

Calendar No. 433108TH CONGRESS
2^D SESSION**S. 930****[Report No. 108-227]**

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

FEBRUARY 25, 2004

Reported by Mr. INHOFE, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emergency Prepared-
3 ness and Response Act of 2003”.

4 **SEC. 2. FINDING AND PURPOSES.**

5 (a) **FINDING.**—Congress finds that the Federal Gov-
6 ernment must enhance the ability of first responders to
7 prepare for and respond to all hazards.

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

9 (1) to establish within the Federal Emergency
10 Management Agency the Office of National Pre-
11 paredness;

12 (2) to establish a program to provide assistance
13 to enhance the ability of first responders to respond
14 to all hazards; and

15 (3) to address issues relating to urban search
16 and rescue task forces.

17 **SEC. 3. DEFINITIONS.**

18 (a) **MAJOR DISASTER.**—Section 102(2) of the Robert
19 T. Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5122(2)) is amended by inserting “incident of
21 terrorism,” after “drought),”.

22 (b) **WEAPON OF MASS DESTRUCTION.**—Section
23 602(a) of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5196(a)) is amend-
25 ed by adding at the end the following:

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

5 **SEC. 4. PREPAREDNESS ASSISTANCE FOR FIRST RESPOND-**
 6 **ERS.**

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

11 **“SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RE-**
 12 **SPONDERS.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) DIRECTOR.—The term ‘Director’ means
 15 the Director of the Federal Emergency Management
 16 Agency.

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

19 “(A) fire, emergency medical service, and
 20 law enforcement personnel; and

21 “(B) such other personnel as are identified
 22 by the Director.

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

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

3 “(b) PROGRAM TO PROVIDE ASSISTANCE.—

4 “(1) IN GENERAL.—The Director shall establish
5 a program to provide assistance to States to enhance
6 the ability of State and local first responders to re-
7 spond to all hazards.

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

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

14 “(A) grants; and

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

17 “(e) USES OF ASSISTANCE.—Assistance provided
18 under subsection (b)—

19 “(1) shall be used—

20 “(A) to purchase, to the maximum extent
21 practicable, interoperable equipment that is nec-
22 essary to respond to hazards;

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 preparedness
3 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; and

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

11 “(I) military installations;

12 “(II) public buildings (as defined
13 in section 3301(a) of title 40, United
14 States Code);

15 “(III) nuclear power plants;

16 “(IV) chemical plants; and

17 “(V) national landmarks.

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

23 “(f) ADMINISTRATIVE EXPENSES.—

24 “(1) DIRECTOR.—For each fiscal year, the Di-
25 rector may use to pay salaries and other administra-

1 tive expenses incurred in administering the program
2 not more than the lesser of—

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

5 “(B)(i) for fiscal year 2004, \$75,000,000;
6 and

7 “(ii) for each of fiscal years 2005 through
8 2007, \$50,000,000.

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

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

1 for the 2 fiscal years preceding the fiscal year for which
 2 the assistance is provided.

3 “(h) REPORTS.—

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

10 “(2) EXERCISE AND REPORT TO CONGRESS.—

11 As a condition of receipt of assistance under this
 12 section, not later than 3 years after the date of en-
 13 actment of this section, a State shall—

14 “(A) conduct an exercise, or participate in
 15 a regional exercise, approved by the Director, to
 16 measure the progress of the State in enhancing
 17 the ability of State and local first responders to
 18 respond to all hazards; and

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

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

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

1 Appropriations of the House of Represent-
2 atives.

3 “(i) COORDINATION.—

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

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

19 (b) COST SHARING FOR EMERGENCY OPERATING
20 CENTERS.—Section 614 of the Robert T. Stafford Dis-
21 aster Relief and Emergency Assistance Act (42 U.S.C.
22 5196e) is amended—

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

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

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

4 Subtitle B of title VI of the Robert T. Stafford Dis-
5 aster Relief and Emergency Assistance Act (42 U.S.C.
6 5197 et seq.) (as amended by section 4(a)) is amended
7 by adding at the end the following:

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

9 “(a) DEFINITIONS.—In this section:

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

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

21 “(b) ASSISTANCE.—

22 “(1) MANDATORY GRANTS FOR COSTS OF OPER-
23 ATIONS.—For each fiscal year, of the amounts made
24 available to carry out this section, the Director shall
25 provide to each urban search and rescue task force

1 a grant of not less than \$1,500,000 to pay the costs
2 of operations of the urban search and rescue task
3 force (including costs of basic urban search and res-
4 cue equipment).

