

109TH CONGRESS
2^D SESSION

H. R. 5316

To reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2006

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. TOM DAVIS of Virginia, Mr. OBEY, Mr. SHUSTER, Ms. NORTON, Mr. SHAW, Mr. RAHALL, Mr. BAKER, Mr. DEFAZIO, Mr. BACHUS, Mr. COSTELLO, Mr. BUYER, Mr. NADLER, Mr. MICA, Ms. CORRINE BROWN of Florida, Mr. FOLEY, Mr. FILNER, Mrs. KELLY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mrs. MYRICK, Ms. MILLENDER-MCDONALD, Mr. WAMP, Mr. CUMMINGS, Mrs. EMERSON, Mr. BLUMENAUER, Ms. GRANGER, Mr. BOSWELL, Mr. PICKERING, Mr. HOLDEN, Mrs. JO ANN DAVIS of Virginia, Mr. BAIRD, Mr. MILLER of Florida, Ms. BERKLEY, Mr. BONNER, Mr. MATHESON, Mr. COLE of Oklahoma, Mr. HONDA, Mr. BOUSTANY, Mr. LARSEN of Washington, Mr. JINDAL, Mr. CAPUANO, Mr. KUHLMAN of New York, Mr. WEINER, Mr. POE, Ms. CARSON, Mr. BISHOP of New York, Mr. DAVIS of Tennessee, Mr. CHANDLER, Mr. HIGGINS, Mr. CARNAHAN, Ms. SCHWARTZ of Pennsylvania, and Mr. FORD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security and Government Reform, 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 reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's prepared-

ness for, response to, recovery from, and mitigation against disasters, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Restoring Emergency Services to Protect Our Nation
 6 From Disasters Act of 2006” or the “RESPOND Act of
 7 2006”.

8 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—ESTABLISHMENT OF AN INDEPENDENT FEDERAL
 EMERGENCY MANAGEMENT AGENCY

Subtitle A—Federal Emergency Management Agency

- Sec. 101. Establishment of Agency.
- Sec. 102. Responsibilities.
- Sec. 103. Director; Deputy Director.
- Sec. 104. Office of the Inspector General.
- Sec. 105. Transfer of functions.
- Sec. 106. Personnel and other transfers.
- Sec. 107. Savings provisions.
- Sec. 108. Conforming and technical amendments.

Subtitle B—Federal Emergency Management Agency Personnel

- Sec. 121. Workforce development.

TITLE II—STRENGTHENING THE FEDERAL EMERGENCY
 MANAGEMENT AGENCY

- Sec. 201. Catastrophic planning program.
- Sec. 202. Emergency response teams.
- Sec. 203. Emergency operations centers.
- Sec. 204. Logistics.
- Sec. 205. Communications.
- Sec. 206. Emergency equipment assistance.
- Sec. 207. Oversight and accountability of Federal disaster expenditures.

TITLE III—COMPREHENSIVE EMERGENCY PREPAREDNESS
SYSTEM

Sec. 301. National emergency preparedness.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Hurricane Katrina struck the Gulf Coast on
4 the morning of August 29, 2005, with a ferocity
5 that left more than 1,300 individuals dead and al-
6 tered the physical and social landscape of the region
7 for years to come.

8 (2) Failures at all levels of government signifi-
9 cantly undermined and detracted from the heroic ef-
10 forts of emergency responders, private individuals
11 and organizations, faith-based groups, and others
12 who struggled to assist the people of the Gulf Coast.

13 (3) Hurricane Katrina revealed that the Nation,
14 in general, and the Department of Homeland Secu-
15 rity, in particular, are unprepared for a major nat-
16 ural disaster, accident, or terrorist attack.

17 (4) Multiple investigations, including those by
18 the select committee to investigate the preparation
19 for and response to Hurricane Katrina of the House
20 of Representatives, the Committee on Homeland Se-
21 curity and Governmental Affairs of the Senate, the
22 General Accountability Office, the Inspector General
23 of the Department of Homeland Security, and the

1 Homeland Security Council established by the Presi-
2 dent, identified the magnitude of the storm, failures
3 of leadership, and a flawed disaster management
4 system at all levels of government as reasons for the
5 inadequate government response.

6 (5) The creation of the Department of Home-
7 land Security placed an additional layer of manage-
8 ment and response authority between the President
9 and the Federal Emergency Management Agency (in
10 this section referred to as “FEMA”), marginalizing
11 the authority of the Director of FEMA.

12 (6) During the response to Hurricane Katrina,
13 the Department of Homeland Security executed im-
14 portant elements of the National Response Plan late,
15 ineffectively, or not at all.

16 (7) The competing priorities of the terrorism
17 prevention mission of the Department of Homeland
18 Security and the disaster management mission of
19 FEMA significantly contributed to the rapid decline
20 of FEMA’s capability to coordinate the Federal re-
21 sponse to Hurricane Katrina.

22 (8) The transfer of FEMA’s preparedness
23 grants and functions to other entities of the Depart-
24 ment of Homeland Security, FEMA’s tremendous
25 loss of experienced professional personnel, and the

1 reduction of FEMA's funding for equipment, train-
2 ing, and exercises made FEMA's inadequate per-
3 formance in the face of a disaster the size of Hurri-
4 cane Katrina all but inevitable.

5 (9) While some Federal departments and agen-
6 cies, such as the Coast Guard, performed admirably,
7 others were inadequately prepared for Hurricane
8 Katrina and executed their responsibilities under the
9 National Response Plan poorly.

10 (10) The preparedness level and capabilities of
11 State and local governments to respond to Hurri-
12 cane Katrina varied tremendously. Some responded
13 effectively while others struggled to evacuate their
14 populations or conduct effective response operations.

15 (11) The Federal Government has spent more
16 than \$15,000,000,000 on first responder grants
17 since 2001, but the Nation's core emergency man-
18 agement capabilities have improved little and even
19 declined in some important respects. Federal home-
20 land security grant programs inadvertently divided
21 what was once a single, all-hazards preparedness
22 system into 2 artificially separate preparedness cat-
23 egories of terrorism and other disasters.

24 (12) Comprehensive reform of the Nation's
25 emergency management system is necessary to ad-

1 dress the dangers presented by major disasters and
2 emergencies of all kinds.

3 (13) The Nation's emergency management sys-
4 tem is based on the following general principles:

5 (A) Incidents are best managed at the low-
6 est level of government.

7 (B) Federal assistance is provided in sup-
8 port of State governments.

9 (C) Military assistance is provided in sup-
10 port of civil authorities.

11 (14) Large disasters require presidential in-
12 volvement to lead the Federal response and mobilize
13 the assets of the entire Federal Government, par-
14 ticularly Department of Defense assistance, and the
15 President needs solid professional advice in pre-
16 paring for and responding to a disaster to make the
17 right decisions.

18 (15) Preparing for and responding to disasters,
19 regardless of the cause, must be the top priority of
20 the organization responsible for disaster manage-
21 ment.

22 (16) The coordination of preparedness and
23 planning to reduce the consequences of all hazards,
24 including terrorism, is and has always been part of
25 FEMA's primary mission.

1 (17) FEMA should be reestablished as an inde-
2 pendent cabinet-level agency to coordinate the Fed-
3 eral response on behalf of the President and to lead
4 the Nation's efforts to improve the Nation's all-haz-
5 ards emergency management system.

6 (18) Establishing FEMA as an independent
7 agency will enable the Department of Homeland Se-
8 curity to refocus efforts on preventing terrorism and
9 free FEMA from internal competition with the ter-
10 rorism prevention entities of the Department for re-
11 sources and personnel.

12 (19) The 4 elements of comprehensive emer-
13 gency management (preparedness, response, recov-
14 ery, and mitigation) must be closely integrated and
15 managed within FEMA.

16 (20) FEMA's assets and capabilities to coordi-
17 nate the Federal response to a catastrophic disaster
18 must be restored and enhanced. In particular,
19 FEMA's professional workforce and its incident
20 command, communications, and logistics capabilities
21 must be improved.

22 (21) The tension between the Nation's all haz-
23 ards emergency management system and terrorism
24 preparedness must be resolved. An all-hazards ap-
25 proach fully addresses terrorism, but preparing for

1 terrorism alone does not address all aspects of the
2 other hazards.

3 (22) Governments at all levels have historically
4 analyzed past disaster responses by participating in
5 lessons-learned exercises, yet too often have failed to
6 act upon recommendations necessary to produce a
7 more effective and efficient response to future disas-
8 ters.

