

108TH CONGRESS
1ST SESSION

S. 930

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 prepare for and respond to all hazards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2003

Mr. INHOFE (for himself and Mr. JEFFORDS) 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 prepare for and respond to all hazards, 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 “Emergency Prepared-
5 ness and Response Act of 2003”.

1 **SEC. 2. FINDING AND PURPOSES.**

2 (a) FINDING.—Congress finds that the Federal Gov-
3 ernment must enhance the ability of first responders to
4 prepare for and respond to all hazards.

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

6 (1) to establish within the Federal Emergency
7 Management Agency the Office of National Pre-
8 paredness;

9 (2) to establish a program to provide assistance
10 to enhance the ability of first responders to respond
11 to all hazards; and

12 (3) to address issues relating to urban search
13 and rescue task forces.

14 **SEC. 3. DEFINITIONS.**

15 (a) MAJOR DISASTER.—Section 102(2) of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5122(2)) is amended by inserting “incident of
18 terrorism,” after “drought,”.

19 (b) WEAPON OF MASS DESTRUCTION.—Section
20 602(a) of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5196(a)) is amend-
22 ed by adding at the end the following:

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

1 **SEC. 4. 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.

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

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

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

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

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

24 “(b) PROGRAM TO PROVIDE ASSISTANCE.—

25 “(1) IN GENERAL.—The Director shall establish
 26 a program to provide assistance to States to enhance

1 the ability of State and local first responders to re-
2 spond to all hazards.

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

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

9 “(A) grants; and

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

12 “(c) USES OF ASSISTANCE.—Assistance provided
13 under subsection (b)—

14 “(1) shall be used—

15 “(A) to purchase, to the maximum extent
16 practicable, interoperable equipment that is nec-
17 essary to respond to hazards;

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

21 “(C) in consultation with the Director, to
22 develop, construct, or upgrade preparedness
23 training facilities;

24 “(D) to develop, construct, or upgrade
25 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; and

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

6 “(I) military installations;

7 “(II) public buildings (as defined
8 in section 3301(a) of title 40, United
9 States Code);

10 “(III) nuclear power plants;

11 “(IV) chemical plants; and

12 “(V) national landmarks.

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

18 “(f) ADMINISTRATIVE EXPENSES.—

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

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

1 “(B)(i) for fiscal year 2004, \$75,000,000;

2 and

3 “(ii) for each of fiscal years 2005 through

4 2007, \$50,000,000.

5 “(2) RECIPIENTS OF ASSISTANCE.—For each

6 fiscal year, not more than 10 percent of the funds

7 retained by a State after application of subsection

8 (e) may be used to pay salaries and other adminis-

9 trative expenses incurred in administering the pro-

10 gram.

11 “(g) MAINTENANCE OF EXPENDITURES.—The Direc-

12 tor may provide assistance to a State under this section

13 only if the State agrees to maintain, and to ensure that

14 each local government that receives funds from the State

15 in accordance with subsection (e) maintains, for the fiscal

16 year for which the assistance is provided, the aggregate

17 expenditures by the State or the local government, respec-

18 tively, for the uses described in subsection (c)(1) at a level

19 that is at or above the average annual level of those ex-

20 penditures by the State or local government, respectively,

21 for the 2 fiscal years preceding the fiscal year for which

22 the assistance is provided.

23 “(h) REPORTS.—

24 “(1) ANNUAL REPORT TO THE DIRECTOR.—As

25 a condition of receipt of assistance under this section

1 for a fiscal year, a State shall submit to the Direc-
 2 tor, not later than 60 days after the end of the fiscal
 3 year, a report on the use of the assistance in the fis-
 4 cal year.

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

9 “(A) conduct an exercise, or participate in
 10 a regional exercise, approved by the Director, to
 11 measure the progress of the State in enhancing
 12 the ability of State and local first responders to
 13 respond to all hazards; and

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

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

19 “(ii) the Committee on Transportation
 20 and Infrastructure and the Committee on
 21 Appropriations of the House of Represent-
 22 atives.

23 “(i) COORDINATION.—

24 “(1) WITH FEDERAL AGENCIES.—The Director
 25 shall, as necessary, coordinate the provision of as-

1 sistance under this section with activities carried out
2 by appropriate Federal agencies.

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

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

10 “(B) Native villages (as defined in section
11 3 of the Alaska Native Claims Settlement Act
12 (43 U.S.C. 1602)) and other Alaska Native or-
13 ganizations.”.

14 (b) COST SHARING FOR EMERGENCY OPERATING
15 CENTERS.—Section 614 of the Robert T. Stafford Dis-
16 aster Relief and Emergency Assistance Act (42 U.S.C.
17 5196c) is amended—

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

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

22 **SEC. 5. URBAN SEARCH AND RESCUE TASK FORCES.**

23 Subtitle B of title VI of the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.

1 5197 et seq.) (as amended by section 4(a)) is amended
2 by adding at the end the following:

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

4 “(a) DEFINITIONS.—In this section:

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

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

16 “(b) ASSISTANCE.—

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

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

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

7 “(B) urban search and rescue equipment;

8 “(C) equipment necessary for an urban
9 search and rescue task force to operate in an
10 environment contaminated or otherwise affected
11 by a weapon of mass destruction;

12 “(D) training, including training for oper-
13 ating in an environment described in subpara-
14 graph (C);

15 “(E) transportation;

16 “(F) expansion of the urban search and
17 rescue task force; and

18 “(G) incident support teams, including
19 costs of conducting appropriate evaluations of
20 the readiness of the urban search and rescue
21 task force.

22 “(3) PRIORITY FOR FUNDING.—The Director
23 shall distribute funding under this subsection so as
24 to ensure that each urban search and rescue task
25 force has the capacity to deploy simultaneously at

1 least 2 teams with all necessary equipment, training,
2 and transportation.

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

6 “(d) ESTABLISHMENT OF ADDITIONAL URBAN
7 SEARCH AND RESCUE TASK FORCES.—

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

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

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

6 “(a) AUTHORIZATION OF APPROPRIATIONS.—

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

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

13 “(A) \$3,340,000,000 for fiscal year 2004;

14 and

15 “(B) \$3,458,000,000 for each of fiscal
16 years 2005 through 2007.

17 “(3) URBAN SEARCH AND RESCUE TASK
18 FORCES.—

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

21 “(i) \$160,000,000 for fiscal year
22 2004; and

23 “(ii) \$42,000,000 for each of fiscal
24 years 2005 through 2007.

1 “(B) AVAILABILITY OF AMOUNTS.—
2 Amounts made available under subparagraph
3 (A) shall remain available until expended.”.

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