

S 2452

National Homeland Security and Combating Terrorism Act of 2002

**Congress:** 107 (2001–2003, Ended)

**Chamber:** Senate

**Policy Area:** Government Operations and Politics

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**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 440.

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**Official Text:** <https://www.congress.gov/bill/107th-congress/senate-bill/2452>

Sponsor

**Name:** Sen. Lieberman, Joseph I. [D-CT]

**Party:** Democratic • **State:** CT • **Chamber:** Senate

Cosponsors (5 total)

| Cosponsor                      | Party / State | Role | Date Joined  |
|--------------------------------|---------------|------|--------------|
| Sen. Graham, Bob [D-FL]        | D · FL        |      | May 2, 2002  |
| Sen. Specter, Arlen [R-PA]     | R · PA        |      | May 2, 2002  |
| Sen. Durbin, Richard J. [D-IL] | D · IL        |      | May 7, 2002  |
| Sen. Reid, Harry [D-NV]        | D · NV        |      | May 7, 2002  |
| Sen. Cleland, Max [D-GA]       | D · GA        |      | May 17, 2002 |

Committee Activity

| Committee  | Chamber | Activity    | Date         |
|--|---------|-------------|--------------|
| Homeland Security and Governmental Affairs Committee | Senate  | Reported By | Jun 24, 2002 |

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

| Bill        | Relationship | Last Action  |
|-------------|--------------|--|
| 107 HR 5005 | Related bill | <b>Nov 25, 2002:</b> Became Public Law No: 107-296.  |
| 107 HR 5710 | Related bill | <b>Nov 14, 2002:</b> Received in the Senate.   |
| 107 S 1534  | Related bill | <b>Sep 4, 2002:</b> Sponsor introductory remarks on measure. (CR S8157)                                  |
| 107 HR 4660 | Related bill | <b>May 2, 2002:</b> Referred to the House Committee on Government Reform.                                |
| 107 S 1449  | Related bill | <b>Oct 12, 2001:</b> Committee on Governmental Affairs. Hearings held. Hearings printed: S.Hrg. 107-212. |

National Homeland Security and Combating Terrorism Act of 2002 - **Title I: Department of National Homeland Security** - Establishes the Department of National Homeland Security as an executive department to be headed by the Secretary of National Homeland Security who shall be appointed by the President with the consent of the Senate. Makes the Secretary a member of the National Security Council.

Directs the Secretary to: (1) develop policies and plans for homeland security; (2) develop a comprehensive terrorism strategy and processes to integrate its elements and goals into Federal, State, and local plans and policies; (3) evaluate Federal programs relating to homeland security that involve State and local government activities as part of the strategy; (4) advise the Director on the development of an annual budget for programs and activities under the strategy and to be responsible for budget recommendations relating to border security, critical infrastructure protection, emergency preparation and response, and State and local activities; (5) plan, coordinate, and integrate Government activities relating to border security, critical infrastructure protection, and emergency preparedness and to act as the focal point regarding crises and emergency planning and response; (6) work with State and local governments and executive agencies in providing homeland security and to communicate with and support State and local officials through regional offices; (7) provide overall operational planning guidance to executive agencies regarding homeland security; (8) conduct exercise and training programs for employees of the Department and other involved agencies and establish command and control procedures for potential contingencies, including those that require military support; (9) annually develop a Federal response plan for homeland security and emergency preparedness; (10) promote technological innovation that will enhance homeland security; and (11) implement a coordinating center with homeland security representatives from other Federal agencies and State and local authorities.

Creates Department positions of: (1) Deputy Secretary of National Homeland Security; (2) Inspector General; and (3) Director of the Coordinating Center. Makes such Director responsible for ensuring compatibility of law enforcement, immigration, and intelligence databases information systems containing information relevant to homeland security and compliance with Federal privacy and intelligence information laws.

