

110TH CONGRESS
2D SESSION

S. 2960

To amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to enhance the role of State and local bomb squads, public safety dive teams, explosive detection canine teams, and special weapons and tactics teams in national improvised explosive device prevention policy, to establish a grant program to provide for training, equipment, and staffing of State and local improvised explosive device prevention, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2008

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to enhance the role of State and local bomb squads, public safety dive teams, explosive detection canine teams, and special weapons and tactics teams in national improvised explosive device prevention policy, to establish a grant program to provide for training, equipment, and staffing of State and local improvised explosive device prevention, 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 “National Improvised
3 Explosive Device Prevention and Preparedness Act of
4 2008”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Improvised explosive devices come in many
8 forms, including—

9 (A) radio controlled improvised explosive
10 devices;

11 (B) suicide improvised explosive devices;

12 (C) suicide or homicide improvised explo-
13 sive devices;

14 (D) vehicle-borne improvised explosive de-
15 vices;

16 (E) waterborne improvised explosive de-
17 vices; and

18 (F) underwater improvised explosive de-
19 vices.

20 (2) The United States has suffered numerous
21 improvised explosive device attacks in the past 25
22 years, including—

23 (A) the 1983 United States embassy
24 bombing in Beirut, Lebanon;

25 (B) the 1983 United States Marine bar-
26 racks bombing in Beirut, Lebanon;

1 (C) the 1983 United States Senate bomb-
2 ing following the Grenada invasion;

3 (D) the 1984 United States embassy annex
4 bombing in Beirut, Lebanon;

5 (E) the 1986 TWA Flight 840 bombing;

6 (F) the 1986 LaBelle Discotheque bomb-
7 ing in Berlin, Germany;

8 (G) the 1988 Pan Am Flight 103 bombing;

9 (H) the 1993 World Trade Center bomb-
10 ing in New York City, New York;

11 (I) the 1995 Alfred P. Murrah Federal
12 Building bombing in Oklahoma City, Oklahoma;

13 (J) the 1996 Khobar Towers bombing in
14 Khobar, Saudi Arabia;

15 (K) the 1996 Centennial Olympic Park
16 bombing in Atlanta, Georgia;

17 (L) the 1998 health clinic bombing in Bir-
18 mingham, Alabama;

19 (M) the 1998 United States embassy
20 bombing in Dar es Salaam, Tanzania;

21 (N) the 1998 United States embassy
22 bombing in Nairobi, Kenya;

23 (O) the 2000 USS Cole bombing in Aden,
24 Yemen; and

1 (P) the 2008 military recruiting office
2 bombing in New York City, New York.

3 (3) Improvised explosive devices are responsible
4 for 60 percent of all United States combat casualties
5 in Iraq and 50 percent of all United States combat
6 casualties in Afghanistan.

7 (4) The knowledge to assemble, arm, and deto-
8 nate improvised explosive devices is highly import-
9 able due to advances in global communications net-
10 works.

11 (5) The bomb squad, public safety dive team,
12 explosive detection canine team, and special weapons
13 and tactics team capabilities of the United States is
14 inadequate for the domestic threat of an improvised
15 explosive device attack.

16 (6) Federal funding in support of bomb squad,
17 public safety dive team, explosive detection canine
18 team, and special weapons and tactics team capa-
19 bility development is inadequate and lacks sufficient
20 strategic planning to properly equip, train, and pre-
21 pare the Nation's emergency response providers.

22 (7) Bomb squad, public safety dive teams, ex-
23 plosive detection canine teams, and special weapons
24 and tactics teams operated by State and local gov-
25 ernments are usually the first to respond to domestic

1 bombing threats and best-positioned to discern fund-
2 ing shortfalls based on threats identified by Federal,
3 State, and local government sources.

4 **SEC. 3. BOMBING PREVENTION.**

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

8 **“SEC. 525. OFFICE FOR BOMBING PREVENTION.**

9 “(a) DEFINITION.—In this section, the term ‘IED
10 first responder’ means a bomb squad, explosive detection
11 canine team, special weapons and tactics team, or public
12 safety dive team operated by a State or local government.

13 “(b) ESTABLISHMENT.—There is established in the
14 Agency an Office for Bombing Prevention (in this section
15 referred to as ‘the Office’).