9 (23) Congress should ensure the establishment
10 of an all-hazards, comprehensive national emergency
11 preparedness goal and system that will—

12 (A) ensure a consistent approach to do-
13 mestic incident management;

14 (B) establish target capabilities that each
15 level of government should possess or to which
16 it should have access;

17 (C) direct resources to filling capability
18 gaps and regularly assess the Nation's pre-
19 paredness level; and

20 (D) ensure that lessons learned and best
21 practices are fully incorporated into the further
22 development of the emergency preparedness
23 system.

1 **SEC. 3. DEFINITIONS.**

2 (a) IN GENERAL.—In this Act, the following defini-
3 tions apply:

4 (1) AGENCY.—The term “Agency” means the
5 Federal Emergency Management Agency established
6 under section 101.

7 (2) DIRECTOR.—The term “Director” means
8 the Director of the Federal Emergency Management
9 Agency appointed under section 103.

10 (3) EMERGENCY.—The term “emergency” has
11 the meaning given that term in section 102 of the
12 Robert T. Stafford Disaster Relief and Emergency
13 Assistance Act (42 U.S.C. 5122).

14 (4) EMERGENCY PREPAREDNESS.—The term
15 “emergency preparedness” has the meaning given
16 that term in section 602(a) of the Robert T. Staf-
17 ford Disaster Relief and Emergency Assistance Act
18 (42 U.S.C. 5195a(a)).

19 (5) HAZARD.—The term “hazard” has the
20 meaning given that term in section 602(a) of the
21 Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5195a(a)).

23 (6) LOCAL GOVERNMENT.—The term “local
24 government” has the meaning given that term in
25 section 102 of the Robert T. Stafford Disaster Relief
26 and Emergency Assistance Act (42 U.S.C. 5122).

1 (7) MAJOR DISASTER.—The term “major disaster”
2 has the meaning given that term in section
3 102 of the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5122).

5 (8) MISSION ASSIGNMENT.—The term “mission
6 assignment” means a work order issued to a Federal
7 agency by the Federal Emergency Management
8 Agency, directing completion by that agency of a
9 specified task and setting forth funding, other managerial
10 controls, and guidance.

11 (9) STATE.—The term “State” has the meaning
12 given that term in section 102 of the Robert T.
13 Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5122).

15 **TITLE I—ESTABLISHMENT OF AN**
16 **INDEPENDENT FEDERAL**
17 **EMERGENCY MANAGEMENT**
18 **AGENCY**

19 **Subtitle A—Federal Emergency**
20 **Management Agency**

21 **SEC. 101. ESTABLISHMENT OF AGENCY.**

22 (a) INDEPENDENT ESTABLISHMENT.—The Federal
23 Emergency Management Agency is established as a cabinet-level
24 independent establishment in the executive
25 branch.

1 (b) MISSION.—The primary mission of the Agency is
2 to reduce the loss of life and property from all hazards,
3 including major disasters, acts of terrorism, and other
4 emergencies, by leading and supporting the Nation in a
5 risk-based, comprehensive, emergency management sys-
6 tem of preparedness, response, recovery, and mitigation.

7 **SEC. 102. RESPONSIBILITIES.**

8 (a) IN GENERAL.—The responsibilities of the Agency
9 include the following:

10 (1) All functions and authorities prescribed by
11 the Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5121 et seq.).

13 (2) Carrying out its mission to reduce the loss
14 of life and property from all hazards, including
15 major disasters, acts of terrorism, and other emer-
16 gencies, by leading and supporting the Nation in a
17 risk-based, comprehensive emergency management
18 system of—

19 (A) preparedness, by leading and coordi-
20 nating the effort to build Federal, State, and
21 local emergency management capabilities and
22 readiness to effectively respond to, recover
23 from, and mitigate against all hazards;

1 (B) response, by leading and coordinating
2 emergency operations to save lives, protect
3 property, and meet basic human needs;

4 (C) recovery, by rebuilding communities so
5 individuals, businesses, and governments can
6 function on their own, return to normal life,
7 and protect against future hazards;

8 (D) mitigation, by taking sustained actions
9 to reduce or eliminate long-term risk to people
10 and property from hazards and their effects;
11 and

12 (E) increased efficiencies, by coordinating
13 efforts relating to preparedness, response, re-
14 covery, and mitigation.

15 (3) Leading the Federal Government's con-
16 tinuity of operations programs by—

17 (A) formulating guidance and establishing
18 common standards for the Federal Government
19 to use in developing viable, executable con-
20 tinuity of operations plans;

21 (B) facilitating interagency coordination,
22 as appropriate; and

23 (C) overseeing and assessing the status of
24 continuity of operations capabilities within the
25 Federal Government.

1 (b) NATIONAL RESPONSE PLAN.—

2 (1) ROLE OF FEMA.—Notwithstanding any
3 other provision of law, the Agency shall be the lead
4 agency for the National Response Plan.

5 (2) REVISION OF RESPONSE PLAN.—Not later
6 than 30 days after the date of enactment of this
7 Act, the Director shall revise the National Response
8 Plan to reflect the establishment of and incorporate
9 the Agency as an independent establishment under
10 this Act.

11 **SEC. 103. DIRECTOR; DEPUTY DIRECTOR.**

12 (a) DIRECTOR.—

13 (1) IN GENERAL.—The Agency shall be headed
14 by a Director, who shall be appointed by the Presi-
15 dent, by and with the advice and consent of the Sen-
16 ate, and who shall report directly to the President.
17 The Director shall be compensated at the rate pro-
18 vided for at level I of the Executive Schedule under
19 section 5312 of title 5, United States Code.

20 (2) QUALIFICATIONS.—The Director shall be
21 appointed from among individuals who have exten-
22 sive experience in emergency preparedness, response,
23 recovery, and mitigation for all hazards, including
24 major disasters, acts of terrorism, and other emer-
25 gencies.

1 (3) TERM OF OFFICE.—The term of office of an
2 individual appointed as the Director shall be 5 years.
3 Such individual may be appointed in accordance
4 with paragraph (1) for an additional term of 5
5 years.

6 (4) CONFORMING AMENDMENT.—Section 5312
7 of title 5, United States Code, is amended by adding
8 at the end the following:

9 “ Director of the Federal Emergency Manage-
10 ment Agency.”.

11 (b) DEPUTY DIRECTOR.—

12 (1) IN GENERAL.—The Agency shall have one
13 Deputy Director appointed in the competitive service
14 by the Director.

15 (2) QUALIFICATIONS.—The Deputy Director
16 shall be appointed from among individuals who have
17 extensive experience in emergency preparedness, re-
18 sponse, recovery, and mitigation for all hazards, in-
19 cluding major disasters, acts of terrorism, and other
20 emergencies.

21 (3) DUTIES.—The Deputy Director shall—

22 (A) carry out duties and powers prescribed
23 by the Director; and

1 (B) act for the Director when the Director
2 is absent or unable to serve or when the posi-
3 tion of the Director is vacant.

4 **SEC. 104. OFFICE OF THE INSPECTOR GENERAL.**

5 The Agency shall have an office of the Inspector Gen-
6 eral, headed by an Inspector General, in accordance with
7 the Inspector General Act of 1978 (Public Law 95–452;
8 5 U.S.C. App.).

9 **SEC. 105. TRANSFER OF FUNCTIONS.**

10 (a) IN GENERAL.—There shall be transferred to the
11 Director—

12 (1) the functions of the Department of Home-
13 land Security relating to the Federal Emergency
14 Management Agency, including the functions of the
15 Department under sections 430(c)(3), 430(c)(8),
16 502 (other than paragraph (2)), and 503(1) of the
17 Homeland Security Act of 2002 (6 U.S.C. 238(c)(3),
18 238(c)(8), 312, 313(1));

19 (2) other functions of the Directorate for Pre-
20 paredness of the Department (other than those func-
21 tions relating to law enforcement efforts to prevent
22 and deter acts of terrorism, protect critical infra-
23 structure, and conduct intelligence activities); and

24 (3) the functions relating to the Agency under
25 any other law, including—

1 (A) the National Flood Insurance Act of
2 1968 (42 U.S.C. 4001 et seq.);

3 (B) the Robert T. Stafford Disaster Relief
4 and Emergency Assistance Act (42 U.S.C. 5121
5 et seq.);

6 (C) the Earthquake Hazards Reduction
7 Act of 1977 (42 U.S.C. 7701 et seq.);

8 (D) the National Dam Safety Program Act
9 (33 U.S.C. 467 et seq.);

10 (E) the Federal Fire Prevention and Con-
11 trol Act of 1974 (15 U.S.C. 2201 et seq.); and

12 (F) Reorganization Plan No. 3 of 1978 (5
13 U.S.C. App.).

