

107TH CONGRESS  
1ST SESSION

# H. R. 525

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2001125

Mr. GILCHREST (for himself, Mr. SHAYS, Mrs. TAUSCHER, Mr. CHAMBLISS, Ms. BERKLEY, Mr. BARTLETT of Maryland, Mr. NADLER, Mr. SCHROCK, Mr. MCGOVERN, Mr. BURR of North Carolina, Mr. HORN, Mr. MICA, Mrs. KELLY, Mr. QUINN, Mr. ISAKSON, Mr. DOOLITTLE, Mrs. MORELLA, Mr. THUNE, Mr. MEEHAN, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Preparedness Against Domestic Terrorism Act of 2001”.

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

8 **SEC. 2. FINDINGS AND PURPOSES.**

9 (a) FINDINGS.—Congress finds that—

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

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

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

23 (1) coordinating and making more effective  
24 Federal efforts to assist State and local emergency

1 preparedness and response personnel in preparation  
2 for domestic terrorist attacks;

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

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

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

8 Section 102(2) (42 U.S.C. 5122(2)) is amended to  
9 read as follows:

10 “(2) MAJOR DISASTER.—‘Major disaster’ means  
11 any natural catastrophe (including any hurricane,  
12 tornado, storm, high water, winddriven water, tidal  
13 wave, tsunami, earthquake, volcanic eruption, land-  
14 slide, mudslide, snowstorm, snow drought, or  
15 drought), or, regardless of cause, any fire, flood, ex-  
16 plosion, act of terrorism, or other catastrophic event  
17 in any part of the United States, which in the deter-  
18 mination of the President causes damage of suffi-  
19 cient severity and magnitude to warrant major dis-  
20 aster assistance under this Act to supplement the ef-  
21 forts and available resources of States, local govern-  
22 ments, and disaster relief organizations in alleviating  
23 the damage, loss, hardship, or suffering caused  
24 thereby.”.

1 **SEC. 4. ADMINISTRATION OF EMERGENCY PREPAREDNESS**  
2 **PROGRAMS BY THE PRESIDENT.**

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

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

7 (2) in section 603 by striking “Director of the  
8 Federal Emergency Management Agency” and in-  
9 serting “President”;

10 (3) in section 611(e)—

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

13 (B) by striking “responsibilities and re-  
14 view” and inserting “responsibilities. The Presi-  
15 dent shall review”;

16 (4) in section 621(g) by striking the second  
17 sentence;

18 (5) in section 623—

19 (A) by striking paragraph (1) and redesign-  
20 ating paragraphs (2) and (3) as paragraphs  
21 (1) and (2), respectively; and

22 (B) in paragraph (2) (as so redesignated)  
23 by striking “unless” and all that follows  
24 through “approval of the President,” and in-  
25 serting “unless the President”; and

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

3 **SEC. 5. DEFINITIONS.**

4           (a) HAZARD.—Section 602(a)(1)(B) (42 U.S.C.  
5 5195a(a)(1)(B)) is amended by striking the period at the  
6 end and inserting “, including a domestic terrorist attack  
7 involving a weapon of mass destruction.”.

8           (b) NATURAL DISASTER.—Section 602(a)(2) (42  
9 U.S.C. 5195a(a)(2)) is amended to read as follows:

10           “(2) NATURAL DISASTER.—The term ‘natural  
11 disaster’ means any hurricane, tornado, storm, flood,  
12 high water, wind-driven water, tidal wave, tsunami,  
13 earthquake, volcanic eruption, landslide, mudslide,  
14 snowstorm, snow drought, drought, fire, or other ca-  
15 tastrophe in any part of the United States which  
16 causes, or which may cause, substantial damage or  
17 injury to civilian property or persons.”.

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

23           (d) DIRECTOR.—Section 602(a) (42 U.S.C.  
24 5195a(a)) is amended by striking paragraph (7) and re-

1 designating paragraphs (8), (9), and (10) as paragraphs  
2 (7), (8), and (9), respectively.

3 (e) WEAPON OF MASS DESTRUCTION.—Section 602  
4 (42 U.S.C. 5195a) is amended by adding at the end the  
5 following:

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

12 “(A) toxic or poisonous chemicals or their  
13 precursors;

14 “(B) a disease organism; or

15 “(C) radiation or radioactivity.”.

