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107TH CONGRESS
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S. 2664

[Report No. 107-295]

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, Mr. SMITH of New Hampshire, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 1, 2002

Reported by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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”.

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

7 (a) ~~FINDINGS.~~—Congress finds that—

8 (1) the Federal Government must enhance the
9 ability of first responders to respond to incidents of
10 terrorism, including incidents involving weapons of
11 mass destruction; and

12 ~~(2) as a result of the events of September 11,~~
13 ~~2001,~~ it is necessary to clarify and consolidate the
14 authority of the Federal Emergency Management
15 Agency to support first responders.

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

17 (1) to establish within the Federal Emergency
18 Management Agency the Office of National Pre-
19 paredness;

20 (2) to establish a program to provide assistance
21 to enhance the ability of first responders to respond
22 to incidents of terrorism, including incidents involv-
23 ing weapons of mass destruction; and

24 ~~(3) to address issues relating to urban search~~
25 ~~and rescue task forces.~~

1 **SEC. 3. DEFINITIONS.**

2 (a) **MAJOR DISASTER.**—Section 102(2) of the Robert
3 T. Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5122(2)) is amended by inserting “incident of
5 terrorism,” after “drought),”.

6 (b) **WEAPON OF MASS DESTRUCTION.**—Section
7 602(a) of the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C. 5196(a)) is amend-
9 ed by adding at the end the following:

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

14 **SEC. 4. ESTABLISHMENT OF OFFICE OF NATIONAL PRE-**
15 **PAREDNESS.**

16 Subtitle A of title VI of the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42 U.S.C.
18 5196 et seq.) is amended by adding at the end the fol-
19 lowing:

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

21 “(a) **IN GENERAL.**—There is established in the Fed-
22 eral Emergency Management Agency an office to be
23 known as the ‘Office of National Preparedness’ (referred
24 to in this section as the ‘Office’).

25 “(b) **APPOINTMENT OF ASSOCIATE DIRECTOR.**—

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

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

9 “(c) DUTIES.—The Office shall—

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

13 “(2) establish clearly defined standards and
14 guidelines for Federal, State, tribal, and local gov-
15 ernment terrorism preparedness and response;

16 “(3) establish and coordinate an integrated ca-
17 pability for Federal, State, tribal, and local govern-
18 ments and emergency responders to plan for and ad-
19 dress potential consequences of terrorism;

20 “(4) coordinate provision of Federal terrorism
21 preparedness assistance to State, tribal, and local
22 governments;

23 “(5) establish standards for a national, inter-
24 operable emergency communications and warning
25 system;

1 “(6) establish standards for training of first re-
 2 sponders (as defined in section 630(a)), and for
 3 equipment to be used by first responders; to respond
 4 to incidents of terrorism, including incidents involv-
 5 ing weapons of mass destruction; and

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

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

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

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

18 “(2) consult with and use—

19 “(A) existing Federal interagency boards
 20 and committees;

21 “(B) existing government agencies; and

22 “(C) nongovernmental organizations.”.

1 **SEC. 5. PREPAREDNESS ASSISTANCE FOR FIRST RESPOND-**
 2 **ERS.**

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

7 **“SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RE-**
 8 **SPONDERS.**

9 “(a) ~~DEFINITIONS.~~—In this section:

10 “(1) ~~DIRECTOR.~~—The term ‘Director’ means
 11 the Director of the Federal Emergency Management
 12 Agency, acting through the Office of National Pre-
 13 paredness established by section 616.

14 “(2) ~~FIRST RESPONDER.~~—The term ‘first re-
 15 sponder’ means—

16 “(A) fire, emergency medical service, and
 17 law enforcement personnel; and

18 “(B) such other personnel as are identified
 19 by the Director.

20 “(3) ~~LOCAL ENTITY.~~—The term ‘local entity’
 21 has the meaning given the term by regulation pro-
 22 mulgated by the Director.

23 “(4) ~~PROGRAM.~~—The term ‘program’ means
 24 the program established under subsection (b).

25 “(b) ~~PROGRAM TO PROVIDE ASSISTANCE.~~—

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

6 “(2) FEDERAL SHARE.—The Federal share of
7 the costs eligible to be paid using assistance pro-
8 vided under the program shall be not less than 75
9 percent, as determined by the Director.

