

103^D CONGRESS
1ST SESSION

H. R. 2692

To improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1993

Mr. PETERSON of Florida introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation and Armed Services

A BILL

To improve the ability of the Federal Government to prepare for and respond to major 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 “Federal Emergency Response Improvement Act of
6 1993”.

7 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Declaration of purpose.
- Sec. 3. Definitions.
- Sec. 4. Sense of Congress.
- Sec. 5. Presidential and State response plans.
- Sec. 6. Domestic Crisis Monitoring Unit.

Sec. 7. Damage and needs assessment.
Sec. 8. Catastrophic disasters.
Sec. 9. Reorganization of FEMA.

1 **SEC. 2. DECLARATION OF PURPOSE.**

2 The purposes of this Act are—

3 (1) to improve Government preparedness for
4 and response to disasters;

5 (2) to shift the emphasis of the Federal Emer-
6 gency Management Agency (hereinafter in this Act
7 referred to as “FEMA”) from nuclear attack-related
8 activities to an all hazards approach; and

9 (3) to ensure that FEMA adopts a risk-based
10 strategy to improve preparedness for all hazards.

11 **SEC. 3. DEFINITIONS.**

12 Section 102 of The Robert T. Stafford Disaster Re-
13 lief and Emergency Assistance Act (42 U.S.C. 5122) is
14 amended—

15 (1) by striking paragraph (2) and inserting the
16 following new paragraph:

17 “(2) MAJOR DISASTER.—The term ‘major dis-
18 aster’ means any event that the President deter-
19 mines causes damage of sufficient severity and mag-
20 nitude to warrant major disaster assistance under
21 this Act to supplement the efforts and available re-
22 sources of State and local governments and disaster
23 relief organizations in alleviating the damage, loss,

1 and hardship caused by the event. Such events may
2 result from all hazards.”; and

3 (2) by adding at the end the following new
4 paragraphs:

5 “(10) CATASTROPHIC DISASTER.—The term
6 ‘catastrophic disaster’ means a major disaster that
7 immediately overwhelms the ability of State, local,
8 and volunteer agencies to adequately provide victims
9 of the disaster with services necessary to sustain life.

10 “(11) ALL HAZARDS.—The term ‘all hazards’
11 as used with respect to a disaster means that the
12 disaster results from any natural, accidental, or
13 man-caused event, including any civil disturbance,
14 act of terrorism, or attack-related disaster.

15 “(12) DIRECTOR.—The term ‘Director’ means
16 the Director of the Federal Emergency Management
17 Agency.”.

18 **SEC. 4. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) the Federal Government should give imme-
21 diate attention to developing a broad risk-based
22 strategy for improving Federal readiness and re-
23 sponse to major disasters;

24 (2) the all hazards approach is the best way to
25 prepare the United States for all threats;

1 (3) the American Red Cross and other volun-
2 teer organizations have made, and will continue to
3 make, valuable contributions in responding to disas-
4 ters nationwide by providing channels for the gener-
5 ous sharing of time and resources with those in
6 need; and

7 (4) the initial response to emergencies and dis-
8 asters is made by State and local agencies, whose
9 capabilities must therefore be strengthened and
10 maintained.

11 **SEC. 5. PRESIDENTIAL AND STATE RESPONSE PLANS.**

12 Section 201 of The Robert T. Stafford Disaster Re-
13 lief and Emergency Assistance Act (42 U.S.C. 5131) is
14 amended by adding at the end the following new sub-
15 sections:

16 “(e) DISASTER RESOURCE INVENTORY.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this subsection, the
19 President or his designee shall conduct and complete
20 an inventory of critical resources related to emer-
21 gency assistance that are available to the Federal
22 Government, including medical assets and foreign
23 language communication capability, through public
24 or private entities, for use or deployment, or both,
25 in disaster relief or search and rescue operations fol-

1 lowing a major disaster, catastrophic disaster, or
2 emergency. Each item in the inventory shall include
3 the information necessary for prompt access to the
4 resource with permission of the Federal agency head
5 in the case of government property and with permis-
6 sion of the owner in case of private property.

7 “(2) ORGANIZATION.—The inventory shall be
8 organized to facilitate the dispatch of resources on
9 a regional basis. Nothing in this paragraph shall be
10 construed to preclude the dispatch of specialized
11 equipment or scarce resources from outside the geo-
12 graphic proximity of the disaster or emergency.

13 “(3) AVAILABILITY.—The President shall en-
14 sure that the inventory is made available to the Gov-
15 ernor of each State.

16 “(4) MAINTENANCE.—The President shall en-
17 sure that information in the inventory is current and
18 accurate.

