

108TH CONGRESS
1ST SESSION

H. R. 3227

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to establish clearly defined standards and guidelines for Federal, State, and local government emergency preparedness and response capability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2003

Mr. SHAYS (for himself, Mrs. MALONEY, Mr. TURNER of Ohio, Mr. TIERNEY, Mr. MURPHY, and Mr. RUPPERSBERGER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Select Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to establish clearly defined standards and guidelines for Federal, State, and local government emergency preparedness and response capability, 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 “National Preparedness
5 Standards Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The Second Report of the Advisory Panel to
4 Assess Domestic Response Capabilities for Ter-
5 rorism Involving Weapons of Mass Destruction (also
6 known as the Gilmore Commission) called for stand-
7 ards for emergency preparedness and response.

8 (2) The National Strategy for Homeland Secu-
9 rity calls for the issuance of standards for emer-
10 gency preparedness and response.

11 (3) The standard-setting activities called for in
12 the Homeland Security Act of 2002 (Public Law
13 107–296) need to be accelerated and coordinated.

14 (4) Actual preparedness against the threat of
15 weapons of mass destruction is not being enhanced
16 sufficiently.

17 (5) The lack of standards for Federal, State,
18 and local government emergency preparedness and
19 response poses the risk of grant funds for emergency
20 preparedness and response being wasted.

21 **SEC. 3. EMERGENCY PREPAREDNESS AND RESPONSE**
22 **STANDARDS.**

23 (a) IN GENERAL.—Title V of the Homeland Security
24 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
25 at the end the following:

1 **“SEC. 510. EMERGENCY PREPAREDNESS AND RESPONSE**
2 **STANDARDS.**

3 “(a) REQUIREMENT TO ESTABLISH STANDARDS.—

4 “(1) IN GENERAL.—The Secretary, in consulta-
5 tion with other Federal agencies, State and local
6 emergency responder agencies and officials, and
7 standard-setting bodies from the emergency re-
8 sponder community, shall establish clearly defined
9 standards and guidelines for Federal, State, and
10 local government emergency preparedness and re-
11 sponse capability, including for training, interoper-
12 able communication systems, and response equip-
13 ment.

14 “(2) CONTENT.—The Secretary shall design
15 such standards to comply with the following:

16 “(A) FLEXIBILITY.—The standards shall
17 be sufficiently flexible to allow local government
18 officials to set priorities based on their needs,
19 while reaching nationally determined prepared-
20 ness levels within a fixed time period.

21 “(B) MEASURABLE CAPABILITIES.—The
22 standards shall be designed to develop emer-
23 gency preparedness and response capabilities
24 that are measurable and subject to Federal
25 audit.

1 “(b) DETERMINATION OF STATE AND LOCAL GOV-
2 ERNMENT MINIMUM ESSENTIAL CAPABILITY.—The Sec-
3 retary shall—

4 “(1) determine for each State the minimum es-
5 sential emergency preparedness and response capa-
6 bility that should be achieved by the State, including
7 State and local government emergency preparedness
8 and response agencies of the State; and

9 “(2) measure for each State progress made by
10 State and local government emergency preparedness
11 and response agencies—

12 “(A) in achieving the minimum essential
13 capability determined for the State under para-
14 graph (1); and

15 “(B) complying with standards issued by
16 the Secretary under this section.

17 “(c) IMPROVEMENT OF COMPLIANCE WITH STAND-
18 ARDS.—To improve compliance with emergency prepared-
19 ness and response capability standards under this section,
20 the Secretary may—

21 “(1) coordinate and consolidate the develop-
22 ment by the Federal Government of standards for
23 Federal, State, and local government for Federal,
24 State, and local government emergency preparedness
25 and response capability, including for training, inter-

1 operable communication systems, and response
2 equipment;

3 “(2) establish and coordinate an integrated ca-
4 pability for Federal, State, and local governments
5 and emergency responders to plan for and address
6 potential consequences of terrorism;

7 “(3) coordinate provision of Federal terrorism
8 preparedness assistance to State, tribal, and local
9 governments;

10 “(4) establish standards for a national, inter-
11 operable emergency communications and warning
12 system; and

13 “(5) establish standards for training of first re-
14 sponders, and for equipment to be used by first re-
15 sponders, to respond to incidents of terrorism, in-
16 cluding incidents involving weapons of mass destruc-
17 tion.

18 “(d) CONSULTATION.—In carrying out activities
19 under this section, the Secretary shall consult with rel-
20 evant private sector groups, including—

21 “(1) the National Fire Protection Association;

22 “(2) National Association of County and City
23 Health Officials;

24 “(3) Association of State and Territorial Health
25 Officials; and

1 “(4) American National Standards Institute.

2 “(e) ANNUAL REPORT.—The Secretary shall, by not
3 later than 9 months after the date of the enactment of
4 this section and annually thereafter, report to the Con-
5 gress, on a State-by-State basis, regarding—

6 “(1) progress achieved, by grant and training
7 programs administered by the Department, in—

8 “(A) increasing State and local govern-
9 ment terrorism preparedness; and

10 “(B) conforming such State and local gov-
11 ernment terrorism preparedness to applicable
12 standards issued by Federal agencies;

13 “(2) when State and local government terrorism
14 preparedness will conform to such standards; and

15 “(3) the amount of expenditures required for
16 State and local government terrorism preparedness
17 to conform to such standards.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of such Act is amended by inserting after
20 the item relating to section 509 the following:

“Sec. 510. Emergency preparedness and response standards.”.

21 **SEC. 4. STANDARD WITH RESPECT TO WEAPONS OF MASS**
22 **DESTRUCTION.**

23 The Secretary of Homeland Security shall, pursuant
24 to the amendment made by section 3, include in the fiscal
25 year 2005 budget request for the Department of Home-

1 land Security a minimum essential emergency prepared-
2 ness and response capability standard with respect to
3 weapons of mass destruction- and terrorism-related dis-
4 aster equipment and training, separately—

5 (1) for metropolitan areas, expressed per
6 100,000 persons in a metropolitan area; and

7 (2) for rural areas.

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