

107TH CONGRESS
1ST SESSION

S. 1453

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for, and respond to, terrorist attacks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2001

Mr. SMITH of New Hampshire 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 provide for improved Federal efforts to prepare for, and respond to, terrorist attacks, 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 “Preparedness Against
5 Terrorism Act of 2001”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the President should strengthen Federal
2 interagency emergency planning by the Federal
3 Emergency Management Agency and other appro-
4 priate Federal, State, and local government agencies
5 for development of a capability for early detection
6 and warning of, and response to, potential domestic
7 terrorist attacks involving a weapon of mass destruc-
8 tion or cyberotechnology; and

9 (2) Federal efforts to assist State and local
10 emergency preparedness and response personnel in
11 preparation for domestic terrorist attacks should be
12 coordinated so as to eliminate duplicative Federal
13 programs.

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

15 (1) to coordinate and make more effective Fed-
16 eral efforts to assist State and local emergency pre-
17 paredness and response personnel in preparation for
18 domestic terrorist attacks;

19 (2) to designate a lead entity to coordinate
20 those Federal efforts; and

21 (3) to update Federal authorities to reflect the
22 increased risk of terrorist attacks.

23 **SEC. 3. DEFINITION OF MAJOR DISASTER.**

24 Section 102(2) of the Robert T. Stafford Disaster
25 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))

1 is amended by striking “or explosion” and inserting “ex-
 2 plosion, act of terrorism, or other catastrophic event”.

3 **SEC. 4. ADMINISTRATION OF EMERGENCY PREPAREDNESS**

4 **PROGRAMS BY THE PRESIDENT.**

5 (a) IN GENERAL.—Title VI of the Robert T. Stafford
 6 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 7 5195 et seq.) is amended—

8 (1) by striking “Director” each place it appears
 9 (other than in sections 602(a)(7), 603, and 626(b))
 10 and inserting “President”; and

11 (2) in section 603, by striking “Director of the
 12 Federal Emergency Management Agency” and in-
 13 serting “President”.

14 (b) DELEGATION OF EMERGENCY PREPAREDNESS
 15 RESPONSIBILITIES.—Section 611(c) of the Robert T.
 16 Stafford Disaster Relief and Emergency Assistance Act
 17 (42 U.S.C. 5196(c)) is amended—

18 (1) by striking “With the approval of the Presi-
 19 dent, the” and inserting “The”;

20 (2) by striking “other departments” and insert-
 21 ing “departments”; and

22 (3) by striking “responsibilities and review”
 23 and inserting “responsibilities. The President shall
 24 review”.

1 (c) RULES AND REGULATIONS.—Section 621(g) of
 2 the Robert T. Stafford Disaster Relief and Emergency As-
 3 sistance Act (42 U.S.C. 5197(g)) is amended by striking
 4 the second sentence.

5 (d) USE OF EXISTING FACILITIES.—Section 623 of
 6 the Robert T. Stafford Disaster Relief and Emergency As-
 7 sistance Act (42 U.S.C. 5197b) is amended—

8 (1) by striking paragraph (1);

9 (2) by redesignating paragraphs (2) and (3) as
 10 paragraphs (1) and (2), respectively; and

11 (3) in paragraph (2) (as redesignated by para-
 12 graph (2))—

13 (A) by striking “other”; and

14 (B) by striking “unless” and all that fol-
 15 lows through “shall determine” and inserting
 16 “unless the President determines”.

17 (e) ANNUAL REPORT TO CONGRESS.—Section 624 of
 18 the Robert T. Stafford Disaster Relief and Emergency As-
 19 sistance Act (42 U.S.C. 5197c) is amended by striking “to
 20 the President and Congress” and inserting “to Congress”.

21 **SEC. 5. DEFINITIONS.**

22 (a) HAZARD.—Section 602(a)(1)(B) of the Robert T.
 23 Stafford Disaster Relief and Emergency Assistance Act
 24 (42 U.S.C. 5195a(a)(1)(B)) is amended by inserting be-
 25 fore the period at the end the following: “, including a

1 domestic terrorist attack involving a weapon of mass de-
 2 struction or cyberotechnology”.

3 (b) EMERGENCY PREPAREDNESS.—Section
 4 602(a)(3)(A) of the Robert T. Stafford Disaster Relief
 5 and Emergency Assistance Act (42 U.S.C.
 6 5195a(a)(3)(A)) is amended by inserting “the
 7 predeployment of those and other essential resources (in-
 8 cluding personnel),” before “the provision of suitable
 9 warning systems,”.

10 (c) DIRECTOR.—Section 602(a) of the Robert T.
 11 Stafford Disaster Relief and Emergency Assistance Act
 12 (42 U.S.C. 5195a(a)) is amended—

13 (1) by striking paragraph (7); and

14 (2) by redesignating paragraphs (8), (9), and
 15 (10) as paragraphs (7), (8), and (9), respectively.

