

107TH CONGRESS
2^D SESSION

S. 2664

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

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2002

Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including 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 “First Responder Ter-
5 rorism Preparedness 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 respond to incidents of
5 terrorism, including incidents involving weapons of
6 mass destruction; and

7 (2) as a result of the events of September 11,
8 2001, it is necessary to clarify and consolidate the
9 authority of the Federal Emergency Management
10 Agency to support first responders.

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

12 (1) to establish within the Federal Emergency
13 Management Agency the Office of National Pre-
14 paredness;

15 (2) to establish a program to provide assistance
16 to enhance the ability of first responders to respond
17 to incidents of terrorism, including incidents involv-
18 ing weapons of mass destruction; and

19 (3) to address issues relating to urban search
20 and rescue task forces.

21 **SEC. 3. DEFINITIONS.**

22 (a) MAJOR DISASTER.—Section 102(2) of the Robert
23 T. Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5122(2)) is amended by inserting “incident of
25 terrorism,” after “drought,”.

1 (b) WEAPON OF MASS DESTRUCTION.—Section
2 602(a) of the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (42 U.S.C. 5196(a)) is amend-
4 ed by adding at the end the following:

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

9 **SEC. 4. ESTABLISHMENT OF OFFICE OF NATIONAL PRE-**
10 **PAREDNESS.**

11 Subtitle A of title VI of the Robert T. Stafford Dis-
12 aster Relief and Emergency Assistance Act (42 U.S.C.
13 5196 et seq.) is amended by adding at the end the fol-
14 lowing:

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

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

20 “(b) APPOINTMENT OF ASSOCIATE DIRECTOR.—

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

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

5 “(c) DUTIES.—The Office shall—

6 “(1) lead a coordinated and integrated overall
7 effort to build viable terrorism preparedness and re-
8 sponse capability at all levels of government;

9 “(2) establish clearly defined standards and
10 guidelines for Federal, State, tribal, and local gov-
11 ernment terrorism preparedness and response;

12 “(3) establish and coordinate an integrated ca-
13 pability for Federal, State, tribal, and local govern-
14 ments and emergency responders to plan for and ad-
15 dress potential consequences of terrorism;

16 “(4) coordinate provision of Federal terrorism
17 preparedness assistance to State, tribal, and local
18 governments;

19 “(5) establish standards for a national, inter-
20 operable emergency communications and warning
21 system;

22 “(6) establish standards for training of first re-
23 sponders (as defined in section 630(a)), and for
24 equipment to be used by first responders, to respond

1 to incidents of terrorism, including incidents involv-
2 ing weapons of mass destruction; and

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

5 “(d) DESIGNATION OF REGIONAL CONTACTS.—The
6 Associate Director shall designate an officer or employee
7 of the Federal Emergency Management Agency in each
8 of the 10 regions of the Agency to serve as the Office con-
9 tact for the States in that region.

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

12 “(1) to the maximum extent practicable, use ex-
13 isting resources, including planning documents,
14 equipment lists, and program inventories; and

15 “(2) consult with and use—

16 “(A) existing Federal interagency boards
17 and committees;

18 “(B) existing government agencies; and

19 “(C) nongovernmental organizations.”.

20 **SEC. 5. PREPAREDNESS ASSISTANCE FOR FIRST RESPOND-**
21 **ERS.**

22 (a) IN GENERAL.—Subtitle B of title VI of the Rob-
23 ert T. Stafford Disaster Relief and Emergency Assistance
24 Act (42 U.S.C. 5197 et seq.) is amended by adding at
25 the end the following:

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

3 “(a) DEFINITIONS.—In this section:

4 “(1) DIRECTOR.—The term ‘Director’ means
5 the Director of the Federal Emergency Management
6 Agency, acting through the Office of National Pre-
7 paredness established by section 616.

8 “(2) FIRST RESPONDER.—The term ‘first re-
9 sponder’ means—

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

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

14 “(3) LOCAL ENTITY.—The term ‘local entity’
15 has the meaning given the term by regulation pro-
16 mulgated by the Director.

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

19 “(b) PROGRAM TO PROVIDE ASSISTANCE.—

20 “(1) IN GENERAL.—The Director shall establish
21 a program to provide assistance to States to enhance
22 the ability of State and local first responders to re-
23 spond to incidents of terrorism, including incidents
24 involving weapons of mass destruction.

25 “(2) FEDERAL SHARE.—The Federal share of
26 the costs eligible to be paid using assistance pro-

1 vided under the program shall be not less than 75
2 percent, as determined by the Director.