19 “(5) STATE PARTICIPATION.—

20 “(A) IN GENERAL.—Not later than 90
21 days after the date of completion of the inven-
22 tory, the Director shall request each Governor
23 of a State to identify the State coordinating of-
24 ficer and other public safety officials who are
25 responsible for coordinating or overseeing State

1 and local response to disasters and emergencies
2 in the State.

3 “(B) ACCESS.—A public safety official des-
4 ignated by a Governor pursuant to a request
5 under subparagraph (A) shall have direct and
6 immediate access to the information contained
7 in the inventory to expedite State and local re-
8 sponses to disasters and emergencies not de-
9 clared by the President.

10 “(6) FUNDING.—There is authorized to be ap-
11 propriated \$15,000,000 to carry out this subsection.

12 “(f) CERTIFIED STATES.—

13 “(1) IN GENERAL.—Not later than 120 days
14 after the date of the enactment of the Federal
15 Emergency Response Improvement Act of 1993, the
16 Director shall establish a certification program for
17 the purpose of encouraging States to prepare for, re-
18 spond to, and recover from major disasters, cata-
19 strophic disasters, and emergencies, including eval-
20 uations of hazards in the State. Applications for cer-
21 tification shall be reviewed by the Director. The Di-
22 rector shall grant certification under this subsection
23 only upon compliance by the applicant State with
24 the performance standards established under para-
25 graph (3).

1 “(2) INCREASED FEDERAL SHARE.—States
2 which receive certification under this subsection shall
3 be eligible for an increased Federal share under sec-
4 tion 425 of this Act.

5 “(3) PERFORMANCE STANDARDS.—

6 “(A) ESTABLISHMENT.—Not later than 1
7 year after the date of the enactment of this
8 subsection, the Director shall establish perform-
9 ance standards to determine eligibility for cer-
10 tification under this subsection.

11 “(B) CRITERIA.—The performance stand-
12 ards shall ensure that the State is prepared for,
13 and has the capability to respond to, and re-
14 cover from, major disasters, catastrophic disas-
15 ters, and emergencies, shall be based on the rel-
16 ative severity of risk to public health, safety,
17 and property in the State, and shall include
18 provisions for—

19 “(i) conducting the State’s inventory
20 of resources that are available for use or
21 deployment, or both, in disaster relief or
22 search and rescue operations following a
23 major disaster, catastrophic disaster, or
24 emergency, including with respect to each

1 item in the inventory the information nec-
2 essary for prompt access to the resource;

3 “(ii) establishing emergency oper-
4 ations plans for the State; and

5 “(iii) ensuring interoperability be-
6 tween Federal, State, and local emergency
7 operations plans.

8 “(C) REVIEW.—The Director shall conduct
9 an annual review of the inventory and emer-
10 gency operations plans for each State certified
11 under this subsection to ensure that such inven-
12 tory and plans meet the criteria described in
13 subparagraph (B) and to ensure that the State
14 is otherwise prepared for, and has the capability
15 to respond to, and recover from, major disas-
16 ters, catastrophic disasters, and emergencies.

17 “(D) NOTIFICATION.—The Director shall
18 notify a State that does not meet the perform-
19 ance standards for certification under this sub-
20 section within 60 days after the date on which
21 the review for such certification is conducted by
22 the Director. The notice shall include the Direc-
23 tor’s recommendations of the steps that must
24 be taken for the State to meet such standards.

1 “(E) REAPPLICATION.—Once a State has
2 submitted a new application after receiving no-
3 tification under subparagraph (D), the Director
4 shall review the reapplication and advise the
5 State of its findings within 180 days of the date
6 of such submission.

7 “(g) VOLUNTEERS.—Not later than 180 days after
8 the date of the enactment of this subsection, the President
9 shall—

10 “(1) establish a system that is coordinated with
11 systems of private relief agencies to manage and uti-
12 lize disaster volunteers to carry out priority disaster
13 response services; and

14 “(2) report to Congress on the system.

15 “(h) DONATED GOODS.—Not later than 180 days
16 after the date of the enactment of this subsection, the
17 President shall—

18 “(1) establish a system for the management of
19 goods donated to the Federal Government for disas-
20 ter victims; and

21 “(2) report to Congress on the system.”.

22 **SEC. 6. DOMESTIC CRISIS MONITORING UNIT.**

23 (a) ESTABLISHMENT.—Not later than 90 days after
24 the date of the enactment of this Act, the President shall

1 establish a unit within the National Security Council to
2 be known as the “Domestic Crisis Monitoring Unit”.