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

12 “(A) grants; and

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

15 “(e) USES OF ASSISTANCE.—Assistance provided
16 under subsection (b)—

17 “(1) shall be used—

18 “(A) to purchase, to the maximum extent
19 practicable, interoperable equipment that is nec-
20 essary to respond to incidents of terrorism, in-
21 cluding incidents involving weapons of mass de-
22 struction;

23 “(B) to train first responders, consistent
24 with guidelines and standards developed by the
25 Director;

1 “(C) in consultation with the Director, to
2 develop, construct, or upgrade terrorism pre-
3 paredness training facilities;

4 “(D) to develop, construct, or upgrade
5 emergency operating centers;

6 “(E) to develop preparedness and response
7 plans consistent with Federal, State, and local
8 strategies, as determined by the Director;

9 “(F) to provide systems and equipment to
10 meet communication needs, such as emergency
11 notification systems, interoperable equipment,
12 and secure communication equipment;

13 “(G) to conduct exercises; and

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

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

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

21 “(1) to each of the District of Columbia, Puerto
22 Rico, the Virgin Islands, Guam, American Samoa,
23 and the Commonwealth of the Northern Mariana Is-
24 lands, \$3,000,000; and

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

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

4 “(B) a percentage of the total remaining
5 funds made available for the fiscal year based
6 on criteria established by the Director, such
7 as—

8 “(i) population;

9 “(ii) location of vital infrastructure;
10 including—

11 “(I) military installations;

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

15 “(III) nuclear power plants;

16 “(IV) chemical plants; and

17 “(V) national landmarks; and

18 “(iii) proximity to international bor-
19 ders.

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

25 “(f) ADMINISTRATIVE EXPENSES.—

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

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

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

9 “(ii) for each of fiscal years 2004 through
 10 2006, \$50,000,000.

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

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

1 penditures by the State or local government, respectively,
 2 for the 2 fiscal years preceding the fiscal year for which
 3 the assistance is provided.

4 “(h) REPORTS.—

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

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

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

22 “(B) submit a report on the results of the
 23 exercise to—

1 “(i) the Committee on Environment
2 and Public Works and the Committee on
3 Appropriations of the Senate; and

4 “(ii) the Committee on Transportation
5 and Infrastructure and the Committee on
6 Appropriations of the House of Represent-
7 atives.

8 “(i) COORDINATION.—

9 ~~“(1) WITH FEDERAL AGENCIES.—~~The Director
10 shall, as necessary, coordinate the provision of as-
11 sistance under this section with activities carried out
12 by—

13 “(A) the Administrator of the United
14 States Fire Administration in connection with
15 the implementation by the Administrator of the
16 assistance to firefighters grant program estab-
17 lished under section ~~33~~ of the Federal Fire Pre-
18 vention and Control Act of 1974 (~~15~~ U.S.C.
19 ~~2229~~) (as added by section 1701(a) of the
20 Floyd D. Spence National Defense Authoriza-
21 tion Act for Fiscal Year 2001 (~~114~~ Stat. ~~1654~~,
22 ~~1654A–360~~)); and

23 “(B) other appropriate Federal agencies.

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

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

8 “(B) Native villages (as defined in section
9 3 of the Alaska Native Claims Settlement Act
10 (43 U.S.C. 1602)) and other Alaska Native or-
11 ganizations.”.

12 (b) COST SHARING FOR EMERGENCY OPERATING
13 CENTERS.—Section 614 of the Robert T. Stafford Dis-
14 aster Relief and Emergency Assistance Act (42 U.S.C.
15 5196e) is amended—

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

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

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

21 Subtitle B of title VI of the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42 U.S.C.
23 5197 et seq.) (as amended by section 5) is amended by
24 adding at the end the following:

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

2 **“(a) DEFINITIONS.—**In this section:

3 **“(1) URBAN SEARCH AND RESCUE EQUIP-**
 4 **MENT.—**The term ‘urban search and rescue equip-
 5 ment’ means any equipment that the Director deter-
 6 mines to be necessary to respond to a major disaster
 7 or emergency declared by the President under this
 8 Act.

9 **“(2) URBAN SEARCH AND RESCUE TASK**
 10 **FORCE.—**The term ‘urban search and rescue task
 11 force’ means any of the 28 urban search and rescue
 12 task forces designated by the Director as of the date
 13 of enactment of this section.

14 **“(b) ASSISTANCE.—**

15 **“(1) MANDATORY GRANTS FOR COSTS OF OPER-**
 16 **ATIONS.—**For each fiscal year, of the amounts made
 17 available to carry out this section, the Director shall
 18 provide to each urban search and rescue task force
 19 a grant of not less than \$1,500,000 to pay the costs
 20 of operations of the urban search and rescue task
 21 force (including costs of basic urban search and res-
 22 cue equipment).