(Sec. 102) Transfers to the Department: (1) the Federal Emergency Management Agency; (2) the Customs Service; (3) law enforcement components of the Immigration and Naturalization Service relating to Border Patrol, Inspections, Investigations (interior enforcement), Intelligence, Detention and Removal, and International Affairs; (4) the Coast Guard; (5) the Critical Infrastructure Assurance Office of the Department of Commerce; (6) the National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation; and (7) the portion of the Animal and Plant Health Inspection Service of the Department of Agriculture that administers laws relating to agricultural quarantine inspections at points of entry.

(Sec. 103) Establishes within the Department: (1) Directorates of Border and Transportation Protection, Critical Infrastructure Protection, and Emergency Preparedness and Response (which shall create a National Crisis Action Center), and (2) an Office of Science and Technology (OST) to advise the Secretary regarding research and development efforts and priorities for the Directorates.

(Sec. 104) Establishes: (1) an Acceleration Fund for Research and Development of Homeland Security Technologies to accelerate research of critical homeland security technologies and to support homeland security research; and (2) in OST, a Homeland Security Science and Technology Senior Steering Group and a Homeland Security Science and Technology Coordination Committee.

Provides for the Director of OST: (1) to assist the Secretary, the Directorates, and cooperating agencies in assessing and

testing homeland security vulnerabilities and possible threats, maintaining talent resources in key technology and skill areas, developing a system for sharing key homeland security research and technology developments and opportunities with Federal, State, local, and private sector entities, and proposing risk management strategies based on technology developments; (2) to assist the Directorate of Critical Infrastructure Protection; (3) with respect to expenditures from the Fund, to exercise acquisition authority consistent with the authority for the Secretary of Defense and the Secretaries of the military departments to enter into cooperative agreements and other transactions in carrying out research projects; (4) in hiring personnel to assist in the administration of OST, to have the authority to exercise the personnel hiring and management authorities under the Experimental Program for Scientific and Technical Personnel; and (5) to develop and oversee the implementation of periodic homeland security technology demonstrations for the purpose of improving contact between technology developers, vendors, and acquisition personnel associated with related industries.

(Sec. 105) Directs the Secretary to submit to Congress: (1) biennial reports assessing executive agency resources and requirements relating to border security and emergency preparedness issues and certifying preparedness to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction; (2) within one year a report assessing the Department's progress in implementing this title and ensuring maintenance and strengthening of the core functions transferred, recommending other governmental functions or elements that need to be incorporated into the Department for it to function effectively, giving consideration to border security, border management, and transportation security, and recommending necessary conforming changes of law; and (3) within one year a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States.

(Sec. 106) Directs the Secretary to establish procedures to ensure that: (1) the planning, programming, budgeting, and financial activities of the Department comport with sound financial and fiscal management principles; and (2) the Department complies with all applicable environmental, safety, and health statutes and substantive requirements and to develop procedures for meeting such requirements.

**Title II: National Office for Combating Terrorism** - Establishes within the Executive Office of the President the National Office for Combating Terrorism (NOCT) to be headed by a Director who shall be appointed by the President.

Requires the Director, subject to the President's direction and control, to: (1) develop national objectives and policies for combating terrorism; (2) direct and review the development of a national assessment of terrorist threats and vulnerabilities (which shall be conducted by relevant Federal agencies); (3) work with the Secretary to develop the comprehensive terrorism strategy; (4) coordinate and evaluate the implementation of the strategy by Federal agencies with responsibilities for combating terrorism, particularly those involving military, intelligence, law enforcement, and diplomatic assets; (5) coordinate the development of an annual budget for the programs and activities under the strategy; (6) exercise funding authority for Federal terrorism prevention and response agencies; (7) serve as an advisor to the National Security Council; (8) ensure that he or she receives relevant information related to terrorism from the Federal Bureau of Investigation and that such information is made available to the appropriate agencies and to State and local law enforcement officials; and (9) identify programs that contribute to the strategy and review and provide advice to executive agencies on the amount and use of funding for such programs.