14 (b) TRANSITION PERIOD.—The transfers under this
15 section shall be carried not later than February 1, 2007.
16 During the transition period, the Secretary of Homeland
17 Security shall provide to the Director such assistance, in-
18 cluding the use of personnel and assets, as the Director
19 may request in preparing for the transfer.

20 (c) TRANSITION.—The Director may use—

21 (1) the services of such officers, employees, and
22 other personnel of the Agency with respect to func-
23 tions transferred by this section; and

1 (2) funds appropriated to such functions for
2 such period of time as may reasonably be needed to
3 facilitate the orderly implementation of this section.

4 (d) LIAISON OFFICE TO ENSURE COORDINATION
5 WITH THE DEPARTMENT OF HOMELAND SECURITY.—

6 The Director shall establish a liaison office within the
7 Agency to ensure adequate coordination with the Depart-
8 ment of Homeland Security during an actual or potential
9 terrorist incident.

10 **SEC. 106. PERSONNEL AND OTHER TRANSFERS.**

11 (a) PERSONNEL PROVISIONS.—

12 (1) APPOINTMENTS.—The Director may ap-
13 point and fix the compensation of such officers and
14 employees, including investigators, attorneys, and
15 administrative law judges, as may be necessary to
16 carry out the respective functions transferred under
17 section 105. Except as otherwise provided by law,
18 such officers and employees shall be appointed in ac-
19 cordance with the civil service laws and their com-
20 pensation fixed in accordance with title 5, United
21 States Code.

22 (2) EXPERTS AND CONSULTANTS.—The Direc-
23 tor may obtain the services of experts and consult-
24 ants in accordance with section 3109 of title 5,
25 United States Code, and compensate such experts

1 and consultants for each day (including traveltime)
2 during which they are engaged in the actual per-
3 formance of such services at rates not in excess of
4 the rate of pay for level IV of the Executive Sched-
5 ule under section 5315 of such title. The Director
6 may pay experts and consultants who are serving
7 away from their homes or regular place of business,
8 travel expenses and per diem in lieu of subsistence
9 at rates authorized by sections 5702 and 5703 of
10 such title for persons in Government service em-
11 ployed intermittently.

12 (b) DELEGATION AND ASSIGNMENT.—Except where
13 otherwise expressly prohibited by law or otherwise pro-
14 vided by this title, the Director may delegate any of the
15 functions transferred to the Director by section 105 and
16 any function transferred or granted to the Director after
17 the date of the transfers by section 105 to such officers
18 and employees of the Agency as the Director may des-
19 ignate and may authorize successive redelegations of such
20 functions as may be necessary or appropriate. No delega-
21 tion of functions by the Director under this subsection or
22 under any other provision of this title shall relieve the Di-
23 rector of responsibility for the administration of such func-
24 tions.

1 (c) REORGANIZATION.—The Director may allocate or
2 reallocate any function transferred under section 105
3 among the officers of the Agency, and may establish, con-
4 solidate, alter, or discontinue such organizational entities
5 in the Agency as may be necessary or appropriate if the
6 Director, on or before the 30th day preceding the date
7 of the allocation or reallocation, provides to the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives and the Committee on Homeland Security
10 and Governmental Affairs of the Senate written notice of
11 the allocation or reallocation.

12 (d) RULES.—The Director may prescribe, in accord-
13 ance with the provisions of chapters 5 and 6 of title 5,
14 United States Code, such rules and regulations as the Di-
15 rector determines necessary or appropriate to administer
16 and manage the functions of the Agency.

17 (e) TRANSFER AND ALLOCATIONS OF APPROPRIA-
18 TIONS AND PERSONNEL.—Except as otherwise provided
19 in this title, the personnel employed in connection with,
20 and the assets, liabilities, contracts, property, records, and
21 unexpended balances of appropriations, authorizations, al-
22 locations, and other funds employed, used, held, arising
23 from, available to, or to be made available in connection
24 with the functions transferred by section 105, subject to
25 section 1531 of title 31, United States Code, shall be

1 transferred to the Agency. Unexpended funds transferred
2 pursuant to this subsection shall be used only for the pur-
3 poses for which the funds were originally authorized and
4 appropriated.

5 (f) INCIDENTAL TRANSFERS.—The Director of the
6 Office of Management and Budget, in consultation with
7 the Director, may make such determinations as may be
8 necessary with regard to the functions transferred by sec-
9 tion 105, and may make such additional incidental disposi-
10 tions of personnel, assets, liabilities, grants, contracts,
11 property, records, and unexpended balances of appropria-
12 tions, authorizations, allocations, and other funds held,
13 used, arising from, available to, or to be made available
14 in connection with such functions, as may be necessary
15 to carry out the provisions of this title. The Director of
16 the Office of Management and Budget shall provide for
17 the termination of the affairs of all entities terminated by
18 this title and for such further measures and dispositions
19 as may be necessary to effectuate the purposes of this
20 title.

21 (g) EFFECT ON PERSONNEL.—

22 (1) IN GENERAL.—Except as otherwise pro-
23 vided by this title, the transfer pursuant to this title
24 of full-time personnel (except special Government
25 employees) and part-time personnel holding perma-

1 nent positions shall not cause any such employee to
2 be separated or reduced in grade or compensation
3 for one year after the date of transfer of such em-
4 ployee under this title.

5 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
6 as otherwise provided in this title, any person who,
7 on the day preceding the date of the transfers of
8 functions under section 105, held a position com-
9 pensated in accordance with the Executive Schedule
10 prescribed in chapter 53 of title 5, United States
11 Code, and who, without a break in service, is ap-
12 pointed in the Agency to a position having duties
13 comparable to the duties performed immediately pre-
14 ceding such appointment shall continue to be com-
15 pensated in such new position at not less than the
16 rate provided for such previous position, for the du-
17 ration of the service of such person in such new po-
18 sition.

19 **SEC. 107. SAVINGS PROVISIONS.**

20 (a) SAVINGS PROVISIONS.—

21 (1) CONTINUING EFFECT OF LEGAL DOCU-
22 MENTS.—All orders, determinations, rules, regula-
23 tions, permits, agreements, grants, contracts, certifi-
24 cates, licenses, registrations, privileges, and other
25 administrative actions—

1 (A) which have been issued, made, grant-
2 ed, or allowed to become effective by the Presi-
3 dent, any Federal agency or official thereof, or
4 by a court of competent jurisdiction, in the per-
5 formance of functions that are transferred
6 under section 105; and

7 (B) which are in effect on the date of the
8 transfers of functions under section 105, or
9 were final before such date and are to become
10 effective on or after such date, shall continue in
11 effect according to their terms until modified,
12 terminated, superseded, set aside, or revoked in
13 accordance with law by the President, the Di-
14 rector, or other authorized official, a court of
15 competent jurisdiction, or by operation of law.

16 (2) PROCEEDINGS NOT AFFECTED.—The provi-
17 sions of this title shall not affect any proceedings,
18 including notices of proposed rulemaking, or any ap-
19 plication for any license, permit, certificate, or finan-
20 cial assistance pending before the Agency on the
21 date of the transfers of functions under section 105,
22 with respect to functions transferred by section 105
23 but such proceedings and applications shall continue.
24 Orders shall be issued in such proceedings, appeals
25 shall be taken therefrom, and payments shall be

1 made pursuant to such orders, as if this title had
2 not been enacted, and orders issued in any such pro-
3 ceedings shall continue in effect until modified, ter-
4 minated, superseded, or revoked by a duly author-
5 ized official, by a court of competent jurisdiction, or
6 by operation of law. Nothing in this paragraph shall
7 be deemed to prohibit the discontinuance or modi-
8 fication of any such proceeding under the same
9 terms and conditions and to the same extent that
10 such proceeding could have been discontinued or
11 modified if this title had not been enacted.

12 (3) SUITS NOT AFFECTED.—The provisions of
13 this title shall not affect suits commenced before the
14 date of the transfers of functions under section 105,
15 and in all such suits, proceedings shall be had, ap-
16 peals taken, and judgments rendered in the same
17 manner and with the same effect as if this title had
18 not been enacted.