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

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

3 ~~“(B) urban search and rescue equipment;~~

4 ~~“(C) equipment necessary for an urban~~
5 ~~search and rescue task force to operate in an~~
6 ~~environment contaminated or otherwise affected~~
7 ~~by a weapon of mass destruction;~~

8 ~~“(D) training, including training for oper-~~
9 ~~ating in an environment described in subpara-~~
10 ~~graph (C);~~

11 ~~“(E) transportation;~~

12 ~~“(F) expansion of the urban search and~~
13 ~~rescue task force; and~~

14 ~~“(G) incident support teams, including~~
15 ~~costs of conducting appropriate evaluations of~~
16 ~~the readiness of the urban search and rescue~~
17 ~~task force.~~

18 ~~“(3) PRIORITY FOR FUNDING.—The Director~~
19 ~~shall distribute funding under this subsection so as~~
20 ~~to ensure that each urban search and rescue task~~
21 ~~force has the capacity to deploy simultaneously at~~
22 ~~least 2 teams with all necessary equipment, training,~~
23 ~~and transportation.~~

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

4 “(d) ESTABLISHMENT OF ADDITIONAL URBAN
 5 SEARCH AND RESCUE TASK FORCES.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
 7 the Director may establish urban search and rescue
 8 task forces in addition to the 28 urban search and
 9 rescue task forces in existence on the date of enact-
 10 ment of this section.

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

23 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 626 of the Robert T. Stafford Disaster Relief
 25 and Emergency Assistance Act (42 U.S.C. 5197e) is

1 amended by striking subsection (a) and inserting the fol-
 2 lowing:

3 “(a) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

14 “(3) URBAN SEARCH AND RESCUE TASK
 15 FORCES.—

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

18 “(i) \$160,000,000 for fiscal year
 19 2003; and

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

22 “(B) AVAILABILITY OF AMOUNTS.—
 23 Amounts made available under subparagraph
 24 (A) shall remain available until expended.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “First Responder Ter-*
 3 *rorism Preparedness Act of 2002”.*

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) *FINDINGS.*—*Congress finds that—*

6 (1) *the Federal Government must enhance the*
 7 *ability of first responders to respond to incidents of*
 8 *terrorism, including incidents involving weapons of*
 9 *mass destruction; and*

10 (2) *as a result of the events of September 11,*
 11 *2001, it is necessary to clarify and consolidate the au-*
 12 *thority of the Federal Emergency Management Agen-*
 13 *cy to support first responders.*

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

15 (1) *to establish within the Federal Emergency*
 16 *Management Agency the Office of National Prepared-*
 17 *ness;*

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

22 (3) *to address issues relating to urban search*
 23 *and rescue task forces.*

24 **SEC. 3. DEFINITIONS.**

25 (a) *MAJOR DISASTER.*—*Section 102(2) of the Robert*
 26 *T. Stafford Disaster Relief and Emergency Assistance Act*

1 *(42 U.S.C. 5122(2)) is amended by inserting “incident of*
 2 *terrorism,” after “drought,”.*

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

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

11 **SEC. 4. ESTABLISHMENT OF OFFICE OF NATIONAL PRE-**
 12 **PAREDNESS.**

13 *Subtitle A of title VI of the Robert T. Stafford Disaster*
 14 *Relief and Emergency Assistance Act (42 U.S.C. 5196 et*
 15 *seq.) is amended by adding at the end the following:*

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

17 *“(a) IN GENERAL.—There is established in the Federal*
 18 *Emergency Management Agency an office to be known as*
 19 *the ‘Office of National Preparedness’ (referred to in this sec-*
 20 *tion as the ‘Office’).*

21 *“(b) APPOINTMENT OF ASSOCIATE DIRECTOR.—*

22 *“(1) IN GENERAL.—The Office shall be headed by*
 23 *an Associate Director, who shall be appointed by the*
 24 *President, by and with the advice and consent of the*
 25 *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 ef-*
 7 *fort 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 govern-*
 11 *ment 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 are
 4 approved by the Director.