3 “(3) FORMS OF ASSISTANCE.—Assistance pro-
4 vided under paragraph (1) may consist of—

5 “(A) grants; and

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

8 “(c) USES OF ASSISTANCE.—Assistance provided
9 under subsection (b)—

10 “(1) shall be used—

11 “(A) to purchase, to the maximum extent
12 practicable, interoperable equipment that is nec-
13 essary to respond to incidents of terrorism, in-
14 cluding incidents involving weapons of mass de-
15 struction;

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

19 “(C) in consultation with the Director, to
20 develop, construct, or upgrade terrorism pre-
21 paredness training facilities;

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

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

4 “(F) to provide systems and equipment to
5 meet communication needs, such as emergency
6 notification systems, interoperable equipment,
7 and secure communication equipment;

8 “(G) to conduct exercises; and

9 “(H) to carry out such other related activi-
10 ties as are approved by the Director; and

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

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

16 “(1) to each of the District of Columbia, Puerto
17 Rico, the Virgin Islands, Guam, American Samoa,
18 and the Commonwealth of the Northern Mariana Is-
19 lands, \$3,000,000; and

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

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

23 “(B) a percentage of the total remaining
24 funds made available for the fiscal year based

1 on criteria established by the Director, such
2 as—

3 “(i) population;

4 “(ii) location of vital infrastructure,
5 including—

6 “(I) military installations;

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

10 “(III) nuclear power plants;

11 “(IV) chemical plants; and

12 “(V) national landmarks; and

13 “(iii) proximity to international bor-
14 ders.

15 “(e) PROVISION OF FUNDS TO LOCAL GOVERNMENTS
16 AND LOCAL ENTITIES.—For each fiscal year, not less
17 than 75 percent of the assistance provided to each State
18 under this section shall be provided to local governments
19 and local entities within the State.

20 “(f) ADMINISTRATIVE EXPENSES.—

21 “(1) DIRECTOR.—For each fiscal year, the Di-
22 rector may use to pay salaries and other administra-
23 tive expenses incurred in administering the program
24 not more than the lesser of—

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

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

5 “(ii) for each of fiscal years 2004 through
6 2006, \$50,000,000.

7 “(2) RECIPIENTS OF ASSISTANCE.—For each
8 fiscal year, not more than 10 percent of the funds
9 retained by a State after application of subsection
10 (e) may be used to pay salaries and other adminis-
11 trative expenses incurred in administering the pro-
12 gram.

13 “(g) MAINTENANCE OF EXPENDITURES.—The Direc-
14 tor may provide assistance to a State under this section
15 only if the State agrees to maintain, and to ensure that
16 each local government that receives funds from the State
17 in accordance with subsection (e) maintains, for the fiscal
18 year for which the assistance is provided, the aggregate
19 expenditures by the State or the local government, respec-
20 tively, for the uses described in subsection (c)(1) at a level
21 that is at or above the average annual level of those ex-
22 penditures by the State or local government, respectively,
23 for the 2 fiscal years preceding the fiscal year for which
24 the assistance is provided.

25 “(h) REPORTS.—

1 “(1) ANNUAL REPORT TO THE DIRECTOR.—As
2 a condition of receipt of assistance under this section
3 for a fiscal year, a State shall submit to the Direc-
4 tor, not later than 60 days after the end of the fiscal
5 year, a report on the use of the assistance in the fis-
6 cal year.

7 “(2) EXERCISE AND REPORT TO CONGRESS.—
8 As a condition of receipt of assistance under this
9 section, not later than 3 years after the date of en-
10 actment of this section, a State shall—

11 “(A) conduct an exercise, or participate in
12 a regional exercise, approved by the Director, to
13 measure the progress of the State in enhancing
14 the ability of State and local first responders to
15 respond to incidents of terrorism, including in-
16 cidents involving weapons of mass destruction;
17 and

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

20 “(i) the Committee on Environment
21 and Public Works and the Committee on
22 Appropriations of the Senate; and

23 “(ii) the Committee on Transportation
24 and Infrastructure and the Committee on

1 Appropriations of the House of Represent-
2 atives.

3 “(i) COORDINATION.—

4 “(1) WITH FEDERAL AGENCIES.—The Director
5 shall, as necessary, coordinate the provision of as-
6 sistance under this section with activities carried out
7 by—

8 “(A) the Administrator of the United
9 States Fire Administration in connection with
10 the implementation by the Administrator of the
11 assistance to firefighters grant program estab-
12 lished under section 33 of the Federal Fire Pre-
13 vention and Control Act of 1974 (15 U.S.C.
14 2229) (as added by section 1701(a) of the
15 Floyd D. Spence National Defense Authoriza-
16 tion Act for Fiscal Year 2001 (114 Stat. 1654,
17 1654A–360)); and

18 “(B) other appropriate Federal agencies.

