

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 995

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

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## IN THE SENATE OF THE UNITED STATES

MAY 20 (legislative day, APRIL 19), 1993

Ms. MIKULSKI (for herself, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. GLENN, Mr. GRAHAM, Mr. HATFIELD, Mr. INOUE, Mr. KERREY, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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 Disaster Preparedness and Response Act of  
6 1993”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

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

- Sec. 4. Sense of Congress.
- Sec. 5. Presidential response plan.
- Sec. 6. Predeclaration authority.
- Sec. 7. Domestic crisis monitoring unit.
- Sec. 8. Damage and needs assessment.
- Sec. 9. Catastrophic disasters.
- Sec. 10. Targeted emergency grants.
- Sec. 11. Reorganization of FEMA.
- Sec. 12. National Academy for Fire and All Hazards Training.
- Sec. 13. Research center.
- Sec. 14. Repeal of Civil Defense Act.

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

2 The purpose of this Act is to—

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

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

9 (3) redirect the mission of FEMA to mitigation,  
10 preparedness, response, and recovery for all hazards;  
11 and

12 (4) ensure that FEMA adopts a risk-based  
13 strategy to improve preparedness for all hazards.

14 **SEC. 3. DEFINITIONS.**

15 Section 102 of the Robert T. Stafford Disaster Relief  
16 and Emergency Assistance Act (42 U.S.C. 5122) is  
17 amended—

18 (1) by striking paragraph (2) and inserting the  
19 following new paragraph (2):

1           “(2) MAJOR DISASTER.—‘Major disaster’ means  
2 any occasion or instance that, as determined by the  
3 President, causes damage of sufficient severity and  
4 magnitude to warrant major disaster assistance  
5 under this Act to supplement the efforts and avail-  
6 able resources of State and local governments, and  
7 disaster relief organizations in alleviating the dam-  
8 age, loss, and hardship caused by the disaster.  
9 Major disasters include disasters resulting from all  
10 hazards.”; and

11           (2) by adding at the end the following new  
12 paragraphs:

13           “(10) CATASTROPHIC DISASTER.—The term  
14 ‘catastrophic disaster’ means a major disaster that  
15 immediately overwhelms the ability of State, local,  
16 and volunteer agencies to adequately provide victims  
17 of the disaster with services necessary to sustain life.

18           “(11) ALL HAZARDS.—The term ‘all hazards’  
19 means emergencies and disasters resulting from nat-  
20 ural accidental or man-caused events, including,  
21 without limitation, civil disturbances and attack-re-  
22 lated disasters.

23           “(12) DIRECTOR.—The term ‘Director’ means  
24 the Director of the Federal Emergency Management  
25 Agency.”.

1 **SEC. 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the Federal government should give imme-  
4 diate attention to developing a broad risk-based  
5 strategy for improving Federal readiness and re-  
6 sponse to major disasters;

7 (2) the all hazards approach is the best way to  
8 prepare the United States for all threats, including  
9 terrorism and foreign attacks;

10 (3) all reasonable actions should be taken to  
11 mitigate the effects of disasters;

12 (4) the American Red Cross and other volun-  
13 teen organizations have made, and will continue to  
14 make, valuable contributions in responding to disas-  
15 ters nationwide by providing channels for the gener-  
16 ous sharing of time and resources with those in  
17 need;

18 (5) initial response to emergencies and disasters  
19 is made by State and local agencies, whose capabili-  
20 ties must therefore be strengthened and maintained;

21 (6) private nonprofit organizations play an im-  
22 portant role in disaster relief operations, and are an  
23 essential element of disaster preparedness, response,  
24 and recovery efforts; and

1           (7) hazard mitigation is an important preven-  
2           tive measure and is a vital element in disaster pre-  
3           paredness and recovery.

