

108TH CONGRESS
1ST SESSION

H. R. 3274

To enhance homeland security by encouraging the development of regional coordination plans for emergency and disaster preparedness, response, and recovery.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. KINGSTON (for himself, Mr. SPRATT, Mr. LEWIS of Kentucky, Mr. HOUGHTON, Mr. WICKER, Mr. NORWOOD, Mr. ROGERS of Alabama, Mr. MICA, Ms. NORTON, Mr. BOUCHER, Mr. WILSON of South Carolina, Mr. BURNS, and Mr. ROSS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance homeland security by encouraging the development of regional coordination plans for emergency and disaster preparedness, response, and recovery.

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 “Regional Comprehen-
5 sive Emergency Preparedness, Response, and Coordina-
6 tion Act of 2003”.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Responders to the terrorist attacks at the
4 World Trade Center, the Pentagon, and the tragedy
5 in Pennsylvania on September 11, 2001, from nu-
6 merous jurisdictions assisted the fire and rescue, law
7 enforcement, and health workers responsible for re-
8 sponding within their jurisdictions.

9 (2) Even in the largest municipalities, first re-
10 sponders need the support of officials and personnel
11 from their own and neighboring jurisdictions, as well
12 as support from numerous regional, State, Federal,
13 and private sector entities.

14 (3) The sheer number of agencies taking part
15 in any emergency response demands coordination,
16 mutual support, and effective communication. Re-
17 gional planning and coordination of response efforts
18 are essential to ensure threat-based, multi-jurisdic-
19 tional, and interoperable assessments and plans.

20 (4) There does not exist a consistent national
21 standard for allocation of homeland security grant
22 money. Threat based vulnerability assessments and
23 plans will provide a consistent national standard
24 based on need.

25 (5) Regional councils of governments, regional
26 planning commissions, regional planning organiza-

1 tions, and development districts have the account-
2 ability and experience necessary to develop and co-
3 ordinate comprehensive regional plans that encom-
4 pass the needs of the Federal, State, and local gov-
5 ernments, the private sector, and all other parties
6 with a stake in providing for the security of their
7 communities. Regional councils of government can
8 ensure the development of a coordinated emergency
9 recovery plan involving Federal, State, and local gov-
10 ernments and the private sector.

11 (6) Coordinated, area-wide training, equipment
12 acquisition, and recovery planning is essential for ef-
13 fective regional preparedness and mitigation.

14 (b) PURPOSE.—The purpose of this Act is to encour-
15 age and facilitate the development and implementation of
16 regional emergency and disaster preparedness, response,
17 and recovery coordination plans among Federal, State,
18 and local governments and the private sector within the
19 region and to facilitate preparedness and mitigation ef-
20 forts.

21 **SEC. 3. DEFINITIONS.**

22 In this Act, the following definitions apply:

23 (1) REGION.—The term “region” means a des-
24 ignated multijurisdictional planning area or a sub-
25 State district with boundaries established by inter-

1 state compact, State law, or through mutual agree-
2 ment of local governments.

3 (2) REGIONAL COUNCIL.—The term “regional
4 council” means a multipurpose association of local
5 governments in a planning region, including councils
6 of governments, regional planning commissions, re-
7 gional planning organizations, and area development
8 districts.

9 (3) LOCAL GOVERNMENT.—The term “local
10 government” means any county, city, town, or other
11 municipality within the United States.

12 (4) STATE.—The term “State” means any of
13 the 50 States, the District of Columbia, or any terri-
14 tory of the United States.

15 (5) STAKEHOLDER.—The term “stakeholder”
16 means representatives of Federal, State, local, pri-
17 vate, and nonprofit entities, including—

18 (A) the Secretary of Homeland Security;

19 (B) State and local elected officials;

20 (C) representatives of Federal, State, and
21 local emergency management agencies;

22 (D) local fire and rescue personnel;

23 (E) Federal, State, and local law enforce-
24 ment personnel;

1 (F) public and private health professionals,
2 including representatives of the Centers for Dis-
3 ease Control and Prevention and the National
4 Institutes of Health;

5 (G) public and private school representa-
6 tives;

7 (H) college and university representatives;

8 (I) representatives of the business commu-
9 nity;

10 (J) port and airport officials;

11 (K) utilities officials;

12 (L) representatives of State departments
13 of transportation;

14 (M) representatives of local chapters of the
15 American Red Cross;

16 (N) representatives of volunteer organiza-
17 tions concerned with emergency response or dis-
18 aster recovery; and

19 (O) representatives of other entities identi-
20 fied by the stakeholders.

