fall below the aver-
10 age level of such expenditures for its 2 fiscal years
11 preceding the date of receipt of the grant.

12 “(2) ENFORCEMENT.—If a first responder or
13 State does not meet the aggregate expenditure for
14 homeland preparedness and security required under
15 paragraph (1) in a fiscal year, the Director shall
16 withhold the amount of a grant from the first re-
17 sponder or State until the first responder or State
18 makes such expenditure.

19 “(d) USES OF GRANTS.—Grants made under this
20 section—

21 “(1) may be used by a first responder only—

22 “(A) to purchase interoperable equipment
23 in compliance with Federal standards estab-
24 lished by the Federal Emergency Management
25 Agency section 616(c)(4);

1 “(B) to train personnel that have respon-
2 sibilities relating to homeland preparedness or
3 security, or both, and that are under the juris-
4 diction of the first responder;

5 “(C) to upgrade emergency operating cen-
6 ters;

7 “(D) to conduct terrorism response exer-
8 cises;

9 “(E) to compensate for overtime costs in-
10 curred in carrying out activities under subpara-
11 graphs (B) and (D) or as approved by the Dep-
12 uty Director; and

13 “(F) to carry out such other related activi-
14 ties or to purchase materials or equipment as
15 are approved by the Deputy Director; and

16 “(2) may be used by States only—

17 “(A) to establish coordinated interstate
18 and intrastate antiterrorism programs;

19 “(B) to establish mutual aid programs;

20 “(C) to plan and develop and execute ter-
21 rorism response exercises;

22 “(D) to establish or upgrade statewide
23 emergency notification systems; and

1 “(E) to carry out such other related activi-
2 ties, or to purchase such materials and equip-
3 ment, as are approved by the Deputy Director.

4 “(e) ALLOCATION OF FUNDS.—Subject to advance
5 appropriations, the Deputy Director shall make—

6 “(1) a grant under this section to each State in
7 each of fiscal years 2003 through 2007 of
8 \$10,000,000;

9 “(2) grants to first responders under this sec-
10 tion, through the regional points of contact of the
11 Agency designated under section 616(c)(1), in an
12 amount not to exceed \$50,000,000 per Agency re-
13 gion in each of fiscal years 2003 through 2007
14 based on—

15 “(A) the likelihood of a terrorism attack as
16 determined by the appropriate Federal agency
17 responsible for making terrorism threat assess-
18 ments;

19 “(B) the location of the population for
20 which the first responders have responsibility;

21 “(C) the proximity to vital infrastructure,
22 including—

23 “(i) military installations;

1 “(ii) public buildings (as defined in
2 section 13 of the Public Buildings Act of
3 1959 (40 U.S.C. 612));

4 “(iii) nuclear power plants;

5 “(iv) chemical plants; and

6 “(v) national landmarks; and

7 “(D) the proximity to international bor-
8 ders;

9 “(3) grants in such amounts to first responders
10 in rural, nonurban areas as the Director determines
11 appropriate; and

12 “(4) grants in such amounts to such other first
13 responders having responsibility for homeland pre-
14 paredness or security, or both, as the Deputy Direc-
15 tor determines appropriate.

16 “(f) ADMINISTRATIVE EXPENSES.—

17 “(1) STATES.—Not more than 2 percent of a
18 grant made to a State under this section may be
19 used for administrative expenses of carrying out its
20 responsibilities under this section.

21 “(2) LOCAL FIRST RESPONDERS.—Not more
22 than 2 percent of a grant made to a first responder
23 under this section may be used for administrative
24 expenses of carrying out its responsibilities under
25 this section.

1 “(g) ACCOUNTABILITY AND OVERSIGHT.—

2 “(1) AGENCY OBJECTIVES AND REPORTS.—

3 “(A) OBJECTIVES.—The Deputy Director
4 shall develop quantifiable, measurable objectives
5 for achieving improved homeland preparedness
6 and security at the regional level.

7 “(B) REPORTS.—The Deputy Director
8 shall require each regional point of contact of
9 the Agency designated under section 616(c)(1)
10 to make annual reports to the Deputy Director
11 on improvements in homeland preparedness and
12 security within the region and to report failures
13 to meet the quantifiable objectives developed
14 under subparagraph (A) to the Inspector Gen-
15 eral of the Agency.

16 “(2) STATE OBJECTIVES AND REPORTS.—

17 “(A) REPORTS.—Each State, as a condi-
18 tion of receipt of a grant under this section,
19 shall develop quantifiable, measurable objectives
20 for achieving improved homeland preparedness
21 and security at the State level.

22 “(B) OBJECTIVES.—Within 1 year of the
23 date of receipt of a grant under this section, a
24 State shall report to the Deputy Director on
25 progress made in meeting the objectives it de-

1 veloped under subparagraph (A), how grant
2 funds were used to meet such objectives, and
3 any failures to meet such objectives.

4 “(3) REPAYMENT.—If the Deputy Director de-
5 termines that a first responder or State has improv-
6 erly used Federal funds made available under this
7 section, the first responder or State shall be liable
8 to repay to the United States the amount deter-
9 mined by the Deputy Director to have been used im-
10 properly.

11 “(h) ADMINISTRATIVE EXPENSES.—The Deputy Di-
12 rector may use not more than 5 percent of the amounts
13 appropriated to carry out this section for a fiscal year to
14 establish and maintain the Office of National Prepared-
15 ness under section 616 and for administrative expenses
16 of carrying out this section in such fiscal year.

17 “(i) COORDINATION.—The Director shall establish
18 working relationships with other Federal agencies to pre-
19 vent duplication of assistance to first responders and
20 States for purposes of homeland preparedness and secu-
21 rity.”.

○