4 **SEC. 5. PRESIDENTIAL RESPONSE PLAN.**

5           Section 201 of the Robert T. Stafford Disaster Relief  
6 and Emergency Assistance Act (42 U.S.C. 5131) is  
7 amended—

8           (1) by striking subsections (c), and (d);

9           (2) by redesignating subsection (b) as sub-  
10          section (d); and

11          (3) by inserting after subsection (a) the follow-  
12          ing new subsections:

13          “(b) PRESIDENTIAL RESPONSE PLAN.—

14                 “(1) ESTABLISHMENT.—Not later than 180  
15          days after the date of enactment of the Federal Dis-  
16          aster Preparedness and Response Act of 1993, the  
17          President, acting through the Director, shall develop  
18          a Presidential Response Plan to provide Federal as-  
19          sistance, when requested, to States impacted by a  
20          major disaster, catastrophic disaster, or emergency,  
21          in coordination with appropriate Federal and non-  
22          Federal agencies, as determined by the President.

23                 “(2) TRAINING EXERCISES.—The plan shall in-  
24          clude provisions for annual training exercises to be  
25          performed by designated participants in the plan

1 and State and local entities and private relief agen-  
2 cies.

3 “(3) OPERATIONAL PLANS.—The Director shall  
4 prepare operational plans to accompany the Presi-  
5 dential Response Plan, not later than 1 year after  
6 the date of enactment of the Federal Disaster Pre-  
7 paredness and Response Act of 1993, that shall—

8 “(A) describe the chains of command;

9 “(B) describe the specific duties of all Fed-  
10 eral agencies involved; and

11 “(C) describe the relationship between, and  
12 the respective duties of, Federal, State, and  
13 local governments, and private relief agencies;  
14 and

15 “(D) the operational plans described in  
16 this paragraph shall be prepared for specific ge-  
17 ographic regions designated by the Director and  
18 shall—

19 “(i) be based on a comprehensive risk  
20 assessment of the United States, under-  
21 taken by the Director, which assesses the  
22 probability, frequency, and severity of nat-  
23 ural or man-made disasters occurring and  
24 having a severe impact on public health,

1 safety, and property within various re-  
2 gions;

3 “(ii) take into account the emergency  
4 operations plans of the State and local gov-  
5 ernments in the region; and

6 “(iii) support the development of mu-  
7 tual aid agreements between and among  
8 the States and local governments.

9 “(c) NATIONAL DISASTER MEDICAL SYSTEM.—

10 “(1) TRANSFER OF FUNCTIONS.—The func-  
11 tions, personnel, facilities, and equipment of the Na-  
12 tional Disaster Medical System (referred to in this  
13 section as the ‘System’) are transferred from the  
14 Department of Health and Human Services to a new  
15 directorate established within FEMA.

16 “(2) MISSION OF SYSTEM.—It shall be the mis-  
17 sion of the System to prepare for and respond to  
18 major disasters, catastrophic disasters, and emer-  
19 gencies that require medical assistance in excess of  
20 the medical service capabilities of the affected  
21 States. The system shall provide for—

22 “(A) medical assistance to a disaster area  
23 through disaster medical assistance teams;

24 “(B) evacuation of patients that cannot be  
25 cared for locally; and

1           “(C) hospitalization through a national  
2           network of medical care facilities that agree to  
3           provide medical care to disaster victims.

4           “(3) LOCAL RESOURCES.—The services of the  
5           System shall supplement and not supplant State and  
6           local medical resources.

7           “(4) COORDINATION OF SERVICES.—The Direc-  
8           tor and the Secretary of Defense shall establish pro-  
9           cedures, roles, and responsibilities for the provision  
10          of medical care in the event of a catastrophic disas-  
11          ter to ensure coordination between the System and  
12          the Department of Defense.

13          “(5) MILITARY CASUALTIES.—The System shall  
14          be made available to care for military casualties  
15          evacuated to the United States in the event that the  
16          medical care capabilities of the Department of De-  
17          fense and the Department of Veterans Affairs are  
18          exceeded.

19          “(6) EVALUATION.—Not later than 180 days  
20          after the date of enactment of this subsection, the  
21          Director shall evaluate the performance of the Sys-  
22          tem and the degree to which the System fulfills the  
23          intended mission of the System, and make rec-  
24          ommendations to the President and Congress re-

1       garding potential improvements in the operations of  
2       the System.