21 (6) REGIONAL PLAN.—The term “regional
22 plan” means a regional emergency and disaster pre-
23 paredness, response, and recovery coordination plan
24 developed under this Act.

1 **SEC. 4. DEVELOPMENT OF REGIONAL PLANS.**

2 (a) COORDINATION OF DEVELOPMENT.—

3 (1) IN GENERAL.—Each regional council shall
4 convene all local governments and Federal, State,
5 and private sector stakeholders within its region to
6 coordinate the development of a regional plan in ac-
7 cordance with this section.

8 (2) STATES WITHOUT REGIONAL COUNCILS.—

9 In States that do not have regional councils, the
10 Governor should work with local officials to organize
11 a regional approach involving local elected officials
12 and establish a homeland defense regional planning
13 advisory committee that consists of stakeholders, in-
14 cluding representatives of Federal, State, local, pri-
15 vate, and nonprofit entities, as defined in section 3.

16 (3) STATES WITH AREAS NOT COVERED BY A
17 REGIONAL COUNCIL.—In States with areas that are
18 not covered by a regional council, the Governor may
19 assign such areas to a regional council.

20 (b) ELEMENTS OF THE REGIONAL PLAN.—Each re-
21 gional plan shall include, at a minimum, the following:

22 (1) DISASTER ASSESSMENT.—An assessment of
23 natural disasters, human-induced disasters, and po-
24 tential terrorist activities or targets that could dis-
25 rupt essential services or mobility, adversely affect

1 public health or safety, or adversely affect infra-
2 structure within the region.

3 (2) RESPONSE EQUIPMENT AND PERSONNEL
4 ASSESSMENT.—An assessment of available equip-
5 ment and personnel to respond to a disaster.

6 (3) EQUIPMENT NEEDS ASSESSMENT.—An as-
7 sessment of equipment needs based on disaster po-
8 tential, both natural and manmade.

9 (4) COMMUNICATIONS SYSTEM.—A plan for the
10 development of a regional communication system
11 among stakeholders.

12 (5) SECURE INFORMATION REPOSITORY.—A
13 plan for the development of a secure information re-
14 pository that includes information needed to coordi-
15 nate stakeholder responsibilities within the region.

16 (6) EMERGENCY COORDINATION INFORMA-
17 TION.—Information on the following:

18 (A) RESPONSE RESOURCES.—

19 (i) Locations, contacts, capabilities,
20 and capacities of emergency medical facili-
21 ties.

22 (ii) Locations, contacts, and equip-
23 ment listings for fire, police, and emer-
24 gency medical technician services.

1 (iii) Locations of, and 24-hour con-
2 tacts for, appropriate medical facilities and
3 personnel and other potential first re-
4 sponders.

5 (iv) Locations and contacts for area
6 stakeholders involved in the operation and
7 maintenance of essential services within
8 the region.

9 (v) Locations and contacts for area
10 key military personnel and facilities.

11 (vi) Locations and contacts for other
12 response resources as identified by regional
13 stakeholders.

14 (B) SUPPORT FACILITIES.—

15 (i) Locations, capabilities, and capac-
16 ities of existing shelters.

17 (ii) Locations of, and available facili-
18 ties at, schools, colleges, universities,
19 churches, and other public buildings.

20 (iii) Locations of major water and
21 food supplies.

22 (iv) Other support facilities as identi-
23 fied by regional stakeholders.

24 (C) INFRASTRUCTURE.—

1 (i) Locations of water treatment and
2 storage facilities and distribution mains.