16 (d) WEAPON OF MASS DESTRUCTION.—Section
 17 602(a) of the Robert T. Stafford Disaster Relief and
 18 Emergency Assistance Act (42 U.S.C. 5195a(a)) (as
 19 amended by subsection (c)) is amended by adding at the
 20 end the following:

21 “(10) WEAPON OF MASS DESTRUCTION.—The
 22 term ‘weapon of mass destruction’ means any weap-
 23 on or device that is intended, or has the capability,
 24 to cause death or serious bodily injury to a signifi-

1 cant number of people through the release, dissemi-
 2 nation, or impact of—

3 “(A) toxic or poisonous chemicals or their
 4 precursors;

5 “(B) a disease organism; or

6 “(C) radiation or radioactivity.”.

7 **SEC. 6. DETAILED FUNCTIONS OF ADMINISTRATION.**

8 (a) **FEDERAL EMERGENCY RESPONSE PLANS AND**
 9 **PROGRAMS.**—Section 611(b) of the Robert T. Stafford
 10 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 11 5196(b)) is amended—

12 (1) by striking “The” and all that follows
 13 through “prepare” and inserting the following:

14 “(1) **IN GENERAL.**—The President shall pre-
 15 pare”;

16 (2) by striking “To” and inserting the fol-
 17 lowing:

18 “(2) **REQUESTS FOR REPORTS ON STATE PLANS**
 19 **AND OPERATIONS.**—To”; and

20 (3) by adding at the end the following:

21 “(3) **RESPONSE TO TERRORISM.**—In accordance
 22 with section 313, the President shall ensure that
 23 Federal response plans and programs are adequate
 24 to respond to the consequences of terrorism directed
 25 against a target in the United States, including ter-

1 rorism involving a weapon of mass destruction or
2 cybertechnology.”.

3 (b) EMERGENCY PREPAREDNESS MEASURES.—Sec-
4 tion 611(e) of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5196(e)) is
6 amended—

7 (1) in paragraph (1), by inserting “preventing
8 and” before “treating”;

9 (2) in paragraph (2), by striking “developing
10 shelter designs” and inserting “development of shel-
11 ter designs, equipment, clothing,”; and

12 (3) in paragraph (3), by striking “developing”
13 and all that follows through “thereof” and inserting
14 “development and standardization of equipment and
15 facilities”.

16 (c) TRAINING AND EXERCISE PROGRAMS.—Section
17 611(f) of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5196(f)) is
19 amended—

20 (1) in the subsection heading, by inserting
21 “AND EXERCISE” after “TRAINING”; and

22 (2) in paragraph (1)—

23 (A) in the matter preceding subparagraph

24 (A), by striking “may” and inserting “shall”;

1 (B) in subparagraph (A), by inserting
 2 “and exercise” after “training”;

3 (C) in subparagraph (B), by striking
 4 “and” at the end;

5 (D) in subparagraph (C), by striking the
 6 period at the end and inserting “; and”; and

7 (E) by adding at the end the following:

8 “(D) establish priorities among training and ex-
 9 ercise programs based on an assessment of the exist-
 10 ing threats, capabilities, and objectives.”.

11 **SEC. 7. REPEALS.**

12 (a) USE OF FUNDS TO PREPARE FOR AND RESPOND
 13 TO HAZARDS.—Section 615 of the Robert T. Stafford Dis-
 14 aster Relief and Emergency Assistance Act (42 U.S.C.
 15 5196d) is repealed.

16 (b) SECURITY REGULATIONS.—Section 622 of the
 17 Robert T. Stafford Disaster Relief and Emergency Assist-
 18 ance Act (42 U.S.C. 5197a) is repealed.

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 626 of the Robert T. Stafford Disaster Relief
 21 and Emergency Assistance Act (42 U.S.C. 5197e) is
 22 amended—

23 (1) in subsection (a), by striking “the provi-
 24 sions of this title” and inserting “subtitle A and this
 25 subtitle”;

1 (2) by redesignating subsection (b) as sub-
2 section (c); and

3 (3) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) PRIORITIES.—Amounts made available under
6 subsection (a) for training and exercise programs for pre-
7 paredness against terrorist attacks shall be used in a man-
8 ner consistent with the priorities established under section
9 611(f)(1)(D).”.

10 **SEC. 9. DOMESTIC TERRORISM PREPAREDNESS.**

11 Title VI of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5195 et seq.) is
13 amended by adding at the end the following:

14 **“Subtitle C—Domestic Terrorism**
15 **Preparedness**

16 **“SEC. 651. DEFINITIONS.**

17 “In this subtitle:

18 “(1) ANNUAL IMPLEMENTATION STRATEGY.—

19 The term ‘Annual Implementation Strategy’ means
20 a strategy developed by the Executive Director
21 under section 656.

22 “(2) COUNCIL.—The term ‘Council’ means the
23 Council on Domestic Terrorism Preparedness estab-
24 lished by section 652.

1 “(3) DOMESTIC TERRORISM PREPAREDNESS
2 PLAN.—The term ‘Domestic Terrorism Preparedness
3 Plan’ means the plan developed by the Executive Di-
4 rector under section 655.

5 “(4) END STATE OF PREPAREDNESS.—The
6 term ‘end state of preparedness’ means the end state
7 of preparedness defined by the Council under section
8 655(b)(3).