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

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

11 “(B) urban search and rescue equipment;

12 “(C) equipment necessary for an urban
13 search and rescue task force to operate in an
14 environment contaminated or otherwise affected
15 by a weapon of mass destruction;

16 “(D) training, including training for oper-
17 ating in an environment described in subpara-
18 graph (C);

19 “(E) transportation;

20 “(F) expansion of the urban search and
21 rescue task force; and

22 “(G) incident support teams, including
23 costs of conducting appropriate evaluations of
24 the readiness of the urban search and rescue
25 task force.

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

7 “(e) GRANT REQUIREMENTS.—The Director shall es-
8 tablish such requirements as are necessary to provide
9 grants under this section.

10 “(d) ESTABLISHMENT OF ADDITIONAL URBAN
11 SEARCH AND RESCUE TASK FORCES.—

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

17 “(2) REQUIREMENT OF FULL FUNDING OF EX-
18 ISTING URBAN SEARCH AND RESCUE TASK
19 FORCES.—Except in the case of an urban search
20 and rescue task force designated to replace any
21 urban search and rescue task force that withdraws
22 or is otherwise no longer considered to be an urban
23 search and rescue task force designated by the Di-
24 rector, no additional urban search and rescue task
25 forces may be designated or funded until the 28

1 urban search and rescue task forces are able to de-
 2 ploy simultaneously at least 2 teams with all nec-
 3 essary equipment, training, and transportation.”

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

9 “(a) AUTHORIZATION OF APPROPRIATIONS.—

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

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

16 “(A) \$3,340,000,000 for fiscal year 2004;
 17 and

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

20 “(3) URBAN SEARCH AND RESCUE TASK
 21 FORCES.—

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

24 “(i) \$160,000,000 for fiscal year
 25 2004; and

1 ~~“(ii) \$42,000,000 for each of fiscal~~
2 ~~years 2005 through 2007.~~

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

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Emergency Preparedness*
8 *and Response Act of 2003”.*

9 **SEC. 2. FINDING AND PURPOSES.**

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

11 (1) *the Federal Government must enhance the*
12 *ability of first responders to prepare for all hazards;*

13 (2) *since becoming law, the Robert T. Stafford*
14 *Disaster Relief and Emergency Assistance Act (42*
15 *U.S.C. 5121 et seq.), carried out by the Federal Emer-*
16 *gency Management Agency, has formed the basis of*
17 *the consequence management and preparedness system*
18 *of the United States;*

19 (3) *the Federal Emergency Management Agency*
20 *has established a Federal Response Plan to coordinate*
21 *the efforts of 26 Federal agencies;*

22 (4) *in executing the Federal Response Plan, the*
23 *Federal Emergency Management Agency has extensive*
24 *experience, a strong working relationship, and an es-*

1 *tablished record with State and local first responders*
2 *and State and local governments;*

3 *(5) with the formation of the Department of*
4 *Homeland Security by the Homeland Security Act of*
5 *2002 (116 Stat. 2135), the Federal Emergency Man-*
6 *agement Agency became part of the Emergency Pre-*
7 *paredness and Response Directorate of the Depart-*
8 *ment;*

9 *(6) in order to maintain the existing capabilities*
10 *of the United States to respond to natural disasters*
11 *and to upgrade capabilities as necessary to respond*
12 *to domestic terrorism events, it is imperative that the*
13 *Secretary of Homeland Security establish national*
14 *standards of preparedness and response for all haz-*
15 *ards, including weapons of mass destruction con-*
16 *sequence management;*

17 *(7) an all-hazards approach to preparedness*
18 *would provide the most efficient use of taxpayer dol-*
19 *lars by capitalizing on dual-benefit actions, that is,*
20 *actions that assist both managing natural hazards*
21 *and incidents of terrorism;*

22 *(8) the Federal Government must build on the*
23 *existing capabilities of first responders to prepare for*
24 *and respond to all hazards;*

