

107TH CONGRESS  
2D SESSION

# S. 2061

To establish a national response to terrorism, a national urban search and rescue task force program to ensure local capability to respond to the threat and aftermath of terrorist activities and other emergencies, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 21, 2002

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To establish a national response to terrorism, a national urban search and rescue task force program to ensure local capability to respond to the threat and aftermath of terrorist activities and other emergencies, 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 “National Response to  
5       Terrorism and Consequence Management Act of 2002”.

1 **TITLE I—CAPACITY BUILDING**  
2 **FOR URBAN SEARCH AND**  
3 **RESCUE TASK FORCES**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “National Urban  
6 Search and Rescue Task Force Assistance Act of 2002”.

7 **SEC. 102. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—The Congress finds that—

9 (1) the Federal Emergency Management Agen-  
10 cy (FEMA) established the National Urban Search  
11 and Rescue Response System in 1989 pursuant to  
12 requirement in the Earthquakes Hazards Reduction  
13 Act of 1977 which directed FEMA to provide ade-  
14 quate search and rescue capacity in the event of an  
15 earthquake;

16 (2) once the President has issued a major dis-  
17 aster declaration following a request by a governor,  
18 FEMA may activate up to three task forces that are  
19 closest to the disaster and additional task forces  
20 may be activated as necessary;

21 (3) each task force must be able to deploy all  
22 personnel and equipment within six hours of activa-  
23 tion and are expected to be able to sustain them-  
24 selves for the first 72 hours of operations;

1           (4) each task force must be capable of deploy-  
2           ing at least 62 fully trained individuals, with each  
3           position staffed three deep to ensure the availability  
4           of at least two alternatives available in reserve for  
5           each position for a total of 186 members in each  
6           task force;

7           (5) task forces are supported by Incident Sup-  
8           port Teams which provide technical assistance to  
9           state and local emergency managers, coordinate the  
10          activities of multiple task forces, and provide  
11          logistical support;

12          (6) in fiscal year 2001, FEMA provided  
13          \$7,200,000 to the task forces for training and equip-  
14          ment, allocated according to need;

15          (7) in fiscal year 2001, FEMA provided some  
16          \$6,000,000 for upgrading the capability of six task  
17          forces to respond to disaster resulting from the use  
18          of weapons of mass destruction, including the capac-  
19          ity to search and provide assistance in an environ-  
20          ment with chemical, biological, or radiological con-  
21          tamination;

22          (8) there currently are 28 task forces through-  
23          out the United States;

1           (9) since the terrorist attacks of September 11,  
2           2001, the need for fully equipped and trained task  
3           forces is obvious;

4           (10) by noon of September 12, 2001, eight task  
5           forces were working valiantly with the courageous  
6           New York firefighters to address the aftermath of  
7           the terrorist attacks on the World Trade Center,  
8           four task forces responded to the attacks on the  
9           Pentagon, and 25 of 28 task forces were deployed  
10          over a three-week period;

11          (11) each task force is currently in need of ad-  
12          ditional training and support equipment with each  
13          task force being deployed with some 80,000 pounds  
14          of search, rescue, and support equipment valued at  
15          some \$1,800,000;

16          (12) each task force is supported by some  
17          \$150,000 per year in operating costs with needs of  
18          approximately \$1,500,000 to maintain optimum  
19          operational efficiency;

20          (13) many task forces have inadequate trans-  
21          portation to ensure a timely response to disasters,  
22          including acts of terrorism;

23          (14) the cost of maintaining FEMA's Incident  
24          Support Teams as part of the search and rescue  
25          task forces is \$5,000,000 per year;

1           (15) the Federal Government needs to ensure  
2           that each task force is adequately trained and  
3           equipped to perform urban search and rescue func-  
4           tions in all environments, including the aftermath  
5           from acts of terrorism involving weapons of mass de-  
6           struction;

7           (16) the Federal Government needs to ensure  
8           that each task force has adequate equipment to meet  
9           all operational needs and staff support;

10          (17) the Federal Government needs to ensure  
11          that each task force has the capability to put two  
12          full teams in the field to meet any disaster or act  
13          of terrorism;

14          (18) the Federal Government needs to ensure  
15          that designated task forces have the capability to de-  
16          ploy internationally to provide search and rescue  
17          functions vital to our interests and those of our al-  
18          lies; and

19          (19) while these task forces were originally cre-  
20          ated for earthquake response, these highly capable  
21          task forces have an expanding and vital role in re-  
22          sponding to acts of terrorism, including those involv-  
23          ing weapons of mass destruction.