3 (b) HEAD.—The Domestic Crisis Monitoring Unit
4 shall be headed by a member of the National Security
5 Council designated by the President.

6 (c) OTHER PARTICIPANTS.—The Domestic Crisis
7 Monitoring Unit shall consist of Federal Government de-
8 partment and agency heads designated by the President
9 or the designee of any such department or agency head.

10 (d) RESPONSIBILITIES.—The Domestic Crisis Mon-
11 itoring Unit shall—

12 (1) monitor potential and pending disasters and
13 emergencies;

14 (2) notify the President and Federal agencies of
15 imminent disasters and emergencies when it deems
16 necessary; and

17 (3) ensure effective, rapid, and immediate Fed-
18 eral agency response to a major disaster, cata-
19 strophic disaster, or emergency by coordinating the
20 activities of Federal entities with FEMA and the
21 Governors of States affected by a major disaster,
22 catastrophic disaster, or emergency or in which a
23 major disaster, catastrophic disaster, or emergency
24 is likely to be declared. Those activities will include
25 consulting with participating agencies to determine

1 disaster response priorities and directing participat-
2 ing agencies to carry out assignments as needed.

3 (e) ADMINISTRATION.—The Domestic Crisis Mon-
4 itoring Unit shall have a staff to be supervised by the head
5 of the Unit. All executive departments and agencies shall
6 cooperate with the Unit and shall provide such assistance,
7 information, and advice to the Unit as the Unit may re-
8 quest but only to the extent permitted by law.

9 **SEC. 7. DAMAGE AND NEEDS ASSESSMENT.**

10 Title III of The Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5141–5164) is
12 amended by adding at the end the following new section:

13 **“SEC. 322. DISASTER STRIKE TEAMS.**

14 “(a) IN GENERAL.—Not later than 6 months after
15 the date of the enactment of this section, the Director
16 shall establish disaster strike teams to be deployed at the
17 discretion of the Director to an area where a major disas-
18 ter, catastrophic disaster, or emergency is likely to be de-
19 clared. The Director or any other official of the Federal
20 Emergency Management Agency designated by the Direc-
21 tor shall lead each strike team. The purpose of the strike
22 team shall be to assess damage and resulting needs.

23 “(b) COMPOSITION.—The Director shall request ex-
24 perts and officials from appropriate Federal agencies, in-
25 cluding the Federal Emergency Management Agency, the

1 Department of Defense, the Department of Health and
2 Human Services, supported by representatives of State
3 and local agencies, and private relief agencies, to serve on
4 disaster strike teams.

5 “(c) DAMAGE AND NEED ASSESSMENT.—

6 “(1) IN GENERAL.—Not later than 3 hours
7 after the onset of a potential or actual catastrophic
8 disaster, the Director shall deploy a disaster strike
9 team established under subsection (a) to evaluate
10 the extent of the damage and the resulting needs for
11 Federal disaster relief assistance.

12 “(2) RECOMMENDATIONS.—As soon as possible
13 after deployment, a disaster strike team shall make
14 recommendations to the Director, the President, the
15 head of the Domestic Crisis Monitoring Unit, and
16 the Governors of the affected States regarding the
17 damage and the resources needed to provide life sup-
18 port to the affected areas. The recommendations
19 shall classify the disaster and the anticipated level of
20 response.

21 “(3) COORDINATION WITH STATE AND LOCAL
22 OFFICIALS.—The damage and needs assessments
23 shall be conducted in coordination with State and
24 local officials of the affected area.”.

1 **SEC. 8. CATASTROPHIC DISASTERS.**

2 Title IV of The Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5170–5189b)
4 is amended by adding at the end the following new section:

5 **“SEC. 425. CATASTROPHIC DISASTERS.**

6 “(a) DECLARATION.—

7 “(1) RECOMMENDATION BY DISASTER STRIKE
8 TEAM.—At the onset of a disaster for which a disas-
9 ter strike team established under section 322(a) has
10 been deployed, or immediately thereafter, the disas-
11 ter strike team shall make concurrent recommenda-
12 tions to the Director, the President, the head of the
13 Domestic Crisis Monitoring Unit, and the Governors
14 of the affected States as to whether the disaster
15 should be declared a catastrophic disaster.

16 “(2) REQUEST FOR DECLARATION.—Requests
17 for a declaration by the President that a cata-
18 strophic disaster exists shall be made by the Gov-
19 ernors of the affected States. A request for a major
20 disaster declaration complying with the requirements
21 of section 401 may accompany the request for a dec-
22 laration of a catastrophic disaster.

23 “(3) DETERMINATION.—Based on a request or
24 requests under paragraph (2), the President may de-
25clare that a catastrophic disaster, a major disaster,
26 or an emergency exists.