1 (9) consequence management grants, authorized
2 by the Robert T. Stafford Disaster Relief and Emer-
3 gency Assistance Act (42 U.S.C. 5121 et seq.), are 1
4 piece of a broader preparedness program to provide
5 assistance to first responders to prepare for and re-
6 spond to the consequences of natural disasters and
7 disasters caused by the actions of humans, such as in-
8 cidents of terrorism;

9 (10) comprehensive, Federal-State-local all-haz-
10 ards and consequence management planning occurs
11 on a regular basis to maintain readiness of first re-
12 sponders; and

13 (11) to ensure that Federal funds provided to
14 States for first responders are coordinated with other
15 homeland security-related funding streams, the
16 grantmaking functions within the Department of
17 Homeland Security should be consolidated in the of-
18 fice of the Secretary.

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

20 (1) to establish a program to provide assistance
21 to enhance the ability of first responders to respond
22 to all hazards; and

23 (2) to address issues relating to urban search
24 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 602(a)
7 of the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5196(a)) is amended by adding
9 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. PREPAREDNESS ASSISTANCE FOR FIRST RESPOND-**
15 **ERS.**

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

20 **“SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RE-**
21 **SPONDERS.**

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

23 “(1) *FIRST RESPONDER*.—The term ‘first re-
24 sponder’ means—

25 “(A) fire, emergency medical service, and
26 law enforcement personnel; and

1 “(B) such other personnel as are identified
2 by the Secretary.

3 “(2) LOCAL ENTITY.—The term ‘local entity’ has
4 the meaning given the term by regulation promul-
5 gated by the Secretary.

6 “(3) PROGRAM.—The term ‘program’ means the
7 program established under subsection (b).

8 “(4) SECRETARY.—The term ‘Secretary’ means
9 the Secretary of Homeland Security.

10 “(b) PROGRAM TO PROVIDE ASSISTANCE.—

11 “(1) IN GENERAL.—The Secretary shall establish
12 a program to provide assistance to States to enhance
13 the ability of State and local first responders to re-
14 spond to all hazards.

15 “(2) FEDERAL SHARE.—

16 “(A) IN GENERAL.—The Federal share of
17 the costs eligible to be paid using assistance pro-
18 vided under the program shall be not less than
19 75 percent, as determined by the Secretary.

20 “(B) INCREASE.—The Federal share shall be
21 increased to not less than 90 percent in the case
22 of a grant recipient that the Secretary deter-
23 mines is economically distressed.

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

1 “(A) grants; and

2 “(B) such other forms of assistance as the
3 Secretary determines to be appropriate.

4 “(c) USES OF ASSISTANCE.—

5 “(1) IN GENERAL.—Assistance provided under
6 subsection (b)—

7 “(A) shall be used—

8 “(i) to purchase, to the maximum ex-
9 tent practicable, interoperable equipment
10 that is necessary to respond to hazards;

11 “(ii) to train first responders, con-
12 sistent with guidelines and standards devel-
13 oped by the Secretary;

14 “(iii) in consultation with the Sec-
15 retary, to develop, construct, or upgrade
16 preparedness training facilities;

17 “(iv) to develop, construct, or upgrade
18 emergency operating centers;

19 “(v) to develop preparedness and re-
20 sponse plans consistent with Federal, State,
21 and local strategies, as determined by the
22 Secretary;

23 “(vi) to provide systems and equip-
24 ment to meet communication needs, such as
25 emergency notification systems, interoper-

1 *able equipment, and secure communication*
2 *equipment;*

3 *“(vii) to conduct exercises;*

4 *“(viii) to carry out such other related*
5 *activities as are approved by the Secretary;*
6 *and*

7 *“(ix) to develop State, regional, or*
8 *local mutual aid agreements; and*

9 *“(B) shall not be used to provide compensa-*
10 *tion to first responders (including payment for*
11 *overtime) except, at the discretion of the Sec-*
12 *retary, to provide compensation to first respond-*
13 *ers for overtime expenses—*

14 *“(i) incurred during the elevated threat*
15 *levels of code orange and code red of the*
16 *Homeland Security Advisory System; or*

17 *“(ii) relating to training activities*
18 *consistent with the goals outlined in a State*
19 *homeland security plan.*