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

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

20 (1) by striking “may prepare” and inserting  
21 “shall prepare”; and

22 (2) by adding at the end the following: “In ac-  
23 cordance with section 313, the President shall en-  
24 sure that Federal response plans and programs are  
25 adequate to respond to the consequences of ter-

1       rorism directed against a target in the United  
2       States, including terrorism involving weapons of  
3       mass destruction.”.

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

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

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

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

15       (c) TRAINING AND EXERCISE PROGRAMS.—Section  
16       611(f) (42 U.S.C. 5196(f)) is amended—

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

19            (2) in paragraph (1)(A) by inserting “and exer-  
20       cise” after “training”;

21            (3) by redesignating paragraphs (2) and (3) as  
22       paragraphs (3) and (4), respectively; and

23            (4) by inserting after paragraph (1) the fol-  
24       lowing:

1       “(2) The President shall establish priorities among  
2 training and exercise programs for preparedness against  
3 terrorist attacks based on an assessment of the existing  
4 threats, capabilities, and objectives.”.

5 **SEC. 7. REPEALS.**

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

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

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12       Section 626 (42 U.S.C. 5197e) is amended—

13           (1) by redesignating subsection (b) as sub-  
14 section (c); and

15           (2) by inserting after subsection (a) the fol-  
16 lowing:

17       “(b) **PRIORITIES.**—Amounts appropriated pursuant  
18 to this section for training and exercise programs for pre-  
19 paredness against terrorist attacks shall be used in a man-  
20 ner consistent with the priorities established under section  
21 611(f)(2).”.

1 **SEC. 9. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM**  
2 **PREPAREDNESS.**

3 Title VI of the Robert T. Stafford Disaster Relief and  
4 Emergency Assistance Act (42 U.S.C. 5195 et seq.) is  
5 amended by adding at the end the following:

6 **“Subtitle C—President’s Council on**  
7 **Domestic Terrorism Preparedness**

8 **“SEC. 651. ESTABLISHMENT OF COUNCIL.**

9 “(a) IN GENERAL.—There is established a council to  
10 be known as the President’s Council on Domestic Ter-  
11 rorism Preparedness (in this subtitle referred to as the  
12 ‘Council’).

13 “(b) VOTING MEMBERS.—The Council shall be com-  
14 posed of the following voting members:

15 “(1) The President.

16 “(2) The Director of the Federal Emergency  
17 Management Agency.

18 “(3) The Attorney General.

19 “(4) The Secretary of Defense.

20 “(5) The Assistant to the President for Na-  
21 tional Security Affairs.

22 “(6) The Secretary of Health and Human Serv-  
23 ices.

24 “(7) The Director of the Centers for Disease  
25 Control and Prevention.

26 “(8) The Secretary of Veterans Affairs.

1           “(9) Any additional voting members appointed  
2           by the President.

3           “(c) NON-VOTING MEMBERS.—The Director of the  
4 Office of Management and Budget and the Director of  
5 Central Intelligence shall serve as a non-voting members  
6 of the Council.

7           “(d) CHAIRMAN.—

8           “(1) IN GENERAL.—The President shall serve  
9           as the chairman of the Council.

10           “(2) EXECUTIVE CHAIRMAN.—The President  
11           may appoint an Executive Chairman of the Council  
12           (in this subtitle referred to as the ‘Executive Chair-  
13           man’). The Executive Chairman shall represent the  
14           President as chairman of the Council, including in  
15           communications with Congress and State Governors.

16           “(3) SENATE CONFIRMATION.—An individual  
17           selected to be the Executive Chairman under para-  
18           graph (2) shall be appointed by and with the advice  
19           and consent of the Senate, except that Senate con-  
20           firmation shall not be required if, on the date of ap-  
21           pointment, the individual holds a position for which  
22           Senate confirmation was required.

23           “(e) FIRST MEETING.—The first meeting of the  
24 Council shall be held not later than 90 days after the date  
25 of enactment of this Act.

1 **“SEC. 652. DUTIES OF COUNCIL.**

2 “The Council shall carry out the following duties:

3 “(1) Establish the policies, objectives, and pri-  
4 orities of the Federal Government for enhancing the  
5 capabilities of State and local emergency prepared-  
6 ness and response personnel in early detection and  
7 warning of and response to all domestic terrorist at-  
8 tacks, including attacks involving weapons of mass  
9 destruction.