16 “(c) RESPONSIBILITIES.—The Office shall have the
17 primary responsibility within the Department for enhanc-
18 ing the ability, and coordinating the efforts, of the Nation
19 to deter, detect, prevent, protect against, intercept, and
20 respond to terrorist improvised explosive device attacks,
21 including by—

22 “(1) coordinating national and intergovern-
23 mental bombing prevention activities;

1 “(2) chairing any improvised explosive device
2 working group or task force established by the De-
3 partment;

4 “(3) conducting requirements, capabilities, and
5 gap analyses of equipment and training of Federal,
6 State, and local governments to deter, prevent, de-
7 tect, protect against, intercept, and assist in any re-
8 sponse to terrorist explosive attacks by—

9 “(A) maintaining a national analysis data-
10 base on the capabilities of IED first responders;

11 “(B) applying the analysis derived from
12 the database described in subparagraph (A)
13 in—

14 “(i) evaluating progress toward clos-
15 ing identified gaps relating to national
16 strategic goals and standards; and

17 “(ii) providing to the Administrator
18 an assessment of the needs of State and
19 local governments for Federal funds to
20 equip and train IED first responders; and

21 “(C) providing the analysis derived from
22 the database described in subparagraph (A) to
23 other components of the Department and other
24 departments and agencies of the Federal Gov-
25 ernment to inform decisions relating to home-

1 land security policy, assistance, training, re-
2 search and development efforts, testing and
3 evaluation, and related requirements;

4 “(4) serving as the primary conduit between
5 Federal, State, and local governments for conducting
6 assessments for, and making changes necessary to
7 close gaps identified through, the database described
8 in paragraph (3)(A);

9 “(5) assisting State and local officials in devel-
10 oping multijurisdictional bombing prevention plans
11 and identifying and prioritizing equipment require-
12 ments;

13 “(6) operating and maintaining an information
14 portal for IED first responders to share critical in-
15 formation and lessons learned;

16 “(7) promoting other information sharing and
17 improvised explosive device prevention awareness
18 programs;

19 “(8) serving as a liaison to the Joint Impro-
20 vised Explosive Device Defeat Organization of the
21 Department of Defense;

22 “(9) coordinating and consulting with the Sen-
23 ior Advisory Committee on Improvised Explosive De-
24 vice Prevention and Response established under sec-
25 tion 890A; and

1 “(10) assisting, in cooperation with the Admin-
2 istrator of the Transportation Security Administra-
3 tion, departments and agencies of Federal, State, or
4 local government in developing and implementing
5 national explosive detection canine training and cer-
6 tification standards.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this sec-
9 tion—

10 “(1) \$20,000,000 for fiscal year 2009;

11 “(2) \$25,000,000 for each of fiscal years 2010
12 and 2011; and

13 “(3) such sums as are necessary for each fiscal
14 year thereafter.”.

15 (b) TRANSFER OF EXISTING FUNCTION.—There are
16 transferred to the Office for Bombing Prevention estab-
17 lished under section 525 of the Homeland Security Act,
18 as added by this Act, all functions of the Office for Bomb-
19 ing Prevention of the Office of Infrastructure Protection
20 of the Department of Homeland Security as of the day
21 before the date of enactment of this Act, including its per-
22 sonnel, assets, components, authorities, and liabilities.

1 **SEC. 4. SENIOR ADVISORY COMMITTEE.**

2 Subtitle H of title VIII of the Homeland Security Act
3 of 2002 (6 U.S.C. 451 et seq.) is amended by adding at
4 the end the following:

5 **“SEC. 890A. SENIOR ADVISORY COMMITTEE ON IMPRO-**
6 **VED EXPLOSIVE DEVICE PREVENTION AND**
7 **RESPONSE.**

8 “(a) IN GENERAL.—The Secretary shall ensure that
9 a subcommittee of the Homeland Security Advisory Coun-
10 cil established under section 871, or any successor thereto,
11 is established that is responsible for improvised explosive
12 device prevention and response, to be know as the ‘Senior
13 Advisory Committee on Improvised Explosive Device Pre-
14 vention and Response’.

15 “(b) RESPONSIBILITIES.—The Senior Advisory Com-
16 mittee on Bombing Prevention and Response shall—

17 “(1) provide policy guidance and recommenda-
18 tions to the Homeland Security Advisory Council, or
19 any successor thereto, on all matters related to the
20 preparedness of emergency response providers to re-
21 spond to, detect, and defeat destructive devices;

22 “(2) develop best practices, training, and basic
23 operational procedures to coordinate between, and
24 integrate the responsibilities and functions of, bomb
25 squads and special weapons and tactics teams;

1 “(3) promote interoperability and information
2 sharing between the Federal Government and IED
3 first responders, as that term is defined in section
4 525; and

5 “(4) meet annually to review applications for
6 grants under the Bomb Prevention and Response
7 Grant Program under section 526 and provide to the
8 Administrator advice on the proposed allocation of
9 such grants based on the gaps identified through the
10 database described in section 525(c)(3)(A).