20 *“(2) STANDARDS; GUIDANCE.—The Secretary*
21 *shall—*

22 *“(A) develop standards for the uses de-*
23 *scribed in paragraph (1); and*

24 *“(B) provide guidance to first responders so*
25 *that, to the maximum extent practicable, any*

1 *grant provided will be used in a manner that is*
2 *consistent with those standards.*

3 “(d) *HOMELAND SECURITY PLAN.*—

4 “(1) *IN GENERAL.*—*To receive funds under sub-*
5 *section (e), the Governor shall submit to, and receive*
6 *approval from, the Secretary for a 3-year State home-*
7 *land security plan (referred to in this subsection as*
8 *the ‘plan’) to respond to terrorist attacks and*
9 *strengthen all-hazards emergency planning.*

10 “(2) *STRATEGY.*—*The plan shall establish a 3-*
11 *year strategy to set priorities for the allocation of*
12 *funding to political subdivisions based on risk, capa-*
13 *bility, and need.*

14 “(e) *ALLOCATION OF FUNDS.*—*For each fiscal year, in*
15 *providing assistance under subsection (b), the Secretary*
16 *shall make available—*

17 “(1) *to each of Puerto Rico, the Virgin Islands,*
18 *Guam, American Samoa, and the Commonwealth of*
19 *the Northern Mariana Islands, the lesser of—*

20 “(A) *\$3,000,000; or*

21 “(B) *0.25 percent of the amount made*
22 *available to carry out this section for a fiscal*
23 *year; and*

24 “(2) *to each State (other than a State specified*
25 *in paragraph (1)) and the District of Columbia—*

1 “(A) a base amount of that is equal to the
2 greater of—

3 “(i) \$15,000,000; or

4 “(ii) 0.75 percent of the amount made
5 available to carry out this section for a fis-
6 cal year; and

7 “(B) a percentage of the total remaining
8 funds made available for the fiscal year based on
9 high-threat areas and other vulnerability criteria
10 established by the Secretary, including—

11 “(i) the State homeland security plan
12 required under subsection (d);

13 “(ii) population (including tourist
14 population);

15 “(iii) location of critical infrastruc-
16 ture, including—

17 “(I) military installations;

18 “(II) nuclear power plants;

19 “(III) chemical and other haz-
20 ardous material containing facilities;
21 and

22 “(IV) location of ports;

23 “(iv) location of public buildings (as
24 defined in section 3301(a) of title 40,
25 United States Code);

1 “(v) *location of sites of national sig-*
2 *nificance selected by the Secretary based*
3 *on—*

4 “(I) *reasonable likelihood that the*
5 *site will be a target of terrorism; and*

6 “(II) *protection of public health,*
7 *welfare, environment, critical infra-*
8 *structure, and national security;*

9 “(vi) *proximity to international bor-*
10 *ders;*

11 “(vii) *known or suspected threat areas,*
12 *including areas that have been the target of*
13 *previous terrorist attacks; and*

14 “(viii) *areas in which large numbers of*
15 *people congregate.*

16 “(C) *DIRECT FUNDING.—*

17 “(i) *IN GENERAL.—Of the funds made*
18 *available under subparagraph (B), the Sec-*
19 *retary shall provide not less than 10 percent*
20 *of the funds directly to local governments or*
21 *local government entities.*

22 “(ii) *RECOMMENDATIONS.—*

23 “(I) *IN GENERAL.—The Governor*
24 *of each State may recommend to the*
25 *Secretary not fewer than 5 local gov-*

1 *ernments or local government entities*
2 *to receive assistance under this section.*

3 *“(II) CONSIDERATIONS.—In mak-*
4 *ing recommendations under subclause*
5 *(I), the Governor shall consider the cri-*
6 *teria specified in subparagraph (B).*

7 *“(iii) SELECTION.—The Secretary*
8 *shall select local governments and local gov-*
9 *ernment entities to receive funds under this*
10 *subsection from those local governments and*
11 *local government entities nominated by the*
12 *Governors, except that the Secretary may*
13 *select a local government or local govern-*
14 *ment entity that has not been nominated by*
15 *a Governor if the Secretary determines*
16 *that—*