9 “(5) EXECUTIVE DIRECTOR.—The term ‘Execu-
10 tive Director’ means the Executive Director of the
11 Office of National Preparedness appointed under
12 section 653.

13 “(6) OFFICE.—The term ‘Office’ means the Of-
14 fice of National Preparedness established by section
15 653.

16 “(7) TRAINING AND EXERCISE PROGRAM.—The
17 term ‘training and exercise program’ includes a
18 grant program to enhance the capabilities of State
19 and local emergency preparedness and response per-
20 sonnel with respect to terrorist attacks.

21 **“SEC. 652. ESTABLISHMENT OF COUNCIL.**

22 “(a) IN GENERAL.—There is established a council to
23 be known as the ‘Council on Domestic Terrorism Pre-
24 paredness’.

1 “(b) DUTIES.—In accordance with this subtitle, the
2 Council shall—

3 “(1) establish the policies, objectives, and prior-
4 ities of the Federal Government for the enhancement
5 of domestic preparedness for the consequences of
6 terrorist attacks; and

7 “(2) oversee the implementation of those poli-
8 cies, objectives, and priorities.

9 “(c) MEMBERS.—The Council shall be composed of
10 the following members:

11 “(1) The President.

12 “(2) The Director of the Federal Emergency
13 Management Agency.

14 “(3) The Executive Director.

15 “(4) The Attorney General.

16 “(5) The Secretary of Defense.

17 “(6) The Secretary of Health and Human Serv-
18 ices.

19 “(7) The Secretary of Veterans Affairs.

20 “(8) The Secretary of Transportation.

21 “(9) The Secretary of the Treasury.

22 “(10) The Secretary of Energy.

23 “(11) The Administrator of the Environmental
24 Protection Agency.

1 “(12) The Director of the Office of Manage-
2 ment and Budget.

3 “(13) The Director of Central Intelligence.

4 “(14) The Assistant to the President for Na-
5 tional Security Affairs.

6 “(15) Any additional members appointed by the
7 President.

8 “(d) CHAIRPERSON.—

9 “(1) IN GENERAL.—The President shall serve
10 as the Chairperson of the Council.

11 “(2) EXECUTIVE CHAIRPERSON.—

12 “(A) IN GENERAL.—At the direction of the
13 President, the Executive Director shall serve as
14 the Executive Chairperson of the Council.

15 “(B) REPRESENTATION OF PRESIDENT.—

16 The Executive Chairperson shall represent the
17 President as the Chairperson of the Council, in-
18 cluding in communications with Congress and
19 Governors of States.

20 “(C) LIMITATION.—No member of the

21 Council other than the Executive Director may
22 serve as the Executive Chairperson.

23 “(e) MEETINGS.—

1 “(1) FIRST MEETING.—The first meeting of the
2 Council shall be held not later than 90 days after
3 the date of enactment of this subtitle.

4 “(2) NUMBER OF MEETINGS.—The Council
5 shall meet at least twice each year.

6 “(f) STAFF.—The Executive Director shall provide to
7 the Council, on a reimbursable basis, such staff and other
8 administrative support services as the Council may re-
9 quest.

10 **“SEC. 653. ESTABLISHMENT OF OFFICE OF NATIONAL PRE-**
11 **PAREDNESS.**

12 “(a) IN GENERAL.—There is established in the Fed-
13 eral Emergency Management Agency an office to be
14 known as the ‘Office of National Preparedness’.

15 “(b) APPOINTMENT OF EXECUTIVE DIRECTOR.—

16 “(1) IN GENERAL.—The head of the Office
17 shall be the Executive Director of the Office of Na-
18 tional Preparedness, who shall be appointed by the
19 President, by and with the advice and consent of the
20 Senate.

21 “(2) COMPENSATION.—Subject to appropriation
22 Acts, the Executive Director shall be paid at the an-
23 nual rate of basic pay prescribed for level II of the
24 Executive Schedule under section 5313 of title 5,
25 United States Code.

1 “(c) DUTIES OF EXECUTIVE DIRECTOR.—In accord-
 2 ance with this subtitle, the Executive Director shall coordi-
 3 nate the activities of the Federal Government and State
 4 and local government agencies in the implementation of
 5 the policies, objectives, and priorities established by the
 6 Council.

7 “(d) COORDINATION WITH STATE AND LOCAL GOV-
 8 ERNMENT AGENCIES.—

9 “(1) IN GENERAL.—In carrying out the duties
 10 of the Executive Director under this subtitle, the
 11 Executive Director shall—

12 “(A) serve as the primary liaison between
 13 the Federal Government and State and local
 14 government agencies in developing national ter-
 15 rorism preparedness policies; and

16 “(B) serve as the Federal contact for State
 17 and local government agencies that implement
 18 terrorist attack preparedness programs.

19 “(2) DESIGNATION OF REGIONAL CONTACTS.—
 20 In serving as the Federal contact under paragraph
 21 (1)(B), the Executive Director shall designate an of-
 22 ficer or employee of the Federal Emergency Manage-
 23 ment Agency in each of the 10 regions of the Agency
 24 to serve as the Federal contact for that region.