10 “(2) Publish a Domestic Terrorism Prepared-  
11 ness Plan and an annual implementation strategy  
12 for carrying out the plan in accordance with section  
13 653, including the end state of preparedness for  
14 emergency responders established under section  
15 653(b)(1)(D).

16 “(3) To the extent practicable, rely on existing  
17 resources (including planning documents, equipment  
18 lists, and program inventories) in the execution of  
19 its duties.

20 “(4) Consult with and utilize existing inter-  
21 agency boards and committees, existing govern-  
22 mental entities, and non-governmental organizations  
23 in the execution of its duties.

24 “(5) Ensure that a biennial review of the ter-  
25 rorist attack preparedness programs of State and  
26 local governmental entities is conducted and provide

1 recommendations to the entities based on the re-  
2 views.

3 “(6) Provide for the creation of a State and  
4 local advisory group for the Council, to be composed  
5 of individuals involved in State and local emergency  
6 preparedness and response to terrorist attacks.

7 “(7) Provide for the establishment by the Coun-  
8 cil’s State and local advisory group of voluntary  
9 guidelines for the terrorist attack preparedness pro-  
10 grams of State and local governmental entities in ac-  
11 cordance with section 655.

12 “(8) Serve as the primary liaison between the  
13 Federal Government and State and local entities in  
14 developing national terrorism preparedness policies.

15 “(9) Designate a Federal entity to consult with,  
16 and serve as a contact for, State and local govern-  
17 mental entities implementing terrorist attack pre-  
18 paredness programs.

19 “(10) Coordinate and oversee the implementa-  
20 tion by Federal departments and agencies of the  
21 policies, objectives, and priorities established under  
22 paragraph (1) and the fulfillment of the responsibil-  
23 ities of such departments and agencies under the  
24 Domestic Terrorism Preparedness Plan.

1           “(11) Make recommendations to the heads of  
2 appropriate Federal departments and agencies  
3 regarding—

4                   “(A) changes in the organization, manage-  
5 ment, and resource allocations of the depart-  
6 ments and agencies; and

7                   “(B) the allocation of personnel to and  
8 within the departments and agencies,  
9 to implement the Domestic Terrorism Preparedness  
10 Plan.

11           “(12) Assess all Federal terrorism preparedness  
12 programs and ensure that each program complies  
13 with the Domestic Terrorism Preparedness Plan.

14           “(13) Identify duplication, fragmentation, and  
15 overlap within Federal terrorism preparedness pro-  
16 grams and eliminate such duplication, fragmentation  
17 and overlap.

18           “(14) Evaluate Federal emergency response as-  
19 sets and make recommendations regarding the orga-  
20 nization, need, and geographic location of such as-  
21 sets.

22           “(15) Establish general policies regarding fi-  
23 nancial assistance to States based on potential risk  
24 and threat, response capabilities, and ability to

1 achieve the end state of preparedness for emergency  
2 responders established under section 653(b)(1)(D).

3 “(16) Notify a Federal department or agency in  
4 writing if the Council finds that its policies are not  
5 in compliance with its responsibilities under the Do-  
6 mestic Terrorism Preparedness Plan.

7 “(17) Ensure that an analysis is conducted of  
8 the adequacy of emergency medical preparedness in  
9 the event of a major disaster and make rec-  
10 ommendations based on the analysis.

11 **“SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN**  
12 **AND ANNUAL IMPLEMENTATION STRATEGY.**

13 “(a) DEVELOPMENT OF PLAN.—Not later than 180  
14 days after the date of the first meeting of the Council,  
15 the Council shall develop a Domestic Terrorism Prepared-  
16 ness Plan and transmit a copy of the plan to Congress.

17 “(b) CONTENTS.—

18 “(1) IN GENERAL.—The Domestic Terrorism  
19 Preparedness Plan shall include the following:

20 “(A) A statement of the policies, objec-  
21 tives, and priorities established by the Council  
22 under section 652(1).

23 “(B) A plan for implementing such poli-  
24 cies, objectives, and priorities that is based on  
25 a threat, risk, and capability assessment and in-

1 includes measurable objectives to be achieved in  
2 each of the following 5 years for enhancing do-  
3 mestic preparedness against a terrorist attack.

4 “(C) A description of the specific role of  
5 each Federal department and agency, and the  
6 roles of State and local governmental entities,  
7 under the plan developed under subparagraph  
8 (B).