19 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
20 tion, or other proceeding commenced by or against
21 the Agency, or by or against any individual in the
22 official capacity of such individual as an officer of
23 the Agency, shall abate by reason of the enactment
24 of this title.

1 (5) ADMINISTRATIVE ACTIONS RELATING TO
2 PROMULGATION OF REGULATIONS.—Any administra-
3 tive action relating to the preparation or promulga-
4 tion of a regulation by the Agency relating to a
5 function transferred under section 105 may be con-
6 tinued by the Agency with the same effect as if this
7 title had not been enacted.

8 (b) REFERENCES.—Any reference in any other Fed-
9 eral law, Executive order, rule, regulation, or delegation
10 of authority, or any document of or pertaining to a depart-
11 ment, agency, or office from which a function is trans-
12 ferred by section 105—

13 (1) to the head of such department, agency, or
14 office is deemed to refer to the head of the depart-
15 ment, agency, or office to which such function is
16 transferred; or

17 (2) to such department, agency, or office is
18 deemed to refer to the department, agency, or office
19 to which such function is transferred.

20 **SEC. 108. CONFORMING AND TECHNICAL AMENDMENTS.**

21 (a) CHIEF FINANCIAL OFFICER.—Section 901(b)(2)
22 of title 31, United States Code, is amended by adding at
23 the end the following:

24 “(H) The Federal Emergency Management
25 Agency.”.

1 (b) RECOMMENDED LEGISLATION.—

2 (1) IN GENERAL.—After consultation with the
3 appropriate committees of Congress and the Direc-
4 tor of the Office of Management and Budget, the
5 Director shall prepare recommended legislation con-
6 taining technical and conforming amendments to re-
7 flect the changes made by this title.

8 (2) SUBMISSION TO CONGRESS.—Not later than
9 90 days after the last day of the transition period
10 referred to in section 105(b), the Director shall sub-
11 mit to Congress a report containing the rec-
12 ommended legislation.

13 (c) REPEALS.—The following provisions of the
14 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)
15 are repealed:

16 (1) Section 503(1).

17 (2) Section 507.

18 **Subtitle B—Federal Emergency**
19 **Management Agency Personnel**

20 **SEC. 121. WORKFORCE DEVELOPMENT.**

21 (a) IN GENERAL.—Subpart I of part III of title 5,
22 United States Code, is amended by adding at the end the
23 following:

1 **“CHAPTER 101—FEDERAL EMERGENCY**
2 **MANAGEMENT AGENCY PERSONNEL**

“Sec.

“10101. Definitions.

“10102. Human capital strategy.

“10103. Recruitment bonuses for the Federal Emergency Management Agency.

“10104. Retention bonuses for the Federal Emergency Management Agency.

“10105. Disaster workforce reserve cadre.

3 **“§ 10101. Definitions**

4 “For purposes of this chapter—

5 “(1) the term ‘Federal Emergency Management
6 Agency’ or ‘Agency’ shall be considered to refer to
7 the Federal Emergency Management Agency estab-
8 lished under section 101 of the RESPOND Act of
9 2006; and

10 “(2) the term ‘Director of the Federal Emer-
11 gency Management Agency’ or ‘Director’ shall be
12 considered to refer to the Director of the Federal
13 Emergency Management Agency appointed under
14 section 103 of the RESPOND Act of 2006.

15 **“§ 10102. Human capital strategy**

16 “(a) IN GENERAL.—The Director of the Federal
17 Emergency Management Agency shall develop a human
18 capital strategy to ensure that the Agency has a workforce
19 of the appropriate size and with the appropriate skills and
20 training to effectively carry out the mission and respon-
21 sibilities of the Agency, consistent with the policies and
22 plans developed pursuant to this section.

1 “(b) CONTENT.—The strategy shall include, at a
2 minimum—

3 “(1) a workforce development strategy for the
4 Agency;

5 “(2) an assessment of the workforce character-
6 istics and future needs of the Agency;

7 “(3) an analysis of how the Agency’s human re-
8 sources policies and programs align with the Agen-
9 cy’s mission, strategic goals, and performance out-
10 comes; and

11 “(4) any other elements that the Director deter-
12 mines necessary to develop and maintain a human
13 capital strategy, including elements described in sec-
14 tion 1402.

15 “(c) SCHEDULE.—The Director shall transmit to
16 Congress—

17 “(1) the strategy developed under this section
18 not later than 6 months after the date of enactment
19 of this chapter; and

20 “(2) periodic updates to the strategy referred to
21 in paragraph (1).

22 **“§ 10103. Recruitment bonuses for the Federal Emer-**
23 **gency Management Agency**

24 “(a) IN GENERAL.—The Director of the Federal
25 Emergency Management Agency may pay a bonus to an

1 individual in order to recruit the individual for a position
2 within the Agency that would otherwise be difficult to fill
3 in the absence of such a bonus.

4 “(b) BONUS AMOUNT.—

5 “(1) IN GENERAL.—The amount of a bonus
6 under this section shall be determined by the Direc-
7 tor, but may not exceed 25 percent of the annual
8 rate of basic pay of the position involved.

9 “(2) FORM OF PAYMENT.—A bonus under this
10 section shall be paid in the form of a lump-sum pay-
11 ment and shall not be considered to be part of basic
12 pay.

13 “(c) SERVICE AGREEMENTS.—Payment of a bonus
14 under this section shall be contingent upon the employee
15 entering into a written service agreement with the Federal
16 Emergency Management Agency. The agreement shall in-
17 clude—

18 “(1) the period of service the individual shall be
19 required to complete in return for the bonus; and

20 “(2) the conditions under which the agreement
21 may be terminated before the agreed-upon service
22 period has been completed, and the effect of the ter-
23 mination.

24 “(d) ELIGIBILITY.—A bonus under this section may
25 not be paid to recruit an individual for—

1 “(2) the Director determines that, in the ab-
2 sence of such a bonus, the employee would be likely
3 to leave—

4 “(A) the Federal service; or

5 “(B) for a different position in the Federal
6 service.

7 “(b) SERVICE AGREEMENT.—Payment of a bonus
8 under this section is contingent upon the employee enter-
9 ing into a written service agreement with the Agency to
10 complete a period of service with the Agency. Such agree-
11 ment shall include—

12 “(1) the period of service the individual shall be
13 required to complete in return for the bonus; and

14 “(2) the conditions under which the agreement
15 may be terminated before the agreed-upon service
16 period has been completed, and the effect of the ter-
17 mination.

18 “(c) BONUS AMOUNT.—

19 “(1) IN GENERAL.—The amount of a bonus
20 under this section shall be determined by the Direc-
21 tor, but may not exceed 25 percent of the annual
22 rate of basic pay of the position involved.

23 “(2) FORM OF PAYMENT.—A bonus under this
24 section shall be paid in the form of a lump-sum pay-

1 ment and shall not be considered to be part of basic
2 pay.

3 “(d) LIMITATION.—A bonus under this section may
4 not be based on any period of service which is the basis
5 for a recruitment bonus under section 10103.

6 “(e) TERMINATION OF AUTHORITY.—The authority
7 to grant bonuses under this section shall expire 5 years
8 after the date of enactment of this chapter.

9 **“§ 10105. Disaster workforce reserve cadre**

10 “(a) ESTABLISHMENT.—There is established within
11 the Federal Emergency Management Agency a disaster
12 workforce reserve cadre to meet the Agency’s surge re-
13 quirements during periods of emergency, as determined by
14 the Director of the Federal Emergency Management
15 Agency.

16 “(b) REVIEW.—Not later than 90 days after the date
17 of enactment of this chapter, the Director shall conduct
18 a comprehensive review of the current disaster workforce
19 reserves for the purpose of identifying areas for redevel-
20 opment. As part of the review, the Director shall review and
21 redevelop the disaster workforce to create a capable cadre
22 by—

23 “(1) providing for the effective utilization of the
24 disaster workforce;

1 “(2) establishing consistent and shorter disaster
2 workforce mobilization times;

3 “(3) establishing standards to meet mission re-
4 quirements;

5 “(4) establishing a robust credentialing system
6 for the disaster workforce to integrate capabilities
7 and skill sets into job descriptions for a more effec-
8 tive and faster response capability;

9 “(5) establishing employment protections for
10 disaster workforce reservists; and

11 “(6) establishing a streamlined deployment sys-
12 tem.