1 “(e) USE OF EXISTING RESOURCES.—In carrying
 2 out the duties of the Executive Director under this sub-
 3 title, the Executive Director shall—

4 “(1) to the extent practicable, rely on existing
 5 resources, including planning documents, equipment
 6 lists, and program inventories; and

7 “(2) consult with and use—

8 “(A) existing Federal interagency boards
 9 and committees;

10 “(B) existing government agencies; and

11 “(C) nongovernmental organizations.

12 “(f) DETAIL OF EMPLOYEES.—Upon the request of
 13 a Federal agency, the Executive Director may detail, on
 14 a reimbursable basis, any of the personnel of the Office
 15 to assist the Federal agency in carrying out the duties of
 16 the Federal agency under the Domestic Terrorism Pre-
 17 paredness Plan.

18 **“SEC. 654. STATEMENT OF FEDERAL POLICIES, OBJEC-**
 19 **TIVES, AND PRIORITIES.**

20 “Not later than 180 days after the date of enactment
 21 of this subtitle, the Council shall issue a written statement
 22 of the policies, objectives, and priorities of the Federal
 23 Government for enhancing the capabilities of State and
 24 local emergency preparedness and response personnel in—

1 “(1) early identification of domestic terrorist
2 attacks; and

3 “(2) preparation for, and response to, the con-
4 sequences of domestic terrorist attacks, including at-
5 tacks involving weapons of mass destruction.

6 **“SEC. 655. DOMESTIC TERRORISM PREPAREDNESS PLAN.**

7 “(a) DEVELOPMENT OF PLAN.—Not later than 180
8 days after the date on which the Council issues a written
9 statement of policies, objectives, and priorities under sec-
10 tion 654, the Executive Director shall develop and submit
11 to the Council for approval a plan to be known as the
12 ‘Domestic Terrorism Preparedness Plan’.

13 “(b) CONTENTS.—The Domestic Terrorism Pre-
14 paredness Plan shall include—

15 “(1) a plan for implementing the policies, objec-
16 tives, and priorities established by the Council under
17 section 654;

18 “(2) a description of the specific role of each
19 Federal agency, and the roles of State and local gov-
20 ernment agencies, under the plan developed under
21 paragraph (1); and

22 “(3) a definition of an end state of prepared-
23 ness for emergency responders that specifies measur-
24 able, minimum standards of acceptability for domes-

1 tic preparedness for the consequences of a terrorist
2 attack.

3 “(c) REQUIREMENTS FOR IMPLEMENTATION
4 PLAN.—The implementation plan developed under sub-
5 section (b)(1) shall—

6 “(1) be based on a threat, risk, and capability
7 assessment;

8 “(2) be developed using an all-hazards ap-
9 proach; and

10 “(3) include measurable objectives to be
11 achieved in each of the following 5 years for enhanc-
12 ing domestic preparedness for the consequences of a
13 terrorist attack.

14 “(d) EVALUATION OF FEDERAL RESPONSE
15 TEAMS.—

16 “(1) IN GENERAL.—In preparing the descrip-
17 tion of agency roles under subsection (b)(2), the Ex-
18 ecutive Director shall evaluate—

19 “(A) each Federal response team and the
20 assistance that the team offers to State and
21 local emergency response personnel when re-
22 sponding to the consequences of a terrorist at-
23 tack; and

1 “(B) other Federal emergency response as-
 2 sets, including the organization, needs, and geo-
 3 graphic location of the assets.

4 “(2) ASSISTANCE FOLLOWING ACHIEVEMENT
 5 OF END STATE OF PREPAREDNESS.—The evaluation
 6 under paragraph (1) shall include an assessment of
 7 how Federal response teams will assist State and
 8 local emergency personnel after the personnel has
 9 achieved the end state of preparedness.

10 “(e) CONSULTATION.—

11 “(1) IN GENERAL.—In developing the Domestic
 12 Terrorism Preparedness Plan and each Annual Im-
 13 plementation Strategy, the Executive Director shall
 14 consult with—

15 “(A) the Council;

16 “(B) the head of each Federal agency that
 17 will have responsibilities under the Domestic
 18 Terrorism Preparedness Plan or Annual Imple-
 19 mentation Strategy;

20 “(C) Congress;

21 “(D) State and local officials;

22 “(E) appropriate congressionally author-
 23 ized panels;

1 “(F) emergency preparedness organiza-
 2 tions with memberships that include State and
 3 local emergency responders; and

4 “(G) the State and local advisory group es-
 5 tablished under section 660.

6 “(2) REPORTS.—As part of the Domestic Ter-
 7 rorism Preparedness Plan and each Annual Imple-
 8 mentation Strategy, the Executive Director shall in-
 9 clude a written statement that specifies—

10 “(A) the persons consulted under this sub-
 11 section; and

12 “(B) the recommendations made by those
 13 persons.