17 *“(I) extraordinary circumstances*
18 *justify the selection; and*

19 *“(II) making the selection will*
20 *further the purposes of this section.*

21 *“(iv) FAILURE TO NOMINATE.—If a*
22 *Governor of a State fails to submit rec-*
23 *ommendations under this subparagraph in*
24 *a timely manner, the President may select,*
25 *subject to the criteria specified in subpara-*

1 *graph (B), any local governments or local*
2 *government entities of the State to receive*
3 *assistance under this paragraph.*

4 “(f) *PROVISION OF FUNDS TO LOCAL GOVERNMENTS*
5 *AND LOCAL ENTITIES.—*

6 “(1) *IN GENERAL.—For each fiscal year, not*
7 *later than 45 days after the date on which a State re-*
8 *ceives grant funds under this section, the State shall*
9 *provide not less than 80 percent of the amount of the*
10 *grant funds received to local governments and local*
11 *entities within the State.*

12 “(2) *DIRECT FUNDING.—If a State fails to sub-*
13 *stantially comply with any provision of this section,*
14 *including failing to provide local governments with*
15 *grant funds or resources purchased with grant funds*
16 *in a timely fashion, a local government entitled to re-*
17 *ceive those grant funds or resources may petition the*
18 *Secretary, at such time and in such manner as the*
19 *Secretary may determine, to request that grant funds*
20 *or resources be provided directly to the local govern-*
21 *ment.*

22 “(g) *ADMINISTRATIVE EXPENSES.—For each fiscal*
23 *year, not more than 10 percent of the funds retained by*
24 *a State after application of subsection (f) may be used to*

1 *pay salaries and other administrative expenses incurred in*
 2 *administering the program.*

3 “(h) *MAINTENANCE OF EXPENDITURES.*—*The Sec-*
 4 *retary may provide assistance to a State under this section*
 5 *only if the State agrees to maintain, and to ensure that*
 6 *each local government that receives funds from the State*
 7 *in accordance with subsection (f) maintains, for the fiscal*
 8 *year for which the assistance is provided, the aggregate ex-*
 9 *penditures by the State or the local government, respec-*
 10 *tively, for the uses described in subsection (c)(1) at a level*
 11 *that is at or above the average annual level of those expendi-*
 12 *tures by the State or local government, respectively, for the*
 13 *2 fiscal years preceding the fiscal year for which the assist-*
 14 *ance is provided.*

15 “(i) *REPORTS.*—

16 “(1) *ANNUAL REPORT TO THE SECRETARY.*—*As*
 17 *a condition of receipt of assistance under this section*
 18 *for a fiscal year, a State shall submit to the Sec-*
 19 *retary, not later than 60 days after the end of the fis-*
 20 *cal year, a report on the use of the assistance in the*
 21 *fiscal year.*

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

1 “(A) *conduct an exercise, or participate in*
2 *a regional exercise, approved by the Secretary, to*
3 *measure the progress of the State in enhancing*
4 *the ability of State and local first responders to*
5 *respond to all hazards; and*

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

8 “(i) *the Committee on Environment*
9 *and Public Works and the Committee on*
10 *Appropriations of the Senate; and*

11 “(ii) *the Committee on Transportation*
12 *and Infrastructure and the Committee on*
13 *Appropriations of the House of Representa-*
14 *tives.*

15 “(j) *COORDINATION.—*

16 “(1) *WITH FEDERAL AGENCIES.—The Secretary*
17 *shall, as necessary, coordinate the provision of assist-*
18 *ance under this section with activities carried out by*
19 *appropriate Federal agencies.*

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

23 “(A) *Indian tribes (as defined in section 4*
24 *of the Indian Self-Determination and Education*

1 *Assistance Act (25 U.S.C. 450b)) and other trib-*
 2 *al organizations; and*

3 “(B) *Native villages (as defined in section*
 4 *3 of the Alaska Native Claims Settlement Act (43*
 5 *U.S.C. 1602)) and other Alaska Native organiza-*
 6 *tions.*”.