3 (ii) Locations of utilities lines, pipe-
4 lines, and generating facilities.

5 (iii) Locations of sewer mains and
6 treatment plants.

7 (iv) Locations of voice, data, video,
8 microwave, and satellite uplink commu-
9 nication facilities.

10 (v) Locations of radio and television
11 studios and transmission sites.

12 (vi) Locations and capacities of short-
13 wave radio facilities and volunteers.

14 (vii) Locations of major bridges and
15 dams.

16 (viii) Locations of major educational
17 facilities.

18 (ix) Other infrastructure facilities as
19 identified by regional stakeholders.

20 (D) TRANSPORTATION FACILITIES.—

21 (i) Locations and capacities of major
22 transportation facilities, lines, and termi-
23 nals, including ports and airports.

24 (ii) Locations and capacities of local
25 and regional transportation routes.

1 (iii) Other transportation facilities as
2 identified by regional stakeholders.

3 (E) AT-RISK POPULATIONS.—

4 (i) Locations of large population con-
5 centrations and the times of those con-
6 centrations.

7 (ii) Schedules of major public events
8 and capacities of venues.

9 (iii) Population statistics, including
10 block level population data.

11 (iv) School enrollment numbers.

12 (v) Locations of elderly, infirm, and
13 disabled persons who need special assist-
14 ance.

15 (vi) Other at-risk populations as iden-
16 tified by regional stakeholders.

17 (F) POTENTIAL TARGETS.—

18 (i) Locations of major concentrations
19 of hazardous and biohazard chemicals.

20 (ii) Locations of fuel depots and dis-
21 pensing facilities that meet certain Envi-
22 ronmental Protection Agency thresholds.

23 (iii) Locations of major concentrations
24 of munitions and explosives.

1 (iv) Locations of other potential tar-
2 gets, such as nuclear power plants, in the
3 region.

4 (v) Other potential targets as identi-
5 fied by regional stakeholders.

6 (G) DEBRIS DISPOSAL.—

7 (i) Identification of locations for de-
8 bris disposal.

9 (ii) Identification of potential health
10 hazards to personnel involved in debris dis-
11 posal.

12 (iii) Other debris disposal as identified
13 by regional stakeholders.

14 (c) PLANNING ACTIVITIES.—Planning activities pur-
15 suant to this section shall include—

16 (1) analyzing and documenting the possibility of
17 a disaster and the potential consequences or impacts
18 of a disaster upon life, property, and the environ-
19 ment; and

20 (2) planning for utilization of geographic infor-
21 mation systems to assess hazards and evaluate the
22 consequences of potential emergencies or disasters.

23 (d) APPROVAL OF REGIONAL PLAN.—The initial
24 phase of a regional plan, including planning components
25 and an assessment of potential hazards and equipment

1 needs, shall be approved by the region council's governing
2 body, and the appropriate Governor or Governors, not
3 later than the date that is 18 months after the regional
4 council has received an initial apportionment under this
5 Act.

6 (e) UPDATE OF REGIONAL PLAN.—A regional council
7 shall review and update its regional plan at least annually
8 based on revised threat assessments, trainings, and drills.

9 (f) SECURITY OF MAPPING AND INFRASTRUCTURE
10 INFORMATION CONTAINED WITHIN REGIONAL PLAN.—

11 (1) IN GENERAL.—For security purposes, the
12 information contained in the regional plan required
13 under subsection (b)(5) shall be available only to
14 those public and private officials and agencies that
15 have responsibility under the plan.

16 (2) SECURITY TECHNOLOGY.—A regional coun-
17 cil shall utilize appropriate computer and software
18 technology for securing the key resources and crit-
19 ical infrastructure that may be outlined within the
20 regional plan.

21 (3) PROTECTION OF KEY RESOURCES AND
22 CRITICAL INFRASTRUCTURE.—A regional plan shall
23 outline the appropriate measures to protect the key
24 resources and critical infrastructure within its region
25 in coordination with other agencies and representa-

1 tives from within the region, including Federal,
2 State, and local government personnel, agencies, au-
3 thorities, and the private sector.