14 “(f) ROLE OF THE DISTRICT OF COLUMBIA.—In de-
 15 veloping and carrying out the Domestic Terrorism Pre-
 16 paredness Plan and each Annual Implementation Strat-
 17 egy, the Executive Director shall work in cooperation with
 18 the Mayor of the District of Columbia for the purpose of
 19 integrating the District of Columbia into the planning, co-
 20 ordination, and execution of the activities of the Federal
 21 Government for the enhancement of domestic prepared-
 22 ness for the consequences of terrorist attacks.

23 “(g) APPROVAL BY COUNCIL.—

24 “(1) IN GENERAL.—After receiving the Domes-
 25 tic Terrorism Preparedness Plan under subsection

1 (a), the Council shall review and, subject to para-
 2 graph (2), approve the plan.

3 “(2) MODIFICATIONS.—

4 “(A) IN GENERAL.—Before approving the
 5 plan, the Council may require the Executive Di-
 6 rector to make modifications to the plan.

7 “(B) RESUBMISSION TO COUNCIL.—Upon
 8 making the modifications, the Executive Direc-
 9 tor shall resubmit the plan to the Council for
 10 approval.

11 “(h) SUBMISSION TO CONGRESS.—After the Domes-
 12 tic Terrorism Preparedness Plan has been approved by the
 13 Council, the Executive Director shall submit the plan to—

14 “(1) the Committee on Transportation and In-
 15 frastructure of the House of Representatives; and

16 “(2) the Committee on Environment and Public
 17 Works of the Senate.

18 **“SEC. 656. ANNUAL IMPLEMENTATION STRATEGY.**

19 “(a) IN GENERAL.—Not later than 180 days after
 20 the date on which the Council issues a written statement
 21 of policies, objectives, and priorities under section 654,
 22 and annually thereafter for 4 years, the Executive Direc-
 23 tor shall develop and submit to the Council for approval
 24 an Annual Implementation Strategy for carrying out the

1 Domestic Terrorism Preparedness Plan in the following
2 fiscal year.

3 “(b) CONTENTS.—Each Annual Implementation
4 Strategy shall include—

5 “(1) an inventory of training and exercise pro-
6 grams, response teams, and other programs and ac-
7 tivities related to domestic preparedness for the con-
8 sequences of a terrorist attack conducted by Federal
9 agencies in the preceding fiscal year that—

10 “(A) consists of a complete description and
11 assessment of each of the programs and activi-
12 ties, including the funding level for, purpose of,
13 and goal to be achieved by each of the pro-
14 grams and activities; and

15 “(B) includes a determination as to wheth-
16 er any of the programs or activities are duplica-
17 tive, fragmented, or overlapping;

18 “(2) if the Executive Director determines under
19 paragraph (1)(B) that certain programs and activi-
20 ties are duplicative, fragmented, or overlapping, a
21 detailed plan for consolidating, eliminating, or modi-
22 fying the programs and activities;

23 “(3)(A) an inventory of training and exercise
24 programs, response teams, and other programs and
25 activities to be conducted by Federal agencies in the

1 following fiscal year under the Domestic Terrorism
2 Preparedness Plan, including provision for imple-
3 mentation of any plan developed under paragraph
4 (2); and

5 “(B) measurable objectives to be achieved in
6 that fiscal year for enhancing domestic preparedness
7 for the consequences of a terrorist attack; and

8 “(4) a complete assessment of how resource al-
9 location recommendations developed under section
10 657(a) are intended to implement the Annual Imple-
11 mentation Strategy.

12 “(c) APPROVAL BY COUNCIL.—

13 “(1) IN GENERAL.—After receiving an Annual
14 Implementation Strategy under subsection (a), the
15 Council shall review and, subject to paragraph (2),
16 approve the Annual Implementation Strategy.

17 “(2) MODIFICATIONS.—

18 “(A) IN GENERAL.—Before approving the
19 Annual Implementation Strategy, the Council
20 may require the Executive Director to make
21 modifications to the Annual Implementation
22 Strategy.

23 “(B) RESUBMISSION TO COUNCIL.—Upon
24 making the modifications, the Executive Direc-

1 tor shall resubmit the Annual Implementation
2 Strategy to the Council for approval.

3 “(d) SUBMISSION TO CONGRESS.—On the date of
4 submission of the Domestic Terrorism Preparedness Plan
5 and, in each of the following 4 fiscal years, on the date
6 on which the President submits an annual budget to Con-
7 gress in accordance with section 1105(a) of title 31,
8 United States Code, the Executive Director shall submit
9 an Annual Implementation Strategy that has been ap-
10 proved by the Council to—

11 “(1) the Committee on Transportation and In-
12 frastructure of the House of Representatives; and

13 “(2) the Committee on Environment and Public
14 Works of the Senate.

15 “(e) PRESENTATION OF CLASSIFIED INFORMA-
16 TION.—Any part of the Domestic Terrorism Preparedness
17 Plan or an Annual Implementation Strategy that involves
18 information properly classified under criteria established
19 by an Executive order shall be presented to Congress sepa-
20 rately.

21 “(f) MONITORING.—The Executive Director, with the
22 assistance of the Inspector General of any Federal agency
23 as necessary, shall monitor the implementation of the Do-
24 mestic Terrorism Preparedness Plan and each Annual Im-

1 plementation Strategy, including by conducting program
2 and performance audits and evaluations.