1 “(b) EFFECT OF DETERMINATION.—

2 “(1) FEDERAL SHARE.—Notwithstanding sec-
3 tion 403(b), the Federal share of the eligible cost of
4 essential direct Federal assistance necessary to sus-
5 tain life or to protect property following a cata-
6 strophic disaster declaration in States certified
7 under section 201(f) shall be for the first 72 hours
8 following a Presidential declaration of catastrophic
9 disaster (and for up to an additional 96 hours, at
10 the discretion of the President) 100 percent. For
11 States that have not been so certified, the provisions
12 of section 403(b), relating to Federal share, shall be
13 applicable.

14 “(2) DISASTER RESPONSE.—Upon the declara-
15 tion of a catastrophic disaster, the head of the Do-
16 mestic Crisis Monitoring Unit, in consultation with
17 the leader of the disaster strike team designated
18 under section 322(a), shall assume an active role in
19 determining whether ancillary resources, such as the
20 resources of the Department of Defense, are re-
21 quired to support any disaster response activities.
22 Upon the determination that ancillary resources are
23 required, the head of the Domestic Crisis Monitoring
24 Unit shall ensure that the necessary resources of

1 Federal agencies are made available, pursuant to
2 this and other authorities.

3 “(3) RESPONSIBILITY OF THE DEPARTMENT OF
4 DEFENSE.—

5 “(A) IN GENERAL.—While all departments
6 are expected to participate in providing assist-
7 ance, the Department of Defense has certain
8 unique capabilities inherent to emergency re-
9 sponse. Therefore, following the declaration of a
10 catastrophic disaster, the Secretary of Defense
11 shall, when requested by the President and with
12 the concurrence of the Governor of the affected
13 State, provide to persons adversely affected by
14 the disaster, disaster response services not oth-
15 erwise available from State, local, or volunteer
16 agencies, including—

17 “(i) food, water, and shelter;

18 “(ii) communications;

19 “(iii) debris removal;

20 “(iv) medical assistance; and

21 “(v) any other services necessary to
22 sustain human life or promote recovery, to
23 the limit of the Department’s ability with-
24 out jeopardizing national security.

1 “(B) REIMBURSEMENT.—The Secretary of
2 Defense shall be reimbursed from the disaster
3 relief fund for the provision of disaster response
4 services described in subparagraph (A). Such
5 reimbursement may be made without prior ap-
6 proval of the Federal Emergency Management
7 Agency in any case in which such approval
8 would delay response.

9 “(C) DIRECTION OF ACTIVITIES.—The
10 provision of disaster response services under
11 subparagraph (A) and the administration of re-
12 lief by consenting State, local, and volunteer
13 agencies shall be authorized by the head of the
14 Domestic Crisis Monitoring Unit, in consulta-
15 tion with the Director and in coordination with
16 the Governors of the affected States or a des-
17 ignee of the Governors. After a declaration of a
18 catastrophic disaster, specific requests by the
19 Governors for individual disaster response serv-
20 ices described in subparagraph (A) shall not be
21 necessary before initiation of response.

22 “(4) ADDITIONAL ASSISTANCE.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), the assistance provided in this sub-
25 section shall supplement and not supplant the

1 major disaster assistance programs provided in
2 titles IV and V.

3 “(B) EXCEPTION.—Sections 302 and 303
4 shall not apply to catastrophic disasters for the
5 applicable period under paragraph (1).”.

6 **SEC. 9. REORGANIZATION OF FEMA.**

7 (a) IN GENERAL.—The Director shall restructure
8 FEMA to implement an all hazards approach to disaster
9 management that includes activities and measures de-
10 signed or undertaken to—

11 (1) minimize the effects of natural disasters,
12 civil disturbances, or attack-related emergencies and
13 disasters;

14 (2) respond to the immediate emergency condi-
15 tions that are created by disasters; and

16 (3) effectuate emergency repairs to, or the
17 emergency restoration of, vital utilities and facilities
18 destroyed or damaged by a disaster, subject to reim-
19 bursement by private utilities.

20 (b) REDESIGNATION OF EMPLOYEE POSITIONS.—
21 Not later than December 31, 1995, the following employee
22 positions within FEMA shall be classified as career re-
23 served positions within the meaning of section 3132(a)(8)
24 of title 5, United States Code:

1 (1) The positions of Regional Director of
2 FEMA.

3 (2) The position of General Counsel of FEMA.

4 (3) The position of Senior Policy Advisor to the
5 State and Local Programs and Support Directorate.

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HR 2692 IH—2