13 “(c) ANNUITANTS.—If an individual receiving an an-
14 nuity from the Civil Service Retirement and Disability
15 Fund becomes temporarily reemployed pursuant to this
16 section, such annuity shall not be discontinued thereby.
17 An individual so reemployed shall not be considered an
18 employee for the purposes of chapter 83 or 84.

19 “(d) EXPENSES.—The Director may provide mem-
20 bers of the disaster workforce reserve cadre transportation
21 and per diem in lieu of subsistence, in accordance with
22 applicable provisions of this title, for the purpose of par-
23 ticipating in any training that relates to service as a mem-
24 ber of the disaster workforce reserve cadre.”.

1 (b) CONFORMING AMENDMENT.—The table of chap-
 2 ters for subpart I of part III of title 5, United States
 3 Code, is amended by adding at the end the following:

“101. Federal Emergency Management Agency personnel 10101”.

4 **TITLE II—STRENGTHENING THE**
 5 **FEDERAL EMERGENCY MAN-**
 6 **AGEMENT AGENCY**

7 **SEC. 201. CATASTROPHIC PLANNING PROGRAM.**

8 Subtitle A of title VI of the Robert T. Stafford Dis-
 9 aster Relief and Emergency Assistance Act (42 U.S.C.
 10 5196 et seq.) is amended by adding at the end the fol-
 11 lowing:

12 **“SEC. 616. CATASTROPHIC PLANNING PROGRAM.**

13 “(a) ESTABLISHMENT.—The Director shall establish
 14 a program to assist States and local governments rep-
 15 resenting areas at substantial risk for a catastrophic inci-
 16 dent, and other Federal agencies as appropriate, in devel-
 17 oping a comprehensive program to prepare for a cata-
 18 strophic incident.

19 “(b) ACTIVITIES.—The program may include plan-
 20 ning, training, exercises, and such other activities as the
 21 Director considers necessary.

22 “(c) SITE SELECTION.—In conducting the program,
 23 the Director, in coordination with a State or local govern-
 24 ment, shall select sites within the jurisdiction of such
 25 State or local government that are at substantial risk for

1 a catastrophic incident and require additional prepared-
2 ness activities to ensure an effective response and recov-
3 ery.

4 “(d) CATASTROPHIC INCIDENT.—In this section, the
5 term ‘catastrophic incident’ means any natural or man-
6 made incident, including terrorism, that results in extraor-
7 dinary levels of mass casualties, damage, or disruption se-
8 verely affecting the population, infrastructure, environ-
9 ment, economy, national morale, or government functions.

10 “(e) REPORT.—The Director shall submit to the
11 Committee on Transportation and Infrastructure of the
12 House of Representatives and the Committee on Home-
13 land Security and Governmental Affairs of the Senate a
14 report on the preparedness levels of participating jurisdic-
15 tions.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$30,000,000 for fiscal year 2007, \$32,000,000 for fiscal
19 year 2008, \$34,000,000 for fiscal year 2009, and such
20 sums as are necessary for each fiscal year thereafter. Such
21 sums shall remain available until expended.”.

22 **SEC. 202. EMERGENCY RESPONSE TEAMS.**

23 Section 303 of the Robert T. Stafford Disaster Relief
24 and Emergency Assistance Act (42 U.S.C. 5144) is
25 amended—

1 (1) by striking the section heading and all that
2 follows through “The President shall” and inserting
3 the following:

4 **“SEC. 303. EMERGENCY SUPPORT AND RESPONSE TEAMS.**

5 “(a) EMERGENCY SUPPORT TEAMS.—The President
6 shall”; and

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

8 “(b) EMERGENCY RESPONSE TEAMS.—

9 “(1) ESTABLISHMENT.—In carrying out sub-
10 section (a), the President, acting through the Direc-
11 tor of the Federal Emergency Management Agency,
12 shall establish at a minimum 3 national response
13 teams and sufficient regional and other response
14 teams as may be necessary to meet the incident
15 management responsibilities of the Federal Govern-
16 ment.

17 “(2) TARGET CAPABILITY LEVEL.—The Direc-
18 tor shall ensure that specific target capability levels,
19 as defined pursuant to the guidelines established
20 under section 703(b)(2)(A), are established for Fed-
21 eral emergency response teams.

22 “(3) PERSONNEL.—The President, acting
23 through the Director, shall ensure that the Federal
24 emergency response teams consist of adequate num-
25 bers of properly planned, organized, equipped,

1 trained, and exercised personnel to achieve the es-
2 tablished target capability levels.

3 “(4) READINESS REPORTING.—The Director
4 shall evaluate team readiness on a regular basis and
5 report team readiness levels in the report required
6 under section 703(b)(8)(A).”.

7 **SEC. 203. EMERGENCY OPERATIONS CENTERS.**

8 (a) NATIONAL.—The Director shall maintain and op-
9 erate within the Federal Emergency Management Agency
10 a national emergency operations center to support Federal
11 emergency operations.

12 (b) REGIONAL.—The Director shall ensure that each
13 region of the Agency maintains and operates an emer-
14 gency operations center to support Federal emergency op-
15 erations.

16 (c) TARGET CAPABILITY LEVELS.—The Director
17 shall ensure that specific target capability levels, as de-
18 fined pursuant to the guidelines established under section
19 703(b)(2)(A) of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act (as added by this Act), are
21 established for national and regional emergency operations
22 centers.

23 (d) PERSONNEL.—The Director shall ensure that the
24 national and regional emergency operations centers consist
25 of adequate numbers of properly planned, organized,

1 equipped, trained, and exercised personnel to achieve the
2 established target capability levels.

3 (e) **READINESS REPORTING.**—The Director shall
4 evaluate the readiness of the emergency operations centers
5 on a regular basis and report readiness levels in the report
6 required under section 703(b)(8)(A) of such Act.

7 **SEC. 204. LOGISTICS.**

8 (a) **IN GENERAL.**—The Director shall develop an effi-
9 cient, transparent, and flexible logistics system for pro-
10 curement and delivery of goods and services necessary for
11 an effective and timely response to major disasters and
12 other emergencies and for real-time visibility of items at
13 each point throughout the logistics system.

14 (b) **SYSTEM DEVELOPMENT.**—The Director shall en-
15 sure that the logistics system is developed through the use
16 of in-house, private sector, and other Federal agency logis-
17 tics capabilities (or a combination thereof).

18 (c) **STATE AND LOCAL CONTRACTS.**—The Director
19 shall encourage State and local governments to establish
20 contracts with private sector vendors for disaster relief
21 supplies in advance of major disasters and other emer-
22 gencies.

23 **SEC. 205. COMMUNICATIONS.**

24 (a) **COMMUNICATIONS CAPABILITY.**—The Director
25 shall establish and maintain a durable, deployable, oper-

1 able, and interoperable communications capability within
2 the Agency in order to gain and retain incident manage-
3 ment communications in areas that have lost regular com-
4 munications systems during major disasters and other
5 emergencies.

6 (b) RECONNAISSANCE TEAMS.—The Director shall
7 establish self-sustaining reconnaissance teams to relay in-
8 formation back to Agency headquarters to improve situa-
9 tional awareness and incident management coordination.

10 **SEC. 206. EMERGENCY EQUIPMENT ASSISTANCE.**

11 Subtitle B of title VI of the Robert T. Stafford Dis-
12 aster Relief and Emergency Assistance Act (42 U.S.C.
13 5197 et seq.) is amended by adding at the end the fol-
14 lowing:

15 **“SEC. 630. EMERGENCY EQUIPMENT ASSISTANCE.**

16 “(a) GRANTS.—The Director shall carry out a pro-
17 gram to make grants to States and local governments to
18 improve the response capabilities of the States and local
19 governments in the event of a major disaster or other
20 emergency.

21 “(b) USE OF FUNDS.—Grants amounts received by
22 a State or local government under this section shall be
23 used—

24 “(1) to purchase or improve commercially avail-
25 able interoperable communications equipment that—

1 “(A) complies with, where applicable, na-
2 tional voluntary consensus standards;

3 “(B) facilitates operability, interoper-
4 ability, coordination, and integration between
5 and among emergency communications systems
6 (including satellite phone and satellite commu-
7 nications equipment); and

8 “(C) ensures that first responders, govern-
9 ment officials, and emergency personnel are
10 able to adequately and effectively communicate
11 with each other in the event of a major disaster
12 or other emergency;

13 “(2) to purchase mobile equipment to generate
14 emergency power; and

15 “(3) to train first responders and emergency
16 personnel on how best to use effectively such equip-
17 ment.