9 “(D) A definition of an end state of pre-  
10 paredness for emergency responders that sets  
11 forth measurable, minimum standards of ac-  
12 ceptability for preparedness.

13 “(2) EVALUATION OF FEDERAL RESPONSE  
14 TEAMS.—In preparing the description under para-  
15 graph (1)(C), the Council shall evaluate each Fed-  
16 eral response team and the assistance that the team  
17 offers to State and local emergency personnel when  
18 responding to a terrorist attack. The evaluation shall  
19 include an assessment of how the Federal response  
20 team will assist State and local emergency personnel  
21 after the personnel has achieved the end state of  
22 preparedness for emergency responders established  
23 under paragraph (1)(D).

24 “(c) ANNUAL IMPLEMENTATION STRATEGY.—

1           “(1) IN GENERAL.—The Council shall develop  
2           and transmit to Congress, on the date of transmittal  
3           of the Domestic Terrorism Preparedness Plan and,  
4           in each of the succeeding 4 fiscal years, on the date  
5           that the President submits an annual budget to Con-  
6           gress in accordance with section 1105(a) of title 31,  
7           United States Code, an annual implementation  
8           strategy for carrying out the Domestic Terrorism  
9           Preparedness Plan in the fiscal year following the  
10          fiscal year in which the strategy is submitted.

11          “(2) CONTENTS.—The annual implementation  
12          strategy for a fiscal year shall include the following:

13                 “(A) An inventory of Federal training and  
14                 exercise programs, response teams, grant pro-  
15                 grams, and other programs and activities re-  
16                 lated to domestic preparedness against a ter-  
17                 rorist attack conducted in the preceding fiscal  
18                 year and a determination as to whether any of  
19                 such programs or activities may be duplicative.  
20                 The inventory shall consist of a complete de-  
21                 scription of each such program and activity, in-  
22                 cluding the funding level and purpose of and  
23                 goal to be achieved by the program or activity.

24                 “(B) If the Council determines under sub-  
25                 paragraph (A) that certain programs and activi-

1           ties are duplicative, a detailed plan for consoli-  
2           dating, eliminating, or modifying the programs  
3           and activities.

4           “(C) An inventory of Federal training and  
5           exercise programs, grant programs, response  
6           teams, and other programs and activities to be  
7           conducted in such fiscal year under the Domes-  
8           tic Terrorism Preparedness Plan and measur-  
9           able objectives to be achieved in such fiscal year  
10          for enhancing domestic preparedness against a  
11          terrorist attack. The inventory shall provide for  
12          implementation of any plan developed under  
13          subparagraph (B), relating to duplicative pro-  
14          grams and activities.

15          “(D) A complete assessment of how re-  
16          source allocation recommendations developed  
17          under section 654(a) are intended to implement  
18          the annual implementation strategy.

19          “(d) CONSULTATION.—

20                 “(1) IN GENERAL.—In developing the Domestic  
21          Terrorism Preparedness Plan and each annual im-  
22          plementation strategy for carrying out the plan, the  
23          Council shall consult with—

24                         “(A) the head of each Federal department  
25                         and agency that will have responsibilities under

1 the Domestic Terrorism Preparedness Plan or  
2 annual implementation strategy;

3 “(B) Congress;

4 “(C) State and local officials;

5 “(D) congressionally authorized panels;

6 “(E) emergency preparedness organiza-  
7 tions with memberships that include State and  
8 local emergency responders; and

9 “(F) the State and local advisory group es-  
10 tablished pursuant to section 652(6).

11 “(2) REPORTS.—As part of the Domestic Ter-  
12 rorism Preparedness Plan and each annual imple-  
13 mentation strategy for carrying out the plan, the  
14 Council shall include a written statement indicating  
15 the persons consulted under this subsection and the  
16 recommendations made by such persons.

17 “(e) TRANSMISSION OF CLASSIFIED INFORMA-  
18 TION.—Any part of the Domestic Terrorism Preparedness  
19 Plan or an annual implementation strategy for carrying  
20 out the plan that involves information properly classified  
21 under criteria established by an Executive order shall be  
22 presented to Congress separately.