24          (b) PURPOSE.—The purpose of this act is to provide  
25          the needed funds, equipment, and training to ensure that

1 all urban search and rescue task forces have the full capa-  
2 bility to respond to all emergency search and rescue needs  
3 arising from any disaster, including acts of terrorism in-  
4 volving a weapon of mass destruction.

5 **SEC. 103. DEFINITIONS.**

6 For purposes of this title, the following definitions  
7 apply:

8 (1) The term “Director” shall mean the Direc-  
9 tor of the Federal Emergency Management Agency.

10 (2) The term “urban search and rescue task  
11 force” shall be any of the 28 urban search and res-  
12 cue task forces currently designated by FEMA.

13 (3) The term “urban search and rescue equip-  
14 ment” means any equipment, determined by the Di-  
15 rector, as necessary to respond to any emergency,  
16 designated as a disaster by the President of the  
17 United States, including any emergency for which  
18 the proximate cause is a terrorist act, including bio-  
19 logical, nuclear/radioactive, or chemical terrorism.

20 **SEC. 104. ASSISTANCE.**

21 (a) **ELIGIBLE ACTIVITIES.**—The Director may pro-  
22 vide one or more grants to each urban search and rescue  
23 task forces for—

24 (1) operational costs in excess of the funds pro-  
25 vided under subsection (b) of this section;

1           (2) the cost of all needed urban search and res-  
2       cue equipment;

3           (3) the cost of equipment needed to allow a  
4       task force to operate in an environment contami-  
5       nated by weapons of mass destruction, including  
6       chemical, biological, and nuclear/radioactive contami-  
7       nants;

8           (4) the cost of training, including training for  
9       operating in an environment contaminated by weap-  
10      ons of mass destruction, including chemical, biologi-  
11      cal, and nuclear/radioactive weapons;

12          (5) the cost of transportation;

13          (6) the cost of task force expansion;

14          (7) the cost of Incident Support Teams, includ-  
15      ing the cost to conduct appropriate task force readi-  
16      ness evaluations; and

17          (8) the cost of making task forces capable of re-  
18      sponding to international disasters, including acts of  
19      terrorism.

20      (b) COST OF OPERATIONS.—The Director shall pro-  
21      vide not less than \$1,500,000 for operational costs to each  
22      urban search and rescue task force in each fiscal year.

23      (c) PRIORITY FOR FUNDING.—The Director shall  
24      prioritize all funding under this section to ensure that all  
25      urban search and rescue task forces have the capacity, in-

cluding all needed equipment and training, to deploy two separate task forces simultaneously from each sponsoring agency.

(d) **FUNDING REQUIREMENTS FOR INTERNATIONAL SEARCH AND RESCUE TEAMS.**—The Director shall only make grants to fund subsection (a)(8) upon a determination of need by the Director or to maintain existing capacity, according to criteria established by the Secretary of State in coordination with the Director.

**SEC. 105. GRANT REQUIREMENTS.**

The Director shall establish such requirements as necessary to award grants under this Act.

**SEC. 106. TECHNICAL ASSISTANCE FOR COORDINATION.**

The Director may award no more than four percent of the funds appropriated for any fiscal year under section 109 for technical assistance to allow urban search and rescue task forces to coordinate with other agencies and organizations, including career and volunteer fire departments, to meet state and local disasters, including those resulting from acts of terrorism involving the use of a weapon of mass destruction including chemical, biological, and nuclear/radioactive weapons.

**SEC. 107. ADDITIONAL TASK FORCES.**

The Director is authorized to establish additional urban search and rescue teams pursuant to a finding of



1 need. No additional urban search and rescue teams may  
2 be designated or funded until the first 28 teams are fully  
3 funded and able to deploy simultaneously two task forces  
4 from each sponsoring agency with all necessary equip-  
5 ment, training, and transportation.