11 “(c) MEMBERSHIP.—The members of the Senior Ad-
12 visory Committee on Bombing Prevention and Response
13 shall be selected in consultation with—

14 “(1) the Attorney General of the United States;

15 “(2) the Commandant of the Coast Guard;

16 “(3) the Administrator of the Transportation
17 Security Administration;

18 “(4) the Administrator of the Federal Transit
19 Administration;

20 “(5) the Executive Director of the National
21 Tactical Officers Association;

22 “(6) the Chair of the National Bomb Squad
23 Commanders Advisory Board;

1 “(7) the Chair of the Board of the Inter-
2 national Association of Bomb Technicians and In-
3 vestigators;

4 “(8) the Chair of the Scientific Working Group
5 on Dog and Orthogonal Detector Guidelines;

6 “(9) the Executive Director of the National
7 Emergency Management Association;

8 “(10) the President of the National Sheriff’s
9 Association;

10 “(11) the President of the Fraternal Order of
11 Police;

12 “(12) the Chair of the Executive Committee of
13 the National Governors Association;

14 “(13) the President of the United States Con-
15 ference of Mayors;

16 “(14) the Regional Administrator for each re-
17 gion of the Federal Emergency Management Agency;
18 and

19 “(15) the head of the Office for Bombing Pre-
20 vention established under section 525.”.

21 **SEC. 5. IMPROVISED EXPLOSIVE DEVICE PREVENTION AND**
22 **RESPONSE GRANTS.**

23 Title V of the Homeland Security Act of 2002 (6
24 U.S.C. 315 et seq.), as amended by this Act, is amended
25 by adding at the end the following:

1 **“SEC. 526. FIRST RESPONDER IED PREVENTION AND RE-**
2 **SPONSE GRANT PROGRAM.**

3 “(a) ESTABLISHMENT.—There is established an
4 First Responder IED Prevention and Response Grant
5 Program, under which the Administrator may make
6 grants to State and local governments.

7 “(b) APPLICATION.—A State or local government de-
8 siring a grant under this section shall submit an applica-
9 tion at such time, in such manner, and accompanied by
10 such information as the Administrator shall establish.

11 “(c) USE OF GRANT AMOUNTS.—

12 “(1) IN GENERAL.—A grant under this section
13 may be used for equipment, training, and, subject to
14 paragraph (2), salary and benefits for personnel of
15 an IED first responder, as that term is defined in
16 section 525.

17 “(2) PERSONNEL.—Amounts provided under a
18 grant under this section may be used for salary and
19 benefits—

20 “(A) for an employee who—

21 “(i) is a veteran (as that term is de-
22 fined in section 101(2) of title 38, United
23 States Code) with experience relating to
24 improvised explosive devices as a member
25 of an explosive ordnance disposal or re-
26 sponse team in Iraq or Afghanistan;

1 “(ii) is a graduate of a military edu-
2 cation school for members of the Armed
3 Forces for—

4 “(I) explosive ordnance disposal
5 technicians; or

6 “(II) explosive detection canine
7 handlers; or

8 “(iii) is a sworn law enforcement offi-
9 cer who is certified as a bomb technician
10 by the Hazardous Devices School of the
11 Federal Bureau of Investigation; and

12 “(B) for any employee described in sub-
13 paragraph (A), for not more than a 3-year pe-
14 riod.

15 “(d) GRANT AWARDS.—The Administrator shall
16 award grant under this section based on the gaps identi-
17 fied through the database described in section
18 525(e)(3)(A).

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this sec-
21 tion—

22 “(1) \$75,000,000 for fiscal year 2009;

23 “(2) \$100,000,000 for fiscal year 2010;

24 “(3) \$100,000,000 for fiscal year 2011;

25 “(4) \$125,000,000 for fiscal year 2012; and

1 “(5) \$125,000,000 for fiscal year 2013.”.

2 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

3 The table of contents in section 1(b) of the Homeland
4 Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

5 (1) by inserting after the item relating to sec-
6 tion 524 the following:

“Sec. 525. Office for Bombing Prevention.

“Sec. 526. First Responder IED Prevention and Response Grant Program.”;

7 and

8 (2) by inserting after the item relating to sec-
9 tion 890 the following:

“Sec. 890A. Senior Advisory Committee on Improvised Explosive Device Pre-
vention and Response.”.

10 **SEC. 7. MARITIME TRANSPORTATION SECURITY.**

11 Section 70107(k)(3) of title 46, United States Code,
12 is amended—

13 (1) by striking subparagraph (A) and inserting
14 the following:

15 “(A) identifies any modifications necessary
16 in funding to ensure the correction of
17 vulnerabilities and capability gaps identified by
18 the Coast Guard and the dive team component
19 of the database described in section
20 525(c)(3)(A) of the Homeland Security Act of
21 2002, to ensure compliance with Area Maritime
22 Transportation Security Plans and facility secu-
23 rity plans;”;

1 (2) by redesignating subparagraphs (C) and
2 (D) as subparagraphs (D) and (E), respectively; and
3 (3) by inserting after subparagraph (B) the fol-
4 lowing:

5 “(C) includes an assessment of progress in
6 completing assessments for the dive team com-
7 ponent of the database described in section
8 525(c)(3)(A) of the Homeland Security Act of
9 2002, for all applicable ports;”.

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