23 “(f) RISK OF TERRORIST ATTACKS AGAINST TRANS-  
24 PORTATION, ENERGY, AND OTHER INFRASTRUCTURE FA-  
25 CILITIES.—

1           “(1) IN GENERAL.—In developing the plan and  
2 risk assessment under subsection (b), the Council  
3 shall designate an entity to assess the risk of ter-  
4 rorist attacks against transportation, energy, and  
5 other infrastructure facilities, including passengers,  
6 personnel, and other individuals occupying such fa-  
7 cilities.

8           “(2) CONTENTS.—In developing the plan and  
9 risk assessment under subsection (b), the Council  
10 shall ensure that the following 3 tasks are accom-  
11 plished:

12                   “(A) An examination of the extent to  
13 which transportation, energy, and other infra-  
14 structure facilities have been the target of ter-  
15 rorist attacks and the extent to which such fa-  
16 cilities are vulnerable to such attacks.

17                   “(B) An evaluation of Federal laws that  
18 can be used to combat terrorist attacks against  
19 transportation, energy, and other infrastructure  
20 facilities, and the extent to which such laws are  
21 enforced. The evaluation may also include a re-  
22 view of applicable State laws.

23                   “(C) An evaluation of available tech-  
24 nologies and practices to determine the best  
25 means of protecting transportation, energy, and

1           other infrastructure facilities against terrorist  
2           attacks.

3           “(3) CONSULTATION.—In developing the plan  
4           and risk assessment under subsection (b), the Coun-  
5           cil shall consult with the heads of appropriate de-  
6           partments and agencies (including the Secretary of  
7           Transportation), representatives of persons pro-  
8           viding transportation, representatives of employees  
9           of such persons, and other appropriate persons.

10          “(g) MONITORING.—The Council, with the assistance  
11         of the Inspector General of the relevant Federal depart-  
12         ment or agency as needed, shall monitor the implementa-  
13         tion of the Domestic Terrorism Preparedness Plan, includ-  
14         ing conducting program and performance audits and eval-  
15         uations.

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

17           “(a) RECOMMENDATIONS REGARDING RESOURCE  
18         ALLOCATIONS.—

19           “(1) TRANSMITTAL TO COUNCIL.—Each Fed-  
20         eral Government program manager, agency head,  
21         and department head with responsibilities under the  
22         Domestic Terrorism Preparedness Plan shall trans-  
23         mit to the Council for each fiscal year recommended  
24         resource allocations for programs and activities re-

1       lating to such responsibilities on or before the earlier  
2       of—

3               “(A) the 45th day before the date of the  
4               budget submission of the department or agency  
5               to the Director of the Office of Management  
6               and Budget for the fiscal year; or

7               “(B) August 15 of the fiscal year pre-  
8               ceding the fiscal year for which the rec-  
9               ommendations are being made.

10              “(2) TRANSMITTAL TO THE OFFICE OF MAN-  
11              AGEMENT AND BUDGET.—The Council shall develop  
12              for each fiscal year recommendations regarding re-  
13              source allocations for each program and activity  
14              identified in the annual implementation strategy  
15              completed under section 653 for the fiscal year.  
16              Such recommendations shall be submitted to the rel-  
17              evant departments and agencies and to the Director  
18              of the Office of Management and Budget. The Di-  
19              rector of the Office of Management and Budget  
20              shall consider such recommendations in formulating  
21              the annual budget of the President submitted to  
22              Congress under section 1105(a) of title 31, United  
23              States Code, and shall provide to the Council a writ-  
24              ten explanation in any case in which the Director  
25              does not accept such a recommendation.

1           “(3) RECORDS.—The Council shall maintain  
2 records regarding recommendations made and writ-  
3 ten explanations received under paragraph (2) and  
4 shall provide such records to Congress upon request.  
5 The Council may not fulfill such a request before the  
6 date of submission of the relevant annual budget of  
7 the President to Congress under section 1105(a) of  
8 title 31, United States Code.

9           “(4) NEW PROGRAMS OR REALLOCATION OF  
10 RESOURCES.—The head of a Federal department or  
11 agency shall consult with the Council before acting  
12 to enhance the capabilities of State and local emer-  
13 gency preparedness and response personnel with re-  
14 spect to terrorist attacks by—

15                   “(A) establishing a new program or office;

16                   or

17                   “(B) reallocating resources, including Fed-  
18 eral response teams.