6 **SEC. 108. PERFORMANCE OF SERVICES.**

7 For purposes of ensuring the effectiveness of the  
8 urban search and rescue task forces assisted under this  
9 Act, the Director may use the authority under section 306  
10 of the Robert T. Stafford Disaster Relief and Emergency  
11 Assistance Act of 1988, as amended (42 U.S.C. 5149),  
12 to incur any additional obligations as determined nec-  
13 essary by the Director. Such obligations may include the  
14 cost of temporary employment, workmen compensation,  
15 insurance, and other compensation for work-related inju-  
16 ries consistent with memorandums of understanding  
17 agreed to between the Director and the task forces.

18 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated \$160,000,000  
20 for fiscal year 2002 of which each task force is to receive  
21 not less than \$1,500,000 for operational costs (including  
22 the costs of basic search and rescue equipment).

1 **TITLE II—PROMOTE THE CON-**  
2 **TRIBUTION OF EQUIPMENT**  
3 **TO VOLUNTEER FIRE-**  
4 **FIGHTING DEPARTMENTS**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Good Samaritan Vol-  
7 unteer Firefighter Assistance Act of 2002”.

8 **SEC. 202. REMOVAL OF CIVIL LIABILITY BARRIERS THAT**  
9 **DISCOURAGE THE DONATION OF FIRE EQUIP-**  
10 **MENT TO VOLUNTEER FIRE COMPANIES.**

11 (a) **LIABILITY PROTECTION.**—A person who donates  
12 fire control or fire rescue equipment to a volunteer fire  
13 company shall not be liable for civil damages under any  
14 State or Federal law for personal injuries, property dam-  
15 age or loss, or death proximately caused by the equipment  
16 after the donation.

17 (b) **EXCEPTIONS.**—Subsection (a) does not apply to  
18 a person if—

19 (1) the person’s act or omission proximately  
20 causing the injury, damage, loss, or death con-  
21 stitutes gross negligence or intentional misconduct;  
22 or

23 (2) the person is the manufacturer of the fire  
24 control or fire rescue equipment.

1       (c) PREEMPTION.—This Act preempts the laws of  
 2 any State to the extent such laws are inconsistent with  
 3 this Act, except that notwithstanding subsection (b), this  
 4 Act shall not preempt any State law that provides addi-  
 5 tional protection from liability for a person who donates  
 6 fire control or fire rescue equipment to a volunteer fire  
 7 company.

8       (d) CERTIFICATION OF SAFETY BY STATE FIRE  
 9 MARSHAL.—The State shall designate its State Fire Mar-  
 10 shal or equivalent person to certify the safety and useful-  
 11 ness of the fire control or fire rescue equipment that is  
 12 being donated.

13       (e) DEFINITIONS.—In this section:

14           (1) PERSON.—The term “person” includes any  
 15 governmental or other entity.

16           (2) FIRE CONTROL OR RESCUE EQUIPMENT.—  
 17 The term “fire control or fire rescue equipment” in-  
 18 cludes any fire vehicle, fire fighting tool, emergency  
 19 medical equipment, protective gear, fire hose, or  
 20 breathing apparatus.

21           (3) GROSS NEGLIGENCE.—The term “gross  
 22 negligence” shall mean voluntary and conscious con-  
 23 duct harmful to the health or well-being of another  
 24 person by a person who, at the time of the conduct,

1 knew that the conduct was likely to be harmful to  
2 the health or well-being of another person.

3 (4) INTENTIONAL MISCONDUCT.—The term  
4 “intentional misconduct” shall mean voluntary and  
5 conscious conduct harmful to the health or well-  
6 being of another person by a person who, at the time  
7 of the conduct, knew that the conduct was harmful  
8 to the health or well-being of another person.

9 (5) STATE.—The term “State” includes the  
10 several States, the District of Columbia, the Com-  
11 monwealth of Puerto Rico, the Commonwealth of the  
12 Northern Mariana Islands, American Samoa, Guam,  
13 the Virgin Islands, any other territory, or possession  
14 of the United States, and any political subdivision of  
15 any such State, territory, or possession.

16 (6) VOLUNTEER FIRE COMPANY.—The term  
17 “volunteer fire company” shall mean an association  
18 of individuals who provide fire protection and other  
19 emergency services, where at least 30 percent of the  
20 individuals receive little or no compensation com-  
21 pared with an entry level full-time paid individual in  
22 that association or in the nearest such association  
23 with an entry level full-time paid individual.