3 **“SEC. 657. NATIONAL DOMESTIC PREPAREDNESS BUDGET.**

4 “(a) RECOMMENDATIONS CONCERNING RESOURCE
5 ALLOCATIONS.—

6 “(1) RECOMMENDATIONS OF FEDERAL AGEN-
7 CIES.—Each Federal Government program manager
8 and agency head with responsibilities under the Do-
9 mestic Terrorism Preparedness Plan shall submit to
10 the Executive Director for each fiscal year rec-
11 ommended resource allocations for programs and ac-
12 tivities relating to those responsibilities on or before
13 the earlier of—

14 “(A) the 45th day before the date of the
15 budget submission of the Federal agency to the
16 Director of the Office of Management and
17 Budget for the fiscal year; or

18 “(B) August 15 of the fiscal year pre-
19 ceding the fiscal year for which the rec-
20 ommendations are being made.

21 “(2) RECOMMENDATIONS OF EXECUTIVE DI-
22 RECTOR.—

23 “(A) IN GENERAL.—For each fiscal year,
24 the Executive Director shall—

1 “(i) develop recommendations con-
 2 cerning resource allocations for each pro-
 3 gram and activity identified in the Annual
 4 Implementation Strategy for that fiscal
 5 year; and

6 “(ii) submit those recommendations to
 7 the Council for approval.

8 “(B) TYPES OF RECOMMENDATIONS.—The
 9 recommendations of the Executive Director
 10 under subparagraph (A) may include rec-
 11 ommendations concerning—

12 “(i) changes in the organization, man-
 13 agement, and resource allocations of Fed-
 14 eral agencies; and

15 “(ii) the allocation of personnel to and
 16 within the Federal agencies;
 17 as appropriate to implement the Domestic Ter-
 18 rorism Preparedness Plan.

19 “(3) APPROVAL OF EXECUTIVE DIRECTOR’S
 20 RECOMMENDATIONS BY COUNCIL.—

21 “(A) IN GENERAL.—After receiving the
 22 recommendations of the Executive Director
 23 under paragraph (2), the Council shall review
 24 and, subject to subparagraph (B), approve the
 25 recommendations.

1 “(B) MODIFICATIONS.—

2 “(i) IN GENERAL.—Before approving
3 the recommendations of the Executive Di-
4 rector, the Council may require the Execu-
5 tive Director to make modifications to the
6 recommendations.

7 “(ii) RESUBMISSION TO COUNCIL.—
8 Upon making the modifications, the Exec-
9 utive Director shall resubmit the rec-
10 ommendations to the Council for approval.

11 “(4) SUBMISSION OF EXECUTIVE DIRECTOR’S
12 RECOMMENDATIONS TO RELEVANT FEDERAL AGEN-
13 CIES AND OMB.—

14 “(A) IN GENERAL.—The Executive Direc-
15 tor shall submit recommendations that have
16 been approved by the Council to the relevant
17 Federal agencies and to the Director of the Of-
18 fice of Management and Budget.

19 “(B) CONSIDERATION OF EXECUTIVE DI-
20 RECTOR’S RECOMMENDATIONS BY OMB IN FOR-
21 MULATION OF ANNUAL BUDGET.—The Director
22 of the Office of Management and Budget
23 shall—

24 “(i) consider the recommendations
25 submitted under subparagraph (A) in for-

1 mulating the annual budget of the Presi-
2 dent submitted to Congress under section
3 1105(a) of title 31, United States Code;
4 and

5 “(ii) provide to the Executive Director
6 a written explanation in any case in which
7 the Director of the Office of Management
8 and Budget does not accept such a rec-
9 ommendation.

10 “(b) RECORDS.—For any fiscal year, the Executive
11 Director shall—

12 “(1) maintain records concerning recommenda-
13 tions made and written explanations received under
14 this section; and

15 “(2) provide those records to Congress upon re-
16 quest, but not earlier than the date of submission to
17 Congress of the annual budget of the President for
18 the fiscal year under section 1105(a) of title 31,
19 United States Code.

20 **“SEC. 658. CERTIFICATION OF PROGRAMS.**

21 “(a) CRITERIA.—

22 “(1) ESTABLISHMENT BY COUNCIL.—Not later
23 than 180 days after the date of enactment of this
24 subtitle, the Council shall establish written criteria
25 for the certification of—

1 “(A) programs under which Federal re-
2 sponse teams assist State and local emergency
3 response personnel in responding to the con-
4 sequences of terrorist attacks; and

5 “(B) training and exercise programs of
6 Federal agencies to enhance the capabilities of
7 State and local emergency preparedness and re-
8 sponse personnel with respect to terrorist at-
9 tacks.

10 “(2) ELIMINATION OF DUPLICATION, FRAG-
11 MENTATION, AND OVERLAP.—The criteria shall seek
12 to eliminate duplication, fragmentation, and overlap
13 in the programs referred to in paragraph (1).