18 “(c) APPLICATIONS.—A State or local government
19 seeking a grant under this section shall submit to the Di-
20 rector an application at such time, in such manner, and
21 accompanied by such information as the Director may re-
22 quire.

23 “(d) TECHNICAL ASSISTANCE.—The Director shall
24 provide to States and local governments technical assist-

1 ance with respect to the procurement, installation, and use
2 of equipment under subsection (b)(1).

3 “(e) COORDINATION.—In implementing the program,
4 the Director shall ensure the coordination with other
5 emergency equipment assistance grant programs.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$200,000,000 for each of fiscal years 2006, 2007, and
9 2008. Such sums shall remain available until expended.”.

10 **SEC. 207. OVERSIGHT AND ACCOUNTABILITY OF FEDERAL**
11 **DISASTER EXPENDITURES.**

12 (a) PURPOSE.—The purposes of this section is to en-
13 sure that Federal agencies exercise sufficient stewardship
14 over the funds provided to the agencies through Agency
15 mission assignments for disaster response, relief, and re-
16 covery activities by requiring and funding management
17 oversight activities to prevent fraud, waste, and abuse and
18 to detect and pursue prosecution of fraud so that tax-
19 payers’ interests are fully protected.

20 (b) AUTHORITY OF DIRECTOR TO DESIGNATE FUNDS
21 FOR OVERSIGHT ACTIVITIES.—The Director may des-
22 ignate up to one percent of the final value of mission as-
23 signments provided to Federal agencies to be used by the
24 recipient agency for performing oversight of activities car-
25 ried out under the Agency reimbursable mission assign-

1 ment process. Such funds shall remain available until ex-
2 pended.

3 (c) USE OF FUNDS.—

4 (1) TYPES OF OVERSIGHT ACTIVITIES.—Over-
5 sight funds may be used for the following types of
6 oversight activities related to Agency mission assign-
7 ments:

8 (A) Monitoring, tracking, and auditing ex-
9 penditures of funds.

10 (B) Ensuring that sufficient management
11 and internal control mechanisms are available
12 so that Agency funds are spent appropriately
13 and in accordance with all applicable laws and
14 regulations.

15 (C) Reviewing selected contracts and other
16 activities.

17 (D) Investigating allegations of fraud in-
18 volving Agency funds.

19 (E) Conducting and participating in fraud
20 prevention activities with other Federal, State,
21 and local government personnel and contrac-
22 tors.

23 (2) OTHER MISSION ASSIGNMENTS.—Oversight
24 funds may be expended for oversight activities re-
25 lated to a disaster mission assignment other than

1 the mission assignment for which the funds were ini-
2 tially provided.

3 (3) PROGRESS REPORTS.—Oversight funds may
4 be used to produce progress reports required under
5 subsection (e).

6 (d) RESTRICTION ON USE OF FUNDS.—Oversight
7 funds may not be used to finance existing and inherent
8 agency oversight responsibilities related to direct agency
9 appropriations used for disaster response, relief, and re-
10 covery activities.

11 (e) FEDERAL DISASTER ASSISTANCE ACCOUNT-
12 ABILITY REPORTS.—A Federal agency receiving oversight
13 funds under this section shall submit annually to the Di-
14 rector and the appropriate committees of Congress a con-
15 solidated report regarding the use of such funds, including
16 information summarizing oversight activities and the re-
17 sults achieved.

18 (f) OVERSIGHT FUNDS.—In this section, the term
19 “oversight funds” means funds referred to in subsection
20 (b) that are designated for use in performing oversight
21 activities.

1 **TITLE III—COMPREHENSIVE**
 2 **EMERGENCY PREPAREDNESS**
 3 **SYSTEM**

4 **SEC. 301. NATIONAL EMERGENCY PREPAREDNESS.**

5 (a) IN GENERAL.—The Robert T. Stafford Disaster
 6 Relief and Emergency Assistance Act (42 U.S.C. 5122 et
 7 seq.) is amended—

8 (1) by redesignating title VII as title VIII;

9 (2) by redesignating sections 701 through 705
 10 as sections 801 through 805, respectively; and

11 (3) by inserting after title VI the following:

12 **“TITLE VII—COMPREHENSIVE**
 13 **EMERGENCY PREPAREDNESS**
 14 **SYSTEM**

15 **“SEC. 701. DEFINITIONS.**

16 “In this title, the definitions contained in section 602
 17 and the following definitions apply:

18 “(1) CAPABILITY.—The term ‘capability’ means
 19 the ability to provide the means to accomplish one
 20 or more tasks under specific conditions and to spe-
 21 cific performance standards. A capability may be de-
 22 livered with any combination of properly planned, or-
 23 ganized, equipped, trained, and exercised personnel
 24 that achieves the intended outcome.

1 “(2) COVERED GRANT.—The term ‘covered
2 grant’ means a grant referred to in section 708 and
3 any other emergency preparedness grant adminis-
4 tered by the Federal Emergency Management Agen-
5 cy.

6 “(3) MISSION ASSIGNMENT.—The term ‘mission
7 assignment’ means a work order issued to a Federal
8 agency by the Federal Emergency Management
9 Agency, directing completion by that agency of a
10 specified task and setting forth funding, other mana-
11 gerial controls, and guidance.

12 “(4) OPERATIONAL READINESS.—The term
13 ‘operational readiness’ means the capability of an or-
14 ganization, an asset, a system, or equipment to per-
15 form the missions or functions for which it is orga-
16 nized or designed.

17 “(5) PERFORMANCE MEASURE.—The term ‘per-
18 formance measure’ means a quantitative or quali-
19 tative characteristic used to gauge the results of an
20 outcome compared to its intended purpose.

21 “(6) PERFORMANCE METRIC.—The term ‘per-
22 formance metric’ means a particular value or char-
23 acteristic used to measure the outcome that is gen-
24 erally expressed in terms of a baseline and a target.

1 **“SEC. 702. NATIONAL EMERGENCY PREPAREDNESS GOAL.**

2 “(a) ESTABLISHMENT.—The President, acting
3 through the Director, shall establish and revise as nec-
4 essary a national emergency preparedness goal that de-
5 fines the target level of emergency preparedness to ensure
6 the Nation’s ability to respond to, recover from, and miti-
7 gate against all hazards, including major disasters and
8 other emergencies.

9 “(b) NATIONAL INCIDENT MANAGEMENT SYSTEM
10 AND NATIONAL RESPONSE PLAN.—The national emer-
11 gency preparedness goal, to the greatest extent prac-
12 ticable, shall be consistent with the national incident man-
13 agement system and national response plan.

14 **“SEC. 703. ESTABLISHMENT OF THE NATIONAL EMER-
15 GENCY PREPAREDNESS SYSTEM.**

16 “(a) ESTABLISHMENT.—The President, acting
17 through the Director, shall establish a national emergency
18 preparedness system to enable the Nation to meet the na-
19 tional emergency preparedness goal.

20 “(b) COMPONENTS.—The national emergency pre-
21 paredness system includes the following components:

22 “(1) NATIONAL PLANNING SCENARIOS.—

23 “(A) IN GENERAL.—The Director, in co-
24 ordination with the heads of other appropriate
25 Federal agencies and the Task Force estab-
26 lished under section 707(a), may develop plan-

1 ning scenarios to reflect the relative risk re-
2 quirements presented by all hazards in order to
3 provide the foundation for the flexible and
4 adaptive development of target capabilities and
5 the identification of target capability levels to
6 meet the national emergency preparedness goal.

7 “(B) DEVELOPMENT.—In developing na-
8 tional planning scenarios, the Director shall en-
9 sure that the scenarios—

10 “(i) reflect the relative risk of all haz-
11 ards and illustrate the potential scope,
12 magnitude, and complexity of a broad
13 range of representative hazards; and

14 “(ii) provide the minimum number of
15 representative scenarios necessary to iden-
16 tify and define the tasks and target capa-
17 bilities required to respond to all hazards.

