

105TH CONGRESS
2D SESSION

H. R. 3764

To establish a Commission to assess weapons of mass destruction domestic response capabilities.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1998

Mr. WELDON of Pennsylvania (for himself, Mr. HOYER, Mr. ANDREWS, Mr. PAPPAS, Mrs. CAPPS, Mr. REYES, Mr. PITTS, Mr. ENGLISH of Pennsylvania, Mr. McNULTY, Mr. FOX of Pennsylvania, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a Commission to assess weapons of mass destruction domestic response capabilities.

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 “Rescue and Emergency
5 Services Prepared for Our Nation’s Defense Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Many nations currently possess weapons of
9 mass destruction and related materials and tech-

1 nologies, and such weapons are increasingly available
2 to a variety of sources through legitimate and illegit-
3 imate means.

4 (2) The proliferation of weapons of mass de-
5 struction is growing, and will likely continue despite
6 the best efforts of the international community to
7 limit their flow.

8 (3) The increased availability, relative afford-
9 ability, and ease of use of weapons of mass destruc-
10 tion may make the use of such weapons an increas-
11 ingly attractive option to potential adversaries who
12 are not otherwise capable of countering United
13 States military superiority.

14 (4) On November 12, 1997, President Clinton
15 issued an Executive Order stating that “the pro-
16 liferation of nuclear, biological, and chemical weap-
17 ons (“weapons of mass destruction”) and the means
18 of delivering such weapons constitutes an unusual
19 and extraordinary threat to the national security,
20 foreign policy, and economy of the United States”
21 and declaring a national emergency to deal with that
22 threat.

23 (5) The Quadrennial Defense Review concluded
24 that the threat or use of weapons of mass destruc-

1 tion is a likely condition of future warfare and poses
2 a potential threat to the United States.

3 (6) The United States lacks adequate prepared-
4 ness at the Federal, State, and local levels to re-
5 spond to a potential attack on the United States in-
6 volving weapons of mass destruction.

7 (7) The United States has initiated an effort to
8 enhance the capability of Federal, State, and local
9 governments as well as local emergency response
10 personnel to prevent and respond to a domestic ter-
11 rorist incident involving weapons of mass destruc-
12 tion.

13 (8) More than 40 Federal departments, agen-
14 cies, and bureaus are involved in combating terror-
15 ism, and many, including the Department of De-
16 fense, the Department of Justice, the Department of
17 Energy, the Department of Health and Human
18 Services, and the Federal Emergency Management
19 Agency, are executing programs to provide civilian
20 personnel at the Federal, State, and local levels with
21 training and assistance to prevent and respond to in-
22 cidents involving weapons of mass destruction.

23 (9) The Secretary of Defense has called for the
24 establishment of 10 Rapid Assessment and Initial
25 Detection elements, composed of 22 National Guard

1 personnel, to provide timely regional assistance to
2 local emergency responders during an incident in-
3 volving chemical or biological weapons of mass de-
4 struction.

5 (10) The Department of Energy has established
6 a Nuclear Emergency Response Team which is avail-
7 able to respond to incidents involving nuclear or ra-
8 diological emergencies.

9 (11) The Department of Defense has begun to
10 implement a program to train local emergency re-
11 sponders in major cities throughout the United
12 States to prevent and respond to incidents involving
13 weapons of mass destruction.

14 (12) The Department of Justice has initiated a
15 program to direct and coordinate training and exer-
16 cises to enhance local emergency response to inci-
17 dents involving weapons of mass destruction, and
18 may be establishing a National Center for Domestic
19 Preparedness.

20 (13) Federal agency initiatives to enhance do-
21 mestic preparedness to respond to an incident in-
22 volving weapons of mass destruction are hampered
23 by incomplete interagency coordination and overlap-
24 ping jurisdiction of agency missions.

1 (14) The Federal Emergency Management
2 Agency, originally designated to lead the coordinated
3 Federal effort to enhance preparedness to respond to
4 incidents involving weapons of mass destruction, has
5 withdrawn from that role, and a successor lead
6 agency has not yet been determined.

7 (15) In order to ensure effective local response
8 capabilities to incidents involving weapons of mass
9 destruction, the Federal Government, in addition to
10 providing training, must concurrently address the
11 need for—

12 (A) compatible communications capabilities
13 for all Federal, State, and local emergency re-
14 sponders, which often use different radio sys-
15 tems and operate on different radio frequencies;

16 (B) adequate equipment necessary for re-
17 sponse to an incident involving weapons of mass
18 destruction, and a means to ensure that finan-
19 cially lacking localities have access to such
20 equipment;

21 (C) local and regional preplanning efforts
22 to ensure the effective execution of emergency
23 response in the event of an incident involving a
24 weapon of mass destruction; and

1 (D) increased planning and training to
2 prepare for emergency response capabilities in
3 port areas and littoral waters.

4 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

5 (a) ESTABLISHMENT.—There is hereby established a
6 commission to be known as the “Commission to Assess
7 Weapons of Mass Destruction Domestic Response Capa-
8 bilities”.

9 (b) COMPOSITION.—The Commission shall be com-
10 posed of 15 members, appointed as follows:

11 (1) 4 members appointed by the Speaker of the
12 House of Representatives;

13 (2) 4 members appointed by the majority leader
14 of the Senate;

15 (3) 2 members appointed by the minority leader
16 of the House of Representatives;

17 (4) 2 members appointed by the minority leader
18 of the Senate;

19 (5) 3 members appointed by the President.

20 (c) QUALIFICATIONS.—Members shall be appointed
21 from among individuals with knowledge and expertise in
22 emergency response matters.