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

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

1 “(B) Native villages (as defined in section
2 3 of the Alaska Native Claims Settlement Act
3 (43 U.S.C. 1602)) and other Alaska Native or-
4 ganizations.”.

5 (b) COST SHARING FOR EMERGENCY OPERATING
6 CENTERS.—Section 614 of the Robert T. Stafford Dis-
7 aster Relief and Emergency Assistance Act (42 U.S.C.
8 5196c) is amended—

9 (1) by inserting “(other than section 630)”
10 after “carry out this title”; and

11 (2) by inserting “(other than section 630)”
12 after “under this title”.

13 **SEC. 6. URBAN SEARCH AND RESCUE TASK FORCES.**

14 Subtitle B of title VI of the Robert T. Stafford Dis-
15 aster Relief and Emergency Assistance Act (42 U.S.C.
16 5197 et seq.) (as amended by section 5) is amended by
17 adding at the end the following:

18 **“SEC. 631. URBAN SEARCH AND RESCUE TASK FORCES.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) URBAN SEARCH AND RESCUE EQUIP-
21 MENT.—The term ‘urban search and rescue equip-
22 ment’ means any equipment that the Director deter-
23 mines to be necessary to respond to a major disaster
24 or emergency declared by the President under this
25 Act.

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

6 “(b) ASSISTANCE.—

7 “(1) MANDATORY GRANTS FOR COSTS OF OPER-
8 ATIONS.—For each fiscal year, of the amounts made
9 available to carry out this section, the Director shall
10 provide to each urban search and rescue task force
11 a grant of not less than \$1,500,000 to pay the costs
12 of operations of the urban search and rescue task
13 force (including costs of basic urban search and res-
14 cue equipment).

15 “(2) DISCRETIONARY GRANTS.—The Director
16 may provide to any urban search and rescue task
17 force a grant, in such amount as the Director deter-
18 mines to be appropriate, to pay the costs of—

19 “(A) operations in excess of the funds pro-
20 vided under paragraph (1);

21 “(B) urban search and rescue equipment;

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

1 “(D) training, including training for oper-
2 ating in an environment described in subpara-
3 graph (C);

4 “(E) transportation;

5 “(F) expansion of the urban search and
6 rescue task force; and

7 “(G) incident support teams, including
8 costs of conducting appropriate evaluations of
9 the readiness of the urban search and rescue
10 task force.

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

17 “(c) GRANT REQUIREMENTS.—The Director shall es-
18 tablish such requirements as are necessary to provide
19 grants under this section.

20 “(d) ESTABLISHMENT OF ADDITIONAL URBAN
21 SEARCH AND RESCUE TASK FORCES.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 the Director may establish urban search and rescue
24 task forces in addition to the 28 urban search and

1 rescue task forces in existence on the date of enact-
2 ment of this section.

3 “(2) REQUIREMENT OF FULL FUNDING OF EX-
4 ISTING URBAN SEARCH AND RESCUE TASK
5 FORCES.—Except in the case of an urban search
6 and rescue task force designated to replace any
7 urban search and rescue task force that withdraws
8 or is otherwise no longer considered to be an urban
9 search and rescue task force designated by the Di-
10 rector, no additional urban search and rescue task
11 forces may be designated or funded until the 28
12 urban search and rescue task forces are able to de-
13 ploy simultaneously at least 2 teams with all nec-
14 essary equipment, training, and transportation.”.

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 626 of the Robert T. Stafford Disaster Relief
17 and Emergency Assistance Act (42 U.S.C. 5197e) is
18 amended by striking subsection (a) and inserting the fol-
19 lowing:

20 “(a) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There are authorized to be
22 appropriated such sums as are necessary to carry
23 out this title (other than sections 630 and 631).

1 “(2) PREPAREDNESS ASSISTANCE FOR FIRST
2 RESPONDERS.—There are authorized to be appro-
3 priated to carry out section 630—

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

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

8 “(3) URBAN SEARCH AND RESCUE TASK
9 FORCES.—

10 “(A) IN GENERAL.—There are authorized
11 to be appropriated to carry out section 631—

12 “(i) \$160,000,000 for fiscal year
13 2003; and

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

16 “(B) AVAILABILITY OF AMOUNTS.—

17 Amounts made available under subparagraph
18 (A) shall remain available until expended.”.

○