3           “(7) DISASTER MEDICAL ASSISTANCE TEAMS.—

4           “(A) ESTABLISHMENT.—Not later than 1  
5       year after the date of enactment of the Federal  
6       Disaster Preparedness and Response Act of  
7       1993, the Director shall take steps necessary to  
8       ensure that not fewer than 20 disaster medical  
9       assistance teams are established and are made  
10      operational. The Director shall develop stand-  
11      ards and guidelines for equipment, staffing, op-  
12      erations, and regular training of the disaster  
13      medical assistance teams not later than 1 year  
14      after the date of enactment of the Federal Dis-  
15      aster Preparedness and Response Act of 1993.

16          “(B) EMPLOYMENT SECURITY.—A volun-  
17      teer who leaves a position (other than a tem-  
18      porary position) in the service of an employer to  
19      perform services in conjunction with a disaster  
20      medical assistance team, and makes application  
21      for reemployment within 90 days after the com-  
22      pletion of service or release from hospitalization  
23      continuing after completion of service for a pe-  
24      riod of not more than 1 year shall—

1           “(i) if still qualified to perform the  
2 duties of the position or able to become  
3 requalified with reasonable efforts by the  
4 employer, be restored to the position or to  
5 a position of like seniority, status, and pay;  
6 or

7           “(ii) if not qualified to perform the  
8 duties of the position or able to become  
9 requalified with reasonable efforts by the  
10 employer, by reason of disability sustained  
11 during service, but qualified to perform the  
12 duties of any other position in the employ  
13 of the employer, be offered employment  
14 and, if the person so requests, be employed  
15 in such other position the duties of which  
16 the person is qualified to perform as will  
17 provide the person like seniority, status,  
18 and pay, or the nearest approximation of  
19 seniority, status, and pay, consistent with  
20 the circumstances of the case, unless the  
21 circumstances of the employer have so  
22 changed as to make it impossible or unrea-  
23 sonable to do so.

24           “(C) CONSTRUCTION WITH OTHER  
25 LAWS.—Nothing in this subsection shall excuse

1 noncompliance with any law of a State or politi-  
2 cal subdivision establishing greater or additional  
3 rights or protections than the rights and protec-  
4 tions established under this subsection.

5 “(8) AUTHORIZATION OF APPROPRIATIONS.—  
6 Beginning with fiscal year 1994, there are author-  
7 ized to be appropriated to the National Disaster  
8 Medical System \$20,000,000 for each fiscal year, in-  
9 cluding \$5,000,000 for the Disaster Medical Assist-  
10 ance Teams.

11 “(d) ROLE OF NATIONAL GUARD.—

12 “(1) REVIEW.—The Secretary of Defense, in  
13 cooperation with the Director, shall direct the Chief,  
14 National Guard Bureau, to review the role of the  
15 National Guard in responding to major disasters  
16 and emergencies and make recommendations to the  
17 President. The recommendations shall address—

18 “(A) how the National Guard could better  
19 prepare for and respond to major disasters and  
20 emergencies;

21 “(B) how the force structure of the Na-  
22 tional Guard could be adjusted to provide Gov-  
23 ernors with improved immediate access to criti-  
24 cal assets during an emergency;

1           “(C) how the National Guard should be in-  
2           tegrated with the Presidential Response Plan;

3           “(D) how the National Guard should co-  
4           ordinate with the Disaster Medical Assistance  
5           Teams in preparing for and responding to dis-  
6           asters and emergencies;

7           “(E) the development by the Chief, Na-  
8           tional Guard Bureau, of a format for an inter-  
9           state compact that, when subscribed to by the  
10          States, facilitates the mutual use of National  
11          Guard assets across State borders during na-  
12          tional disasters and domestic emergencies; and

13          “(F) a study by the National Academy of  
14          Public Administration, to determine the fea-  
15          sibility of recommending to the Governors that  
16          the Adjutant General of the State be identified  
17          as the State Coordinating Official in all deal-  
18          ings with Federal agencies during natural dis-  
19          asters and domestic emergencies.