23 (d) DEADLINE FOR APPOINTMENTS.—Appointments
24 shall be made not later than the date that is 30 days after
25 the date of the enactment of this Act.

1 (e) INITIAL MEETING.—The Commission shall con-
2 duct its first meeting not later than the date that is 30
3 days after the date that appointments to the Commission
4 have been made.

5 (f) CHAIRMAN.—A Chairman of the Commission
6 shall be elected by a majority of the members.

7 **SEC. 4. DUTIES OF COMMISSION.**

8 The Commission shall—

9 (1) assess Federal agency efforts to enhance do-
10 mestic preparedness for incidents involving weapons
11 of mass destruction;

12 (2) assess the progress of Federal training pro-
13 grams for local emergency responses to incidents in-
14 volving weapons of mass destruction;

15 (3) assess deficiencies in training programs for
16 responses to incidents involving weapons of mass de-
17 struction, including a review of unfunded commu-
18 nications, equipment, and preplanning and maritime
19 region needs;

20 (4) recommend strategies for ensuring effective
21 coordination with respect to Federal agency weapons
22 of mass destruction response efforts, and for ensur-
23 ing fully effective local response capabilities for
24 weapons of mass destruction incidents; and

1 (5) assess the appropriate role of State and
2 local governments in funding effective local response
3 capabilities.

4 **SEC. 5. REPORT.**

5 Not later than the date that is 6 months after the
6 date of the first meeting of the Commission, the Commis-
7 sion shall submit a report to Congress on its findings
8 under section 4 and recommendations for improving Fed-
9 eral, State, and local domestic emergency preparedness to
10 respond to incidents involving weapons of mass destruc-
11 tion.

12 **SEC. 6. POWERS.**

13 (a) HEARINGS.—The Commission or, at its direction,
14 any panel or member of the Commission, may, for the pur-
15 pose of carrying out this Act, hold such hearings, sit and
16 act at times and places, take testimony, receive evidence,
17 and administer oaths to the extent that the Commission
18 or any panel member considers advisable.

19 (b) INFORMATION.—The Commission may secure di-
20 rectly from any department or agency of the United States
21 information that the Commission considers necessary to
22 enable the Commission to carry out its responsibilities
23 under this Act.

1 **SEC. 7. COMMISSION PROCEDURES.**

2 (a) MEETINGS.—The Commission shall meet at the
3 call of a majority of the members.

4 (b) QUORUM.—Eight members of the Commission
5 shall constitute a quorum other than for the purpose of
6 holding hearings.

7 (c) COMMISSION.—The Commission may establish
8 panels composed of less than full membership of the Com-
9 mission for the purpose of carrying out the Commission's
10 duties. The actions of each such panel shall be subject to
11 the review and control of the Commission. Any findings
12 and determinations made by such panel shall not be con-
13 sidered the findings and determinations of the Commis-
14 sion unless approved by the Commission.

15 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
16 MISSION.—Any member or agent of the Commission may,
17 if authorized by the Commission, take any action which
18 the Commission is authorized to take by this Act.

19 **SEC. 8. PERSONNEL MATTERS.**

20 (a) PAY OF MEMBERS.—Members of the Commission
21 shall serve without pay by reason of their work on the
22 Commission.

23 (b) TRAVEL EXPENSES.—The members of the Com-
24 mission shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for employ-
26 ees of agencies under subchapter I of chapter 57 of title

1 5, United States Code, while away from their homes or
2 regular places of business in the performance of services
3 for the Commission.

4 (c) STAFF.—(1) The Commission may, without re-
5 gard to the provisions of title 5, United States Code, gov-
6 erning appointments in the competitive service, appoint a
7 staff director and such additional personnel as may be
8 necessary to enable the Commission to perform its duties.

9 (2) The Commission may fix the pay of the staff di-
10 rector and other personnel without regard to the provi-
11 sions of chapter 51 and subchapter III of chapter 53 of
12 title 5, United States Code, relating to classification of
13 positions and General Schedule pay rates, except that the
14 rate of pay fixed under this paragraph for the staff direc-
15 tor may not exceed the rate payable for level V of the Ex-
16 ecutive Schedule under section 5316 of such title and the
17 rate of pay for other personnel may not exceed the maxi-
18 mum rate payable for grade GS–15 of the General Sched-
19 ule.

20 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
21 request of the Commission, the head of any Federal de-
22 partment or agency may detail, on a nonreimbursable
23 basis, any personnel of that department or agency to the
24 Commission to assist it in carrying out its duties.

1 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
2 **TENT SERVICES.**—The Commission may procure tem-
3 porary and intermittent services under section 3109(b) of
4 title 5, United States Code, at rates for individuals which
5 do not exceed the daily equivalent of the annual rate of
6 pay payable for level V of the Executive Schedule under
7 section 5316 of such title.

8 **SEC. 9. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

9 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
10 mission may use the United States mails and obtain print-
11 ing and binding services in the same manner and under
12 the same conditions as other departments and agencies of
13 the United States.

14 (b) **MISCELLANEOUS ADMINISTRATIVE AND SUP-**
15 **PORT SERVICES.**—Upon the request of the Commission,
16 the Administrator of General Services shall provide to the
17 Commission, on a reimbursable basis, the administrative
18 support services necessary for the Commission to carry out
19 its duties under this Act.

20 (c) **EXPERTS AND CONSULTANTS.**—The Commission
21 may procure temporary and intermittent services under
22 section 3109(b) of title 5, United States Code.

1 **SEC. 10. TERMINATION OF COMMISSION.**

2 The Commission shall terminate not later than 60
3 days after the date that the Commission submits its report
4 under section 5.