7 **(b) COST SHARING FOR EMERGENCY OPERATING CEN-**
 8 **TERS.**—*Section 614 of the Robert T. Stafford Disaster Re-*
 9 *lief and Emergency Assistance Act (42 U.S.C. 5196c) is*
 10 *amended—*

11 (1) *by inserting “(other than section 630)” after*
 12 *“carry out this title”; and*

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

15 **SEC. 5. 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 4(a)) is amended by adding*
 19 *at the end the following:*

20 **“SEC. 631. 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 Secretary 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 Secretary 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 Secretary 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 Secretary*
18 *may provide to any urban search and rescue task*
19 *force a grant, in such amount as the Secretary 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 Secretary*
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 Secretary 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 *Secretary 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 Secretary, 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 “(e) *STUDY.—Not later than 180 days after the date*
17 *of enactment of this section, the Secretary shall conduct,*
18 *and submit to the Committee on Environment and Public*
19 *Works of the Senate and the Committee on Transportation*
20 *and Infrastructure of the House of Representatives a report*
21 *describing the results of, a study that—*

22 “(1) *evaluates the level of need for minimum ca-*
23 *pability urban search and rescue teams (known as*
24 *‘USAR-lights’) in major metropolitan areas through-*
25 *out the United States;*

1 “(2) identifies locations in which such a capa-
2 bility would significantly improve the ability to re-
3 spond effectively to an incident; and

4 “(3) identifies the equipment and staffing that
5 would be required to provide a short-term, immediate
6 response while waiting for a full USAR team to ar-
7 rive.”.

8 **SEC. 6. STUDY OF EMERGENCY RESPONSE COMMUNICA-**
9 **TIONS SYSTEM.**

10 *Title VII of the Robert T. Stafford Disaster Relief and*
11 *Emergency Assistance Act (42 U.S.C. 5201 et seq.) is*
12 *amended by adding at the end the following:*

13 **“SEC. 706. STUDY OF EMERGENCY RESPONSE COMMUNICA-**
14 **TIONS SYSTEM.**

15 “(a) *IN GENERAL.*—*In consultation with the Federal*
16 *Communications Commission, the National Institute of*
17 *Standards and Technology, and the Secretary of Defense,*
18 *the Secretary of Homeland Security shall conduct a study*
19 *to determine the resources that are needed for development*
20 *of an effective nationwide communications system for emer-*
21 *gency response personnel.*

22 “(b) *REPORT.*—

23 “(1) *IN GENERAL.*—*Not later than 90 days after*
24 *the date of enactment of this section, the Secretary*
25 *shall submit to the Committee on Environment and*

1 *Public Works of the Senate and the Committee on*
 2 *Transportation and Infrastructure of the House of*
 3 *Representatives a report on the study.*

4 “(2) *REVIEW OF USE OF SPECTRUM.*—*The report*
 5 *shall include a review of use of the digital spectrum*
 6 *or the analog spectrum as a key component to meet-*
 7 *ing the urgent communications needs of the emer-*
 8 *gency response personnel of the United States.”.*

9 **SEC. 7. NON-HOMELAND SECURITY MISSION PERFORMANCE**

10 **REPORT.**

11 (a) *REPORT BY THE SECRETARY.*—

12 (1) *IN GENERAL.*—*To ensure that the Robert T.*
 13 *Stafford Disaster Relief and Emergency Assistance*
 14 *Act (42 U.S.C. 5121 et seq.) continues to be adminis-*
 15 *tered by the Federal Emergency Management Agency*
 16 *in an effective manner after the Agency’s inclusion in*
 17 *the Department of Homeland Security, Emergency*
 18 *Preparedness and Response Directorate, the Secretary*
 19 *of Homeland Security shall annually submit to Con-*
 20 *gress a report that addresses the continuation of non-*
 21 *homeland security functions at the Federal Emer-*
 22 *gency Management Agency.*

23 (2) *CONTENTS.*—*The report shall—*

24 (A) *to the maximum extent practicable, pro-*
 25 *vide an inventory of the non-homeland security*

1 *functions of the entity, and identify the capabili-*
2 *ties of the entity with respect to those functions,*
3 *including—*

4 *(i) the number of employees carrying*
5 *out those functions;*

6 *(ii) the budget for those functions; and*

7 *(iii) the flexibilities, personnel or oth-*
8 *erwise, used to carry out those functions;*

9 *(B) contain information relating to the*
10 *roles, responsibilities, organizational structure,*
11 *capabilities, personnel assets, and annual budg-*
12 *ets, specifically with respect to the capabilities of*
13 *the entity to accomplish non-homeland security*
14 *functions without any diminishment;*