18 “(2) TARGET CAPABILITIES AND EMERGENCY
19 PREPAREDNESS PRIORITIES.—

20 “(A) ESTABLISHMENT OF GUIDELINES ON
21 TARGET CAPABILITIES.—Not later than 180
22 days after the date of enactment of the Restor-
23 ing Emergency Services to Protect Our Nation
24 From Disasters Act of 2006, the Director, in
25 coordination with the heads of other appro-

1 appropriate Federal agencies, including the National
2 Council on Disability, and the Task Force es-
3 tablished under section 707(a), shall update
4 and revise as necessary guidelines to define the
5 risk-based target capabilities for Federal, State,
6 and local government emergency preparedness
7 that enables the Nation to respond to, recover
8 from, and mitigate against all hazards, includ-
9 ing major disasters and other emergencies.

10 “(B) DISTRIBUTION OF GUIDELINES.—

11 The Director shall ensure that the guidelines
12 are provided promptly to Congress and the
13 States. The States are encouraged to make the
14 guidelines available to local governments within
15 their jurisdictions.

16 “(C) OBJECTIVES.—The Director shall en-

17 sure that the guidelines established under sub-
18 paragraph (A) meet the following objectives:

19 “(i) SPECIFICITY.—The guidelines

20 specifically describe the training, planning,
21 personnel, and equipment that Federal,
22 State, and local governments need to pos-
23 sess, or to which they need to have access,
24 in order to meet the national emergency
25 preparedness goal.

1 “(ii) FLEXIBILITY.—The guidelines
2 are sufficiently flexible to allow Federal,
3 State, and local government officials to set
4 priorities based on particular needs, while
5 achieving nationally determined emergency
6 preparedness levels within a specified time
7 period.

8 “(iii) MEASURABILITY.—The guide-
9 lines are designed to enable measurement
10 of progress toward specific emergency pre-
11 paredness levels.

12 “(D) EMERGENCY PREPAREDNESS PRIOR-
13 ITIES.—In establishing the guidelines under
14 subparagraph (A), the Director shall establish
15 emergency preparedness priorities that appro-
16 priately balance the risk of all hazards, includ-
17 ing major disasters and other emergencies with
18 the resources required to respond to, recover
19 from, and mitigate against them.

20 “(E) MUTUAL AID AGREEMENTS.—The
21 Director may provide support for the develop-
22 ment of mutual aid agreements within States.

23 “(3) EQUIPMENT.—

24 “(A) EQUIPMENT STANDARDS.—

1 “(i) IN GENERAL.—The Director, in
2 coordination with the heads of other appro-
3 priate Federal agencies and the Task
4 Force established under section 707(a),
5 shall develop, promulgate, and update as
6 necessary national voluntary consensus
7 standards for first responder equipment
8 for use in the field. In developing such
9 standards, the Director shall—

10 “(I) ensure that the standards
11 encourage and support nationwide
12 interoperability and operability of
13 equipment and other capabilities con-
14 sistent with the national emergency
15 preparedness goal, including the safe-
16 ty and health of first responders;

17 “(II) to the maximum extent
18 practicable, ensure that the standards
19 are consistent with any existing vol-
20 untary consensus standards;

21 “(III) to the maximum extent
22 practicable, ensure that the standards
23 use technologies already certified by
24 other Federal agencies of the United
25 States;

1 “(IV) take into account, as ap-
2 propriate, threats that may not have
3 been contemplated when such existing
4 standards were developed; and

5 “(V) focus on maximizing inter-
6 operability, operability, interchange-
7 ability, durability, flexibility, effi-
8 ciency, efficacy, portability, sustain-
9 ability, and safety of equipment.

10 “(ii) DEADLINE.—Not later than 180
11 days after the date of enactment of the Re-
12 storing Emergency Services to Protect Our
13 Nation From Disasters Act of 2006, the
14 Director shall promulgate standards under
15 this subparagraph.

16 “(B) CONSULTATION WITH STANDARDS
17 ORGANIZATIONS.—Before issuing standards, the
18 Director shall also consult with relevant public
19 and private sector standards organizations.

20 “(4) TRAINING AND EXERCISES.—

21 “(A) PROGRAM.—Not later than 180 days
22 after the date of enactment of the Restoring
23 Emergency Services to Protect Our Nation
24 From Disasters Act of 2006, the Director, in
25 coordination with the heads of other appro-

1 appropriate Federal agencies, including the National
2 Council on Disability, and the Task Force es-
3 tablished under section 707(a), shall establish
4 and maintain a comprehensive training program
5 for all levels of government to implement the
6 national emergency preparedness goal, national
7 incident management system, and national re-
8 sponse plan.

9 “(B) TRAINING STANDARDS.—The Direc-
10 tor shall develop and update as necessary, na-
11 tional voluntary consensus standards for the
12 training program established under subpara-
13 graph (A).

14 “(C) EXERCISES.—The Director, in coordi-
15 nation with the heads of other appropriate Fed-
16 eral agencies and the Task Force established
17 under section 707(a), shall establish and main-
18 tain a program, including risk-based scenarios
19 that stress the emergency management system,
20 to conduct emergency preparedness-related ex-
21 ercises that reinforce identified training stand-
22 ards, provide for evaluation of emergency pre-
23 paredness, and support the national emergency
24 preparedness goal, national incident manage-
25 ment system, and national response plan.

1 “(5) COMPREHENSIVE ASSESSMENT SYSTEM.—

2 “(A) ESTABLISHMENT.—The Director, in
3 coordination with the National Council on Dis-
4 ability and the Task Force established under
5 section 707(a), shall establish a comprehensive
6 system to assess on an ongoing basis, the Na-
7 tion’s overall emergency preparedness, including
8 operational readiness.

9 “(B) PERFORMANCE METRICS AND MEAS-
10 URES.—The Director shall ensure that each
11 component of the national emergency prepared-
12 ness system, national incident management sys-
13 tem, and national response plan is developed
14 with clear and quantifiable performance
15 metrics, measures, and outcomes.

16 “(C) CONTENTS.—The assessment system
17 established under subparagraph (A) shall as-
18 sess—

19 “(i) compliance with the national
20 emergency preparedness system, national
21 incident management system, and national
22 response plan to achieve a consistent ap-
23 proach to national emergency preparedness
24 and response;

1 “(ii) capability levels at the time of
2 assessment against target capability levels
3 defined pursuant to the guidelines estab-
4 lished under paragraph (2)(A);

5 “(iii) resource needs to meet the de-
6 sired target capability levels defined pursu-
7 ant to the guidelines established under
8 paragraph (2)(A); and

9 “(iv) performance of training, exer-
10 cises, and operations.

11 “(6) BEST PRACTICES, AFTER ACTION RE-
12 VIEWS, AND REMEDIAL ACTION PROGRAM.—

13 “(A) IN GENERAL.—The Director, in co-
14 ordination with the National Council on Dis-
15 ability and the Task Force established under
16 section 707(a), shall establish a system for
17 identifying best practices and conducting after
18 action reviews of incidents and exercises.

19 “(B) REMEDIAL ACTION.—The Director,
20 in coordination with the National Council on
21 Disability and the Task Force established under
22 section 707(a), shall ensure through a remedial
23 action program that the best practices and after
24 action reviews identified under subparagraph
25 (A) are used to revise and update the national

1 emergency preparedness system, national inci-
2 dent management system, and national re-
3 sponse plan on a continual basis.

4 “(7) FEDERAL RESPONSE CAPABILITY INVEN-
5 TORY.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of the Restor-
8 ing Emergency Services to Protect Our Nation
9 From Disasters Act of 2006, the Director, in
10 coordination with the heads of other appro-
11 priate Federal agencies, shall develop and main-
12 tain a Federal response capability inventory
13 that includes the performance parameters of
14 the capability, the timeframe within which the
15 capability can be brought to bear on an inci-
16 dent, and the readiness of such capability to re-
17 spond to all hazards, including major disasters
18 and other emergencies.

19 “(B) DEPARTMENT OF DEFENSE.—The
20 Director, in coordination with the Secretary of
21 Defense, shall develop a list of organizations
22 and functions within the Department of De-
23 fense that may be used, pursuant to the author-
24 ity provided under sections 402, 403, and 502
25 of this Act, to provide support to civil authori-

1 ties during major disasters and other emer-
2 gencies.