19 **“SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND**  
20 **LOCAL PROGRAMS.**

21           “The Council shall provide for the establishment of  
22 voluntary guidelines for the terrorist attack preparedness  
23 programs of State and local governmental entities for the  
24 purpose of providing guidance in the development and im-  
25 plementation of such programs. The guidelines shall ad-

1 dress planning, equipment, exercises, and training and  
2 shall establish a desired threshold level of preparedness  
3 for State and local emergency responders.

4 **“SEC. 656. POWERS OF COUNCIL.**

5 “In carrying out this subtitle, the Council may—

6 “(1) direct, with the concurrence of the Sec-  
7 retary of a department or head of an agency, the  
8 temporary reassignment within the Federal Govern-  
9 ment of personnel employed by such department or  
10 agency;

11 “(2) use for administrative purposes, on a reim-  
12 bursable basis, the available services, equipment,  
13 personnel, and facilities of Federal, State, and local  
14 agencies;

15 “(3) procure the services of experts and con-  
16 sultants in accordance with section 3109 of title 5,  
17 United States Code, relating to appointments in the  
18 Federal Service, at rates of compensation for indi-  
19 viduals not to exceed the daily equivalent of the rate  
20 of pay payable for GS–18 of the General Schedule  
21 under section 5332 of title 5, United States Code;

22 “(4) accept and use donations of property from  
23 Federal, State, and local government agencies;

1           “(5) use the mails in the same manner as any  
2           other department or agency of the executive branch;  
3           and

4           “(6) request the assistance of the Inspector  
5           General of a Federal department or agency in con-  
6           ducting audits and evaluations under section 653(g).

7   **“SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY**  
8                           **COUNCIL EFFORTS.**

9           “The Council may, in the Council’s role as principal  
10          adviser to the National Security Council on Federal efforts  
11          to assist State and local governmental entities in domestic  
12          terrorist attack preparedness matters, and subject to the  
13          direction of the President, attend and participate in meet-  
14          ings of the National Security Council. The Council may,  
15          subject to the direction of the President, participate in the  
16          National Security Council’s working group structure.

17   **“SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.**

18          “(a) EXECUTIVE DIRECTOR.—The Council shall have  
19          an Executive Director who shall be appointed by the Presi-  
20          dent.

21          “(b) STAFF.—The Executive Director may appoint  
22          such personnel as the Executive Director considers appro-  
23          priate. Such personnel shall be assigned to the Council on  
24          a full-time basis and shall report to the Executive Direc-  
25          tor.

1       “(c) ADMINISTRATIVE SUPPORT SERVICES.—The  
2 Executive Office of the President shall provide to the  
3 Council, on a reimbursable basis, such administrative sup-  
4 port services, including office space, as the Council may  
5 request.

6       **“SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DE-**  
7                                   **PARTMENTS AND AGENCIES.**

8       “(a) REQUESTS FOR ASSISTANCE.—The head of each  
9 Federal department and agency with responsibilities under  
10 the Domestic Terrorism Preparedness Plan shall cooper-  
11 ate with the Council and, subject to laws governing disclo-  
12 sure of information, provide such assistance, information,  
13 and advice as the Council may request.

14       “(b) CERTIFICATION OF POLICY CHANGES BY COUN-  
15 CIL.—

16               “(1) IN GENERAL.—The head of each Federal  
17 department and agency with responsibilities under  
18 the Domestic Terrorism Preparedness Plan shall,  
19 unless exigent circumstances require otherwise, no-  
20 tify the Council in writing regarding any proposed  
21 change in policies relating to the activities of such  
22 department or agency under the Domestic Terrorism  
23 Preparedness Plan prior to implementation of such  
24 change. The Council shall promptly review such pro-  
25 posed change and certify to the department or agen-

1       cy head in writing whether such change is consistent  
2       with the Domestic Terrorism Preparedness Plan.

3           “(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If  
4       prior notice of a proposed change under paragraph  
5       (1) is not possible, the department or agency head  
6       shall notify the Council as soon as practicable. The  
7       Council shall review such change and certify to the  
8       department or agency head in writing whether such  
9       change is consistent with the Domestic Terrorism  
10      Preparedness Plan.

11   **“SEC. 660. AUTHORIZATION OF APPROPRIATIONS.**

12       “There is authorized to be appropriated to carry out  
13      this subtitle \$9,000,000 for fiscal year 2002 and such  
14      sums as may be necessary for each of fiscal years 2003  
15      through 2006. Such sums shall remain available until ex-  
16      pended.”.

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