24 (f) EFFECTIVE DATE.—This Act applies only to li-  
25 ability for injury, damage, loss, or death caused by equip-

1 ment that, for purposes of subsection (a), is donated on  
 2 or after the date that is 30 days after the date of the  
 3 enactment of this Act.

4 **TITLE III—ESTABLISHMENT OF**  
 5 **COORDINATION OFFICE**  
 6 **WITHIN THE FEDERAL EMER-**  
 7 **GENCY MANAGEMENT AGEN-**  
 8 **CY**

9 **SEC. 301. ESTABLISHMENT OF COORDINATION OFFICE FOR**  
 10 **RESPONDING TO ACTS OF TERRORISM.**

11 (a) FEMA OFFICE FOR EMERGENCY COORDINA-  
 12 TION.—The Director of the Federal Emergency Manage-  
 13 ment Agency (FEMA) shall establish or designate an of-  
 14 fice within FEMA to coordinate the response of State and  
 15 local agencies, including fire departments, hospitals, and  
 16 emergency medical facilities, to acts of terrorism, includ-  
 17 ing the capacity to provide assistance in an environment  
 18 with chemical, biological, or nuclear/radiological contami-  
 19 nation.

20 (b) DEFINITIONS.—

21 (1) The term “Director” shall mean the Direc-  
 22 tor of the Federal Emergency Management Agency.

23 (2) The term “State” shall mean each of the  
 24 States of the United States, the District of Colum-  
 25 bia, the Commonwealth of Puerto Rico, the Virgin

1 Islands, Guam, American Samoa, the Common-  
2 wealth of the Northern Mariana Islands, and any  
3 other territory or possession of the United States.

4 (c) TECHNICAL ASSISTANCE GRANTS.—The Director  
5 is authorized to make grants to provide technical assist-  
6 ance and coordinating funding to States to ensure that  
7 localities, fire departments, hospitals, and other appro-  
8 priate entities, as determined by the Director, have the  
9 capacity to respond to the consequences of possible acts  
10 of terrorism, including the capacity to provide assistance  
11 in an environment with chemical, biological, or nuclear/  
12 radiological contamination.

13 (d) FIRE AND SAFETY TRAINING GRANTS.—The Di-  
14 rector shall award grants to states to operate new and ex-  
15 isting state fire and safety training programs for fire-  
16 fighting personnel within each State.

17 (e) STATE AND LOCAL COORDINATION PLANS TO  
18 RESPOND TO ACTS OF TERRORISM.—To be eligible for a  
19 technical assistance grant under subsection (c), a State  
20 must submit a plan that—

21 (1) identifies an organizational hierarchy within  
22 the State and at the local level for responding to  
23 acts of terrorism; and

24 (2) prioritizes State and local needs for devel-  
25 oping the capacity to respond to the aftermath of

1 acts of terrorism, including the capacity to meet  
2 these needs. This plan shall be developed in conjunc-  
3 tion with police departments, fire departments, hos-  
4 pitals, and emergency medical facilities.

5 (f) CONFIDENTIALITY.—The Director, in conjunction  
6 with the Department of Justice, shall establish appro-  
7 priate guidelines and safeguards to ensure that any plans  
8 developed under subsection (e) have adequate protections  
9 to limit the availability of information that could put a  
10 state or locality at an additional risk of an act of ter-  
11 rorism.

12 (g) COOPERATION BETWEEN AGENCIES.—The Di-  
13 rector shall establish a task force among Federal agencies  
14 for the coordination of Federal, State, and local resources  
15 as needed to develop a national response plan for respond-  
16 ing to acts of terrorism, including the capacity to provide  
17 assistance in an environment with chemical, biological, or  
18 nuclear/radiological contamination.

19 (h) ADMINISTRATIVE COSTS.—No more than five  
20 percent of any funds made available to a State under this  
21 title may be used for administrative costs.

22 (i) AUTHORIZATION OF APPROPRIATIONS.—The Di-  
23 rector is authorized to use such sums as necessary from  
24 the Disaster Relief Fund to meet the requirements of this  
25 title, including no less than \$100,000,000 for grants to

1 support State fire and safety training programs under  
2 subsection (d). No less than 20 percent of the funds  
3 awarded under subsection (d) for these State fire and safe-  
4 ty training programs shall be used to assist fire depart-  
5 ments with an annual budget of no more than \$25,000.

○