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

10 “(e) *USE OF EXISTING RESOURCES.*—In carrying out
 11 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 Robert
 23 T. Stafford Disaster Relief and Emergency Assistance Act
 24 (42 U.S.C. 5197 et seq.) is amended by adding at the end
 25 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 the*
 5 *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’ has*
 15 *the meaning given the term by regulation promul-*
 16 *gated by the Director.*

17 “(4) *PROGRAM.—The term ‘program’ means the*
 18 *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 the*
 26 *costs eligible to be paid using assistance provided*

1 *under the program shall be not less than 75 percent,*
 2 *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 emer-*
 23 *gency 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 to
12 first responders (including payment for overtime).

13 “(d) ALLOCATION OF FUNDS.—For each fiscal year, in
14 providing assistance under subsection (b), the Director shall
15 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 on
25 criteria established by the Director, such as—

1 “(i) population;

2 “(ii) location of vital infrastructure,
3 including—

4 “(I) military installations;

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

8 “(III) nuclear power plants;

9 “(IV) chemical plants; and

10 “(V) national landmarks; and

11 “(iii) proximity to international bor-
12 ders.

13 “(e) *PROVISION OF FUNDS TO LOCAL GOVERNMENTS*
14 *AND LOCAL ENTITIES.*—

15 “(1) *IN GENERAL.*—For each fiscal year, not less
16 than 75 percent of the assistance provided to each
17 State under this section shall be provided to local gov-
18 ernments and local entities within the State.

19 “(2) *ALLOCATION OF FUNDS.*—Under paragraph
20 (1), a State shall allocate assistance to local govern-
21 ments and local entities within the State in accord-
22 ance with criteria established by the Director, such as
23 the criteria specified in subsection (d)(2)(B).

24 “(3) *DEADLINE FOR PROVISION OF FUNDS.*—
25 Under paragraph (1), a State shall provide all assist-

1 *ance to local government and local entities not later*
 2 *than 45 days after the date on which the State re-*
 3 *ceives the assistance.*

4 “(4) *COORDINATION.—Each State shall coordi-*
 5 *nate with local governments and local entities con-*
 6 *cerning the use of assistance provided to local govern-*
 7 *ments and local entities under paragraph (1).*

8 “(f) *ADMINISTRATIVE EXPENSES.—*

9 “(1) *DIRECTOR.—For each fiscal year, the Direc-*
 10 *tor may use to pay salaries and other administrative*
 11 *expenses incurred in administering the program not*
 12 *more than the lesser of—*

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

15 “(B)(i) *for fiscal year 2003, \$75,000,000;*
 16 *and*

17 “(ii) *for each of fiscal years 2004 through*
 18 *2006, \$50,000,000.*

19 “(2) *RECIPIENTS OF ASSISTANCE.—For each fis-*
 20 *cal year, not more than 10 percent of the funds re-*
 21 *tained by a State after application of subsection (e)*
 22 *may be used to pay salaries and other administrative*
 23 *expenses incurred in administering the program.*

24 “(g) *MAINTENANCE OF EXPENDITURES.—The Director*
 25 *may provide assistance to a State under this section only*

1 *if the State agrees to maintain, and to ensure that each*
 2 *local government that receives funds from the State in ac-*
 3 *cordance with subsection (e) maintains, for the fiscal year*
 4 *for which the assistance is provided, the aggregate expendi-*
 5 *tures by the State or the local government, respectively, for*
 6 *the uses described in subsection (c)(1) at a level that is at*
 7 *or above the average annual level of those expenditures by*
 8 *the State or local government, respectively, for the 2 fiscal*
 9 *years preceding the fiscal year for which the assistance is*
 10 *provided.*

11 “(h) *REPORTS.*—

12 “(1) *ANNUAL REPORT TO THE DIRECTOR.*—As a
 13 *condition of receipt of assistance under this section*
 14 *for a fiscal year, a State shall submit to the Director,*
 15 *not later than 60 days after the end of the fiscal year,*
 16 *a report on the use of the assistance in the fiscal year.*

17 “(2) *EXERCISE AND REPORT TO CONGRESS.*—As
 18 *a condition of receipt of assistance under this section,*
 19 *not later than 3 years after the date of enactment of*
 20 *this section, a State shall—*

21 “(A) *conduct an exercise, or participate in*
 22 *a regional exercise, approved by the Director, to*
 23 *measure the progress of the State in enhancing*
 24 *the ability of State and local first responders to*
 25 *respond to incidents of terrorism, including inci-*

dents involving weapons of mass destruction;
and

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

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

“(ii) the Committee on Transportation
and Infrastructure and the Committee on
Appropriations of the House of Representa-
tives.