3 “(8) REPORTING REQUIREMENTS.—

4 “(A) FEDERAL EMERGENCY PREPARED-
5 NESS REPORT.—

6 “(i) IN GENERAL.—Not later than 12
7 months after the date of enactment of the
8 Restoring Emergency Services to Protect
9 Our Nation From Disasters Act of 2006,
10 and annually thereafter, the Director, in
11 coordination with the heads of other appro-
12 priate Federal agencies, shall submit to the
13 Committee on Transportation and Infra-
14 structure of the House of Representatives
15 and the Committee on Homeland Security
16 and Governmental Affairs of the Senate a
17 report on the Nation’s level of emergency
18 preparedness.

19 “(ii) CONTENTS.—Each report shall
20 include—

21 “(I) an assessment of how Fed-
22 eral emergency preparedness assist-
23 ance supports the national emergency
24 preparedness system;

1 “(II) an assessment of compli-
2 ance with the national emergency pre-
3 paredness system, national incident
4 management system, and national re-
5 sponse plan;

6 “(III) an assessment of current
7 Federal and State capability levels
8 and a description of target capability
9 levels defined pursuant to the guide-
10 lines established under paragraph
11 (2)(A);

12 “(IV) an assessment of perform-
13 ance of training, exercises, and oper-
14 ations;

15 “(V) information on the use of
16 mutual aid agreements;

17 “(VI) a review of the inventory
18 described in paragraph (7)(A); and

19 “(VII) an assessment of resource
20 needs to meet target capability levels
21 defined pursuant to the guidelines es-
22 tablished under paragraph (2)(A), in-
23 cluding—

24 “(aa) an estimate of the
25 amount of Federal, State, and

1 local expenditures required to at-
2 tain the target capability levels;
3 and

4 “(bb) the extent to which
5 target capability levels were cre-
6 ated or enhanced as the result of
7 using covered grant funds during
8 the preceding fiscal year.

9 “(B) STATE EMERGENCY PREPAREDNESS
10 REPORT.—

11 “(i) IN GENERAL.—Not later than 15
12 months after the date of enactment of the
13 Restoring Emergency Services to Protect
14 Our Nation From Disasters Act of 2006,
15 and annually thereafter, a State receiving
16 a covered grant shall submit a report to
17 the Director on the State’s level of emer-
18 gency preparedness.

19 “(ii) CONTENTS.—Each report shall
20 include—

21 “(I) an assessment of State com-
22 pliance with the national emergency
23 preparedness system, national incident
24 management system, and national re-
25 sponse plan;

1 “(II) an assessment of current
2 capability levels and a description of
3 target capability levels;

4 “(III) an assessment of State
5 performance of training, exercises,
6 and operations;

7 “(IV) information on the use of
8 mutual aid agreements;

9 “(V) information on the distribu-
10 tion by the State of the guidelines es-
11 tablished by paragraph (2)(A) to local
12 governments within its jurisdiction;
13 and

14 “(VI) an assessment of resource
15 needs to meet target capability levels
16 defined pursuant to the guidelines es-
17 tablished under paragraph (2)(A), in-
18 cluding—

19 “(aa) an estimate of the
20 amount of expenditures required
21 to attain the target capability lev-
22 els; and

23 “(bb) the extent to which
24 target capability levels were cre-
25 ated or enhanced as the result of

1 using covered grant funds during
2 the preceding fiscal year.

3 “(C) USE OF QUANTIFIABLE PERFORM-
4 ANCE MEASUREMENTS.—To the extent prac-
5 ticable, each report shall be based on quantifi-
6 able performance measurements.

7 **“SEC. 704. NATIONAL INCIDENT MANAGEMENT SYSTEM.**

8 “(a) NATIONAL INCIDENT MANAGEMENT SYSTEM.—
9 There is hereby established a national incident manage-
10 ment system that encompasses a single, comprehensive ap-
11 proach to domestic incident management to ensure that
12 all levels of government across the Nation have the capa-
13 bility to work efficiently and effectively together by using
14 a consistent approach to domestic incident management
15 for all hazards, including major disasters and other emer-
16 gencies.

17 “(b) RESPONSIBILITIES OF DIRECTOR.—

18 “(1) RESPONSIBILITY FOR SYSTEM.—The Di-
19 rector shall be responsible for all aspects of the na-
20 tional incident management system, including com-
21 pleting, implementing, maintaining, and revising the
22 system.

23 “(2) COORDINATION OF SYSTEM.—The Director
24 shall coordinate with the heads of other appropriate
25 Federal agencies in revising the system.

1 **“SEC. 705. NATIONAL RESPONSE PLAN.**

2 “(a) RESPONSIBILITIES OF DIRECTOR.—

3 “(1) RESPONSIBILITY FOR PLAN.—The Direc-
4 tor shall be responsible for all aspects of the national
5 response plan, including completing, implementing,
6 maintaining, and revising the plan.

7 “(2) COORDINATION OF PLAN.—The Director
8 shall coordinate with the heads of other appropriate
9 Federal agencies, including the National Council on
10 Disability, in revising the plan.

11 “(b) INITIAL REVIEW AND REVISION OF RESPONSE
12 PLAN.—

13 “(1) IN GENERAL.—Not later than March 1,
14 2007, the Director shall, in coordination with the
15 heads of other appropriate Federal agencies, includ-
16 ing the National Council on Disability, and the Task
17 Force established under section 707(a), complete a
18 comprehensive review of the national response plan
19 for the purpose of identifying areas for revision.

20 “(2) REVIEW AND REVISE.—As part of the re-
21 view, the Director shall review and revise the na-
22 tional response plan—

23 “(A) to ensure integration and consistency
24 with the national incident management system;

1 “(B) to establish a protocol for a proactive
2 Federal response in support of a State to a cat-
3 astrophic disaster with or without warning; and

4 “(C) to clarify the role of who is in charge
5 of the Federal disaster response.

6 “(c) MISSION ASSIGNMENTS.—To expedite the provi-
7 sion of assistance under the national response plan, the
8 Director, in coordination with the heads of other appro-
9 priate Federal agencies and the Task Force established
10 under section 707(a), shall develop prescribed mission as-
11 signments for logistics, communications, mass care, health
12 services, and public safety.

13 **“SEC. 706. FEDERAL EMERGENCY PREPAREDNESS.**

14 “(a) AGENCY RESPONSIBILITY.—In support of the
15 national emergency preparedness system established
16 under this title, the President shall ensure that each Fed-
17 eral agency with responsibility for responding to major
18 disasters and other emergencies shall—

19 “(1) have the operational capability, including
20 the personnel to make and communicate decisions,
21 organizational structures that are assigned, trained,
22 and exercised for their missions, sufficient physical
23 resources, and the command, control, and commu-
24 nication channels to make, monitor, and commu-

1 ards that incorporates State and local government and pri-
2 vate sector input in the development and revision of the
3 national emergency preparedness goal, the national emer-
4 gency preparedness system, national incident management
5 system, and national response plan.

6 “(b) MEMBERSHIP.—

7 “(1) IN GENERAL.—The Task Force shall con-
8 sist of members appointed by the Director from
9 State and local emergency management organiza-
10 tions and governmental and nongovernmental emer-
11 gency response organizations from the State and
12 local levels.

13 “(2) REPRESENTATION.—To the extent prac-
14 ticable, Task Force members shall represent—

15 “(A) geographically diverse areas (includ-
16 ing urban and rural);

17 “(B) State and local emergency manage-
18 ment professional organizations; and

19 “(C) individuals involved in a cross section
20 of emergency response disciplines and profes-
21 sions, including as appropriate fire service and
22 law enforcement, hazardous materials response,
23 emergency medical services, public works per-
24 sonnel routinely engaged in emergency re-
25 sponse, health professionals, and organizations

1 with expertise in accrediting and establishing
2 standards for emergency management services.

3 “(3) CONSULTATION WITH THE DEPARTMENT
4 OF HEALTH AND HUMAN SERVICES.—In the selec-
5 tion of members of the Task Force who are health
6 professionals, including emergency medical profes-
7 sionals, the Director shall consult with the Secretary
8 of Health and Human Services.

9 “(4) EX OFFICIO MEMBERS.—The Director
10 shall designate one or more officers from the Fed-
11 eral Emergency Management Agency to serve as an
12 ex officio member of the Task Force.

13 **“SEC. 708. AUTHORIZATION.**

14 “(a) IN GENERAL.—The Director is authorized to
15 make grants to any State or local government for the pur-
16 pose of carrying out this title.

17 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as are necessary for the Director to assist State
20 and local governments to meet requirements under this
21 title.”.

22 (b) CONFORMING AMENDMENT.—Section 601 is
23 amended by inserting “and title VII” after “this title”.

○