14 “(b) CERTIFICATION OF PROGRAMS.—

15 “(1) REVIEW.—Not later than 180 days after
16 the date on which the Council issues written criteria
17 for the certification of programs under subsection
18 (a), the Executive Director, in consultation with the
19 Administrator of the United States Fire Administra-
20 tion, shall conduct a review of each program de-
21 scribed in subsection (a).

22 “(2) CERTIFICATION.—Upon completing a re-
23 view of a program under paragraph (1), the Execu-
24 tive Director shall certify or deny certification of the

1 program based on the written criteria established by
 2 the Council under subsection (a).

3 “(3) EXTENSION OF DEADLINE.—The Execu-
 4 tive Director, as necessary, may extend the deadline
 5 established by paragraph (1) with respect to a pro-
 6 gram for a period of not more than 180 days.

7 “(c) REVIEW OF CERTIFIED PROGRAMS.—

8 “(1) TIMING OF REVIEWS.—A program that is
 9 certified by the Executive Director under subsection
 10 (b) shall be reviewed by the Executive Director on
 11 or before—

12 “(A) June 15 of the third fiscal year be-
 13 ginning after the date of certification; and

14 “(B) June 15 of each third fiscal year
 15 thereafter.

16 “(2) RECERTIFICATION.—Upon completing a
 17 review of a program under paragraph (1), the Exec-
 18 utive Director shall recertify or deny recertification
 19 of the program based on the written criteria estab-
 20 lished by the Council under subsection (a).

21 “(d) APPEALS TO COUNCIL.—

22 “(1) IN GENERAL.—A Federal agency that is
 23 conducting a program for which certification or re-
 24 certification is denied by the Executive Director
 25 under this section may appeal the decision of the

1 Executive Director to the Council under procedures
2 to be developed by the Council.

3 “(2) FINAL DETERMINATION.—

4 “(A) REVIEW BY COUNCIL.—Upon review
5 of the appeal, the Council shall affirm or re-
6 verse the decision of the Executive Director.

7 “(B) FINALITY.—The decision of the
8 Council to affirm or reverse shall be final.

9 “(e) EFFECT OF DENIALS.—The Executive Director
10 may not include in the budget recommendations of the Ex-
11 ecutive Director under section 657 a budget request for
12 a program if the Executive Director has denied certifi-
13 cation or recertification of the program under this section
14 unless the decision of the Executive Director to deny cer-
15 tification or recertification has been reversed by the Coun-
16 cil under subsection (d).

17 **“SEC. 659. COORDINATION WITH FEDERAL AGENCIES.**

18 “(a) REQUESTS FOR ASSISTANCE.—The head of each
19 Federal agency with responsibilities under the Domestic
20 Terrorism Preparedness Plan shall—

21 “(1) cooperate with the Council and the Execu-
22 tive Director; and

23 “(2) subject to laws governing disclosure of in-
24 formation, provide such assistance, information, and

1 advice as the Council and the Executive Director
 2 may request.

3 “(b) NOTIFICATION IN CASES OF NONCOMPLI-
 4 ANCE.—The Executive Director shall—

5 “(1) notify a Federal agency in writing if the
 6 Executive Director finds that the policies of the Fed-
 7 eral agency are not in compliance with the respon-
 8 sibilities of the Federal agency under the Domestic
 9 Terrorism Preparedness Plan; and

10 “(2) submit any such notification to—

11 “(A) the Council;

12 “(B) the Committee on Transportation
 13 and Infrastructure of the House of Representa-
 14 tives; and

15 “(C) the Committee on Environment and
 16 Public Works of the Senate.

17 “(c) CERTIFICATION OF POLICY CHANGES.—

18 “(1) IN GENERAL.—

19 “(A) NOTIFICATION.—The head of each
 20 Federal agency with responsibilities under the
 21 Domestic Terrorism Preparedness Plan shall,
 22 unless exigent circumstances require otherwise,
 23 notify the Council and the Executive Director
 24 in writing concerning any proposed change in
 25 policies relating to the activities of the Federal

1 agency under the Domestic Terrorism Pre-
2 paredness Plan not less than 30 days before im-
3 plementing the change.

4 “(B) REVIEW AND CERTIFICATION.—Dur-
5 ing the 30-day period beginning on the date of
6 receipt of notification of a proposed change
7 under subparagraph (A), the Executive Direc-
8 tor, in coordination with the Council, shall—

9 “(i) review the change; and

10 “(ii) subject to the approval of the
11 Council, certify to the Federal agency head
12 in writing whether the change is consistent
13 with the Domestic Terrorism Preparedness
14 Plan.

15 “(2) EXIGENT CIRCUMSTANCES.—

16 “(A) NOTIFICATION.—If prior notice of a
17 proposed change under paragraph (1) is not
18 practicable due to exigent circumstances, the
19 Federal agency head shall notify the Council
20 and the Executive Director as soon as prac-
21 ticable.

22 “(B) REVIEW AND CERTIFICATION.—Dur-
23 ing the 30-day period beginning on the date of
24 receipt of notification of a proposed change

1 under subparagraph (A), the Executive Direc-
 2 tor, in coordination with the Council, shall—

3 “(i) review the change; and

4 “(ii) subject to the approval of the
 5 Council, certify to the Federal agency head
 6 in writing whether the change is consistent
 7 with the Domestic Terrorism Preparedness
 8 Plan.