(Sec. 202) Requires: (1) the heads of Federal terrorism prevention and response agencies to submit proposed budgets for programs and activities under the strategy to the Director; (2) the Director to notify such agencies whether such budgets are adequate and to specify necessary initiatives to provide for strategy implementation; (3) such agency heads to include such notices and initiatives with proposed annual budget information submitted to the Office of Management

and Budget (OMB) and Congress; (4) such agency heads to submit proposed annual budgets to the Director at the same time they are submitted to OMB; (5) the Director to decertify any proposed budget that does not include adequate funding and initiatives and to submit adequate budget recommendations; and (6) the Director to develop and submit to the President and Congress an annual consolidated proposed National Terrorism Prevention and Response Program Budget. Prohibits such an agency from submitting to Congress a request for the reprogramming or transfer of funds specified in such Budget for agency programs or activities under the Strategy in excess of \$5 million without the Director's approval.

**Title III: National Strategy for Combating Terrorism and the Homeland Security Response** - Requires the Secretary and the NOTC Director to develop and submit to Congress by December 1, 2003, and each year in which a President is inaugurated a National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats.

Makes: (1) the Secretary responsible for the portions addressing border security, critical infrastructure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government; and (2) the Director responsible overall for development of the Strategy, and particularly for those portions addressing intelligence, military assets, law enforcement, and diplomacy. Requires the Strategy to include: (1) policies and procedures to maximize the collection, analysis, and dissemination of information relating to combating terrorism and the Federal, State, and local response; (2) plans for countering chemical, biological, radiological, nuclear and explosives, and cyber threats; (3) plans for improving the resources and effectiveness of, and coordination among, health and medical sectors for detecting and responding to terrorist attacks; (4) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks; and (5) a review of measures needed to enhance transportation security with respect to potential terrorist attacks.

Establishes a National Combating Terrorism and Homeland Security Response Council to assist with the preparation and implementation of the Strategy. Requires the Secretary and the Director to submit to Congress: (1) updated versions of the Strategy every two years; and (2) annual reports describing progress and providing recommendations on Strategy implementation.

(Sec. 302) Requires the Director of OMB to: (1) provide management guidance for Federal agencies to successfully implement the Strategy; and (2) report to Congress and the Comptroller General on agency progress.

(Sec. 303) Requires the Secretary and the NOTC Director to establish a National Combating Terrorism Strategy Panel to: (1) submit to the Secretary an assessment of the Strategy; and (2) conduct and report to the Secretary on an independent assessment of the optimal policies and programs to combat terrorism, including homeland security measures.

**Title IV: National Emergency Preparedness Enhancement** - National Emergency Preparedness Enhancement Act of 2002 - Establishes in the Department a National Clearinghouse on Emergency Preparedness to: (1) collect and disseminate information on emergency preparedness, including information relevant to the Strategy and information on best practices; (2) establish a one-stop center for information on ways States, political subdivisions, and private entities can access Federal grants and on emergency preparedness education and awareness tools for businesses, schools, and the public; (3) develop an ongoing, public awareness campaign; and (4) work with Federal agencies to coordinate public service announcements and other information-sharing tools.

(Sec. 403) Directs the Department to award grants to private entities to pay for the Federal share of the cost of improving

emergency preparedness and educating employees and other individuals using the entities' facilities about emergency preparedness.

(Sec. 404) Designates each week that includes September 11 as National Emergency Preparedness Week. Requires Federal agencies to coordinate with the Department to inform and educate the private sector and the public about emergency preparedness activities and resources, giving a high priority to emergency preparedness efforts designed to address terrorist attacks.

**Title V: Effective Date** - Makes this Act effective 180 days after enactment.

### Actions Timeline

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- **Jun 24, 2002:** Committee on Governmental Affairs. Reported by Senator Lieberman with amendments. With written report No. 107-175. Additional views filed.
- **Jun 24, 2002:** Committee on Governmental Affairs. Reported by Senator Lieberman with amendments. With written report No. 107-175. Additional views filed.
- **Jun 24, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 440.
- **May 22, 2002:** Committee on Governmental Affairs. Ordered to be reported with amendments favorably.
- **May 2, 2002:** Introduced in Senate
- **May 2, 2002:** Sponsor introductory remarks on measure. (CR S3874-3875)
- **May 2, 2002:** Read twice and referred to the Committee on Governmental Affairs. (text of measure as introduced: CR S3875-3880)