“(i) COORDINATION.—

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

“(A) the Administrator of the United States
Fire Administration in connection with the im-
plementation by the Administrator of the assist-
ance to firefighters grant program established
under section 33 of the Federal Fire Prevention
and Control Act of 1974 (15 U.S.C. 2229) (as
added by section 1701(a) of the Floyd D. Spence
National Defense Authorization Act for Fiscal
Year 2001 (114 Stat. 1654, 1654A–360));

1 “(B) the Attorney General, in connection
 2 with the implementation of the Community Ori-
 3 ented Policing Services (COPS) Program estab-
 4 lished under section 1701(a) of the Omnibus
 5 Crime Control and Safe Streets Act of 1968 (42
 6 U.S.C. 3796dd(a)); and

7 “(C) other appropriate Federal agencies.

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

11 “(A) Indian tribes (as defined in section 4
 12 of the Indian Self-Determination and Education
 13 Assistance Act (25 U.S.C. 450b)) and other trib-
 14 al organizations; and

15 “(B) Native villages (as defined in section
 16 3 of the Alaska Native Claims Settlement Act (43
 17 U.S.C. 1602)) and other Alaska Native organiza-
 18 tions.”.

19 (b) COST SHARING FOR EMERGENCY OPERATING CEN-
 20 TERS.—Section 614 of the Robert T. Stafford Disaster Re-
 21 lief and Emergency Assistance Act (42 U.S.C. 5196c) is
 22 amended—

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

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

3 **SEC. 6. PROTECTION OF HEALTH AND SAFETY OF FIRST RE-**
4 **SPONDERS.**

5 *Subtitle B of title VI of the Robert T. Stafford Disaster*
6 *Relief and Emergency Assistance Act (42 U.S.C. 5197 et*
7 *seq.) (as amended by section 5(a)) is amended by adding*
8 *at the end the following:*

9 **“SEC. 631. PROTECTION OF HEALTH AND SAFETY OF FIRST**
10 **RESPONDERS.**

11 “(a) *DEFINITIONS.—In this section:*

12 “(1) *FIRST RESPONDER.—The term ‘first re-*
13 *sponder’ has the meaning given the term in section*
14 *630(a).*

15 “(2) *HARMFUL SUBSTANCE.—The term ‘harmful*
16 *substance’ means a substance that the President deter-*
17 *mines may be harmful to human health.*

18 “(3) *PROGRAM.—The term ‘program’ means a*
19 *program described in subsection (b)(1).*

20 “(b) *PROGRAM.—*

21 “(1) *IN GENERAL.—If the President determines*
22 *that 1 or more harmful substances are being, or have*
23 *been, released in an area that the President has de-*
24 *clared to be a major disaster area under this Act, the*
25 *President shall carry out a program with respect to*

1 *the area for the protection, assessment, monitoring,*
 2 *and study of the health and safety of first responders.*

3 *“(2) ACTIVITIES.—A program shall include—*

4 *“(A) collection and analysis of environ-*
 5 *mental and exposure data;*

6 *“(B) development and dissemination of edu-*
 7 *cational materials;*

8 *“(C) provision of information on releases of*
 9 *a harmful substance;*

10 *“(D) identification of, performance of base-*
 11 *line health assessments on, taking biological sam-*
 12 *ples from, and establishment of an exposure reg-*
 13 *istry of first responders exposed to a harmful*
 14 *substance;*

15 *“(E) study of the long-term health impacts*
 16 *of any exposures of first responders to a harmful*
 17 *substance through epidemiological studies; and*

18 *“(F) provision of assistance to participants*
 19 *in registries and studies under subparagraphs*
 20 *(D) and (E) in determining eligibility for health*
 21 *coverage and identifying appropriate health*
 22 *services.*

23 *“(3) PARTICIPATION IN REGISTRIES AND STUD-*
 24 *IES.—*

1 “(A) *IN GENERAL.*—*Participation in any*
 2 *registry or study under subparagraph (D) or (E)*
 3 *of paragraph (2) shall be voluntary.*

4 “(B) *PROTECTION OF PRIVACY.*—*The Presi-*
 5 *dent shall take appropriate measures to protect*
 6 *the privacy of any participant in a registry or*
 7 *study described in subparagraph (A).*

8 “(4) *COOPERATIVE AGREEMENTS.*—*The Presi-*
 9 *dent may carry out a program through a cooperative*
 10 *agreement with a medical or academic institution, or*
 11 *a consortium of such institutions, that is—*

12 “(A) *located in close proximity to the major*
 13 *disaster area with respect to which the program*
 14 *is carried out; and*