9 “(3) NEW PROGRAMS AND REALLOCATIONS OF
 10 RESOURCES.—Policy changes subject to this sub-
 11 section shall include the establishment of a new pro-
 12 gram or office or reallocation of resources (including
 13 Federal response teams) to enhance the capabilities
 14 of State and local emergency preparedness and re-
 15 sponse personnel with respect to terrorist attacks.

16 **“SEC. 660. STATE AND LOCAL ADVISORY GROUP.**

17 “(a) ESTABLISHMENT.—The Executive Director
 18 shall provide for the establishment of a State and local
 19 advisory group for the Office.

20 “(b) MEMBERS.—The advisory group shall be com-
 21 posed of individuals involved in State and local emergency
 22 preparedness for, and response to, the consequences of
 23 terrorist attacks.

24 “(c) VOLUNTARY GUIDELINES.—

1 “(1) IN GENERAL.—The Executive Director
 2 shall provide for the establishment by the State and
 3 local advisory group of voluntary guidelines for the
 4 terrorist attack preparedness programs of State and
 5 local government agencies for the purpose of pro-
 6 viding guidance in the development and implementa-
 7 tion of those programs.

8 “(2) CONTENTS OF GUIDELINES.—The guide-
 9 lines developed under paragraph (1) shall address
 10 planning, equipment, exercises, and training to
 11 achieve the end state of preparedness.

12 **“SEC. 661. ANNUAL COMPILATION OF THREAT AND RISK AS-**
 13 **SESSMENTS.**

14 “The Council shall annually compile the results of
 15 threat and risk assessments conducted by Federal agen-
 16 cies for use by the Council in ensuring the adequacy of
 17 the Domestic Terrorism Preparedness Plan and Annual
 18 Implementation Strategies.

19 **“SEC. 662. REVIEW OF STATE AND LOCAL PROGRAMS AND**
 20 **OTHER DUTIES OF THE EXECUTIVE DIREC-**
 21 **TOR.**

22 “(a) BIENNIAL REVIEW OF STATE AND LOCAL PRO-
 23 GRAMS.—The Executive Director shall—

1 “(1) ensure that a biennial review is conducted
2 of the terrorist attack preparedness programs of
3 State and local government agencies; and

4 “(2) provide recommendations to the agencies
5 based on the reviews.

6 “(b) ANALYSIS OF ADEQUACY OF EMERGENCY MED-
7 ICAL PREPAREDNESS.—

8 “(1) IN GENERAL.—The Executive Director
9 shall—

10 “(A) ensure that an analysis is conducted
11 of the adequacy of emergency medical prepared-
12 ness in the event of a major disaster; and

13 “(B) make recommendations based on the
14 analysis.

15 “(2) REPORT.—The Executive Director shall
16 submit to the Committee on Transportation and In-
17 frastructure of the House of Representatives and the
18 Committee on Environment and Public Works of the
19 Senate a report that contains—

20 “(A) the results of the analysis under
21 paragraph (1)(A); and

22 “(B) the recommendations of the Execu-
23 tive Director under paragraph (1)(B).

24 “(c) POLICIES CONCERNING FINANCIAL ASSISTANCE
25 TO STATES.—Subject to the approval of the Council, the

1 Executive Director shall establish and publish general poli-
2 cies concerning financial assistance to States based on—

3 “(1) the potential risk and threat of terrorist
4 attacks in the State;

5 “(2) the capabilities of the State to respond to
6 the consequences of terrorist attacks; and

7 “(3) the ability of the State to achieve the end
8 state of preparedness.

9 “(d) CURRICULUM OF FEDERAL TRAINING AND EX-
10 ERCISE PROGRAMS.—After completion of the certification
11 of Federal training and exercise programs under section
12 658, the Executive Director shall publish, and update as
13 necessary, a curriculum of the programs to assist State
14 and local emergency preparedness and response personnel
15 in achieving the end state of preparedness.

16 “(e) NATIONAL SECURITY COUNCIL EFFORTS.—

17 “(1) MEETINGS.—In the role of the Executive
18 Director as principal adviser to the National Secu-
19 rity Council on Federal efforts to assist State and
20 local government agencies in domestic terrorist at-
21 tack preparedness matters, and subject to the direc-
22 tion of the President, the Executive Director may at-
23 tend and participate in meetings of the National Se-
24 curity Council.

1 “(2) WORKING GROUP STRUCTURE.—Subject to
2 the direction of the President, the Executive Direc-
3 tor may participate in the working group structure
4 of the National Security Council.

5 **“SEC. 663. AUTHORIZATION OF APPROPRIATIONS.**

6 “(a) IN GENERAL.—There are authorized to be ap-
7 propriated to carry out this subtitle—

8 “(1) \$30,000,000 for fiscal year 2002; and

9 “(2) such sums as are necessary for each of fis-
10 cal years 2003 through 2006.

11 “(b) AVAILABILITY.—Sums made available under
12 subsection (a) shall remain available until expended.”.

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