4 (4) CONTINUED REVIEW AND ANALYSIS.—A re-
5 gional council shall continue to review and analyze
6 and make recommendations for improvements in the
7 policies and procedures governing the security of in-
8 formation contained in its regional plan and sharing
9 the information with law enforcement, intelligence,
10 emergency management, and other entities related to
11 homeland security within the Federal Government
12 and between such representatives within the region,
13 including Federal, State, and local government per-
14 sonnel agencies, authorities, and the private sector.

15 **SEC. 5. FUNDING.**

16 (a) APPORTIONMENTS TO STATES.—

17 (1) IN GENERAL.—To assist States in over-
18 seeing and coordinating the development of regional
19 plans under this Act, the Secretary of Homeland Se-
20 curity shall apportion to each State for each of fiscal
21 years 2005, 2006, and 2007 \$0.05 for each person
22 residing in the State and shall apportion to each
23 State for each of fiscal years 2008 and 2009 such
24 sums as may be necessary.

1 (2) MAXIMUM AND MINIMUM AMOUNT.—Not-
2 withstanding paragraph (1), a State shall not receive
3 more than \$1,000,000 nor less than \$50,000 of the
4 amounts apportioned under this subsection in a fis-
5 cal year.

6 (b) APPORTIONMENTS TO REGIONAL COUNCILS.—

7 (1) IN GENERAL.—To assist regional councils
8 in meeting the requirements of this Act, the Sec-
9 retary shall apportion to each regional council identi-
10 fied by the Secretary for each of fiscal years 2005,
11 2006, and 2007 \$1.00 for each person residing in
12 the area represented by the regional council and
13 shall apportion to each regional council for each of
14 fiscal years 2008 and 2009 such sums as may be
15 necessary to update regional plans and maintain and
16 update necessary data.

17 (2) ENHANCED FUNDING.—The Secretary may
18 provide an additional apportionment to a regional
19 council of not more than \$0.25 for each person re-
20 siding in the area represented by the regional coun-
21 cil based on critical infrastructure and facilities lo-
22 cated in that area, including nuclear power plants,
23 military and other large Federal installations, dams,
24 ports, and areas prone to natural disasters (includ-
25 ing coastal areas).

1 (3) MAXIMUM AND MINIMUM AMOUNT.—Not-
2 withstanding paragraphs (1) and (2), a regional
3 council shall not receive more than \$1,000,000 nor
4 less than \$50,000 of the amounts apportioned under
5 this subsection in a fiscal year.

6 (4) STATES WITHOUT REGIONAL COUNCILS.—
7 Before apportioning amounts under this section for
8 a fiscal year, the Secretary may set aside a portion
9 of the amounts for providing assistance to States de-
10 scribed in section 4(a)(2).

11 (c) NONCOMPLIANCE.—

12 (1) EFFECT ON FUNDING.—The Secretary may
13 withhold, reduce, or deny an apportionment under
14 this section to a State or region council if the Sec-
15 retary determines, in writing, that the State or re-
16 gional council has not complied, or provided ade-
17 quate assurances that it will comply, with the re-
18 quirements of this Act.

19 (2) NONCOMPLIANCE BY REGIONAL COUN-
20 CILS.—In the case of noncompliance by a regional
21 council in a State, the Governor of the State, after
22 providing the regional council with an opportunity to
23 take necessary actions to comply with the require-
24 ments of this Act and determining, in writing, that
25 the regional council has not taken such actions, may

1 assume the responsibility for organizing a regional
2 approach for the area represented by the regional
3 council in accordance with section 4(a)(2).

4 (d) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated for fiscal years 2005 through 2009
7 such sums as may be necessary to carry out this sec-
8 tion.

9 (2) LIMITATION.—Apportionments required by
10 this section shall be subject to the availability of ap-
11 propriations. If amounts appropriated to carry out
12 this section in a fiscal year are insufficient to make
13 the apportionments required by this section, the Sec-
14 retary shall proportionally reduce the amounts to be
15 so apportioned.

○