15 *(C) contain information relating to whether*
16 *any changes are required to the roles, respon-*
17 *sibilities, functions, organizational structure,*
18 *modernization programs, projects, activities, re-*
19 *ruitment and retention programs, and annual*
20 *fiscal resources to enable the entity to accomplish*
21 *non-homeland security functions without dimin-*
22 *ishment; and*

23 *(D) describe the strategy that the Depart-*
24 *ment will use for the performance of non-home-*

1 *land security functions and homeland security*
2 *functions.*

3 **(b) EVALUATIONS BY THE COMPTROLLER GENERAL.—**

4 **(1) IN GENERAL.—***The Comptroller General of*
5 *the United States shall monitor and evaluate the im-*
6 *plementation of this section.*

7 **(2) REPORTS.—***Not later than 60 days after the*
8 *date of enactment of this Act, and annually thereafter*
9 *during the succeeding 5-year period, the Comptroller*
10 *General of the United States shall submit to the Com-*
11 *mittee on Environment and Public Works of the Sen-*
12 *ate and the Committee on Transportation and Infra-*
13 *structure of the House of Representatives a report that*
14 *contains—*

15 **(A)** *an evaluation of the implementation*
16 *progress reports submitted under this section;*

17 **(B)** *the findings and conclusions of the*
18 *Comptroller General of the United States result-*
19 *ing from the monitoring and evaluation con-*
20 *ducted under this subsection, including evalua-*
21 *tions of how successfully the Department of*
22 *Homeland Security is meeting the non-homeland*
23 *security functions of the Department; and*

24 **(C)** *any recommendations for legislation or*
25 *administrative action that the Comptroller Gen-*

1 *eral of the United States considers to be appro-*
2 *priate.*

3 (c) *PERFORMANCE REPORTS.*—*In each report sub-*
4 *mitted under section 1116 of title 31, United States Code,*
5 *the Secretary of Homeland Security shall—*

6 (1) *clarify homeland security and non-homeland*
7 *security function performance; and*

8 (2) *fully describe and evaluate the performance*
9 *of homeland and non-homeland security functions*
10 *and goals.*

11 **SEC. 8. OFFICE FOR DOMESTIC PREPAREDNESS.**

12 *Section 430 of the Homeland Security Act of 2002 (6*
13 *U.S.C. 238) is amended—*

14 (1) *by redesignating section 238 as section 802*
15 *and moving that section so as to appear at the end*
16 *of subtitle A of title VIII of that Act;*

17 (2) *in section 802 (as redesignated by paragraph*
18 *(1))—*

19 (A) *in subsection (a), by striking “the Di-*
20 *rectorate of Border and Transportation Secu-*
21 *rity” and inserting “the Office for State and*
22 *Local Government Coordination”;*

23 (B) *in subsection (b), by striking “who shall*
24 *be appointed by the President” and all that fol-*
25 *lows and inserting “who shall report directly to*

1 *the Director of State and Local Government Co-*
 2 *ordination.”; and*

3 *(C) in subsection (c)—*

4 *(i) in paragraph (7)—*

5 *(I) by striking “other” and insert-*
 6 *ing “the”; and*

7 *(II) by striking “consistent with*
 8 *the mission and functions of the Direc-*
 9 *torate”; and*

10 *(ii) in paragraph (8), by inserting*
 11 *“carrying out” before “those elements”.*

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

17 “(1) **IN GENERAL.—***There are authorized to be*
 18 *appropriated such sums as are necessary to carry out*
 19 *this title (other than section 631).*

20 “(2) **URBAN SEARCH AND RESCUE TASK**
 21 **FORCES.—**

22 “(A) **IN GENERAL.—***There are authorized to*
 23 *be appropriated to carry out section 631—*

24 “(i) \$160,000,000 for fiscal year 2004;

25 *and*

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

3 “(B) AVAILABILITY OF AMOUNTS.—Amounts
4 made available under subparagraph (A) shall re-
5 main available until expended.”.

Calendar No. 433

108TH CONGRESS
2D SESSION

S. 930

[Report No. 108-227]

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.

FEBRUARY 25, 2004

Reported with an amendment