15 “(B) *experienced in the area of environ-*
 16 *mental or occupational health and safety, includ-*
 17 *ing experience in—*

18 “(i) *conducting long-term epidemiolog-*
 19 *ical studies;*

20 “(ii) *conducting long-term mental*
 21 *health studies; and*

22 “(iii) *establishing and maintaining*
 23 *environmental exposure or disease registries.*

24 “(c) *REPORTS AND RESPONSES TO STUDIES.*—

1 “(1) *REPORTS.*—Not later than 1 year after the
 2 date of completion of a study under subsection
 3 (b)(2)(E), the President, or the medical or academic
 4 institution or consortium of such institutions that en-
 5 tered into the cooperative agreement under subsection
 6 (b)(4), shall submit to the Director, the Secretary of
 7 Health and Human Services, the Secretary of Labor,
 8 and the Administrator of the Environmental Protec-
 9 tion Agency a report on the study.

10 “(2) *CHANGES IN PROCEDURES.*—To protect the
 11 health and safety of first responders, the President
 12 shall make such changes in procedures as the Presi-
 13 dent determines to be necessary based on the findings
 14 of a report submitted under paragraph (1).”.

15 **SEC. 7. URBAN SEARCH AND RESCUE TASK FORCES.**

16 *Subtitle B of title VI of the Robert T. Stafford Disaster*
 17 *Relief and Emergency Assistance Act (42 U.S.C. 5197 et*
 18 *seq.) (as amended by section 6) is amended by adding at*
 19 *the end the following:*

20 **“SEC. 632. URBAN SEARCH AND RESCUE TASK FORCES.**

21 “(a) *DEFINITIONS.*—In this section:

22 “(1) *URBAN SEARCH AND RESCUE EQUIP-*
 23 *MENT.*—The term ‘urban search and rescue equip-
 24 *ment’ means any equipment that the Director deter-*
 25 *mines to be necessary to respond to a major disaster*

1 *or emergency declared by the President under this*
 2 *Act.*

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

8 “(b) *ASSISTANCE.*—

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

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

21 “(A) *operations in excess of the funds pro-*
 22 *vided under paragraph (1);*

23 “(B) *urban search and rescue equipment;*

24 “(C) *equipment necessary for an urban*
 25 *search and rescue task force to operate in an en-*

1 *vironment contaminated or otherwise affected by*
 2 *a weapon of mass destruction;*

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

6 *“(E) transportation;*

7 *“(F) expansion of the urban search and res-*
 8 *cue task force; and*

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

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

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

22 *“(d) ESTABLISHMENT OF ADDITIONAL URBAN SEARCH*
 23 *AND RESCUE TASK FORCES.—*

24 *“(1) IN GENERAL.—Subject to paragraph (2), the*
 25 *Director may establish urban search and rescue task*

1 *forces in addition to the 28 urban search and rescue*
 2 *task forces in existence on the date of enactment of*
 3 *this section.*

4 “(2) *REQUIREMENT OF FULL FUNDING OF EXIST-*
 5 *ING URBAN SEARCH AND RESCUE TASK FORCES.—Ex-*
 6 *cept in the case of an urban search and rescue task*
 7 *force designated to replace any urban search and res-*
 8 *cue task force that withdraws or is otherwise no*
 9 *longer considered to be an urban search and rescue*
 10 *task force designated by the Director, no additional*
 11 *urban search and rescue task forces may be designated*
 12 *or funded until the 28 urban search and rescue task*
 13 *forces are able to deploy simultaneously at least 2*
 14 *teams with all necessary equipment, training, and*
 15 *transportation.”.*

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

20 “(a) *AUTHORIZATION OF APPROPRIATIONS.—*

21 “(1) *IN GENERAL.—There are authorized to be*
 22 *appropriated such sums as are necessary to carry out*
 23 *this title (other than sections 630 and 632).*

1 “(2) *PREPAREDNESS ASSISTANCE FOR FIRST RE-*
 2 *SPONDERS.—There are authorized to be appropriated*
 3 *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 years
 7 2004 through 2006.

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

10 “(A) *IN GENERAL.—There are authorized to*
 11 *be appropriated to carry out section 632—*

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

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

16 “(B) *AVAILABILITY OF AMOUNTS.—Amounts*
 17 *made available under subparagraph (A) shall re-*
 18 *main available until expended.”.*

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107TH CONGRESS
2^D SESSION

S. 2664

[Report No. 107-295]

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.

OCTOBER 1, 2002

Reported with an amendment