20          “(2) REPORT.—Not later than 1 year after the  
21          date of enactment of this section, the Secretary of  
22          Defense shall report to the President and Congress  
23          on the results of the review.

24          “(3) ALL HAZARDS RESPONSE TRAINING.—The  
25          Chief, National Guard Bureau, shall require Na-

1 tional Guard units or members to participate in spe-  
2 cialized training and exercises designed to enhance  
3 the readiness of the National Guard to respond to  
4 all hazards. Up to 5 percent of the funds appro-  
5 priated for the military pay and operations and  
6 maintenance of the Army and Air National Guard  
7 may be used to fund the training and exercises.

8 “(4) INTERSTATE MUTUAL ASSISTANCE COM-  
9 PACT.—The States are encouraged to enter into a  
10 nationwide compact for the mutual use of National  
11 Guard assets across State borders during domestic  
12 disasters and emergencies.

13 “(5) RESPONSE TO DISASTERS AND REIM-  
14 BURSEMENT FOR AUTHORIZED ACTIVITIES.—To as-  
15 sure more effective and rapid responses by National  
16 Guard units to natural disasters and domestic emer-  
17 gencies, the Chief, National Guard Bureau, is au-  
18 thorized to approve reimbursement to a State or  
19 States for all or any part of expenses incurred as a  
20 result of the use of the National Guard in any natu-  
21 ral disaster or domestic emergency at the onset of  
22 the disaster or domestic emergency in any instance  
23 in which, in the judgment of the Governor of the af-  
24 fected State, it is probable that the occurrence will  
25 result in a declaration of a national emergency.

1           “(A) ELIGIBILITY.—For a State to be eli-  
2           gible for reimbursement under this subsection  
3           for deployment of its National Guard units in  
4           support of a natural disaster and domestic  
5           emergency, the National Guard units must be  
6           deployed in a State active duty status.

7           “(B) SOURCE OF FUNDS.—Funds available  
8           for disbursement to the States under this sub-  
9           section shall come from the funds appropriated  
10          to the disaster relief fund.

11          “(C) APPROVAL.—A request by a Governor  
12          for reimbursement for use of the National  
13          Guard of the State shall be submitted to the  
14          Director, and the Director, upon validation of  
15          eligible activities, shall issue the necessary fund-  
16          ing documents to effect reimbursement to the  
17          State.

18          “(D) CONSISTENCE WITH ACT.—In in-  
19          stances of natural disasters and domestic emer-  
20          gencies that result in a Federal declaration of  
21          a disaster or emergency by the President, the  
22          Director shall ensure that all funding reim-  
23          bursement is in accordance with this Act, at a  
24          Federal share rate determined for that occur-  
25          rence.

1           “(6) TRAINING AND COORDINATION WITH  
2 STATE ENTITIES.—

3           “(A) AUTHORIZATION OF APPROPRIA-  
4 TIONS.—There are authorized to be appro-  
5 priated \$5,000,000 to the National Guard  
6 through FEMA to conduct disaster and emer-  
7 gency training exercises in conjunction with ap-  
8 propriate State and local entities.

9           “(B) ALLOCATION.—The Director shall al-  
10 locate the funds made available under subpara-  
11 graph (A) to the States.

12           “(C) USE OF FUNDS.—

13           “(i) IN GENERAL.—Funds made avail-  
14 able under this paragraph shall be used to  
15 enhance the preparedness of States for dis-  
16 asters and emergencies.

17           “(ii) MINIMUM TRAINING.—The Na-  
18 tional Guard shall be required to conduct  
19 at least 2 disaster preparedness training  
20 exercises annually in every State, in con-  
21 junction with appropriate State and local  
22 entities.

23           “(e) DISASTER RESOURCE INVENTORY.—

24           “(1) IN GENERAL.—Not later than 1 year after  
25 the date of enactment of the Federal Disaster Pre-

1       paredness and Response Act of 1993, the Director  
2       shall complete an inventory of resources that are  
3       available to the Federal Government, including med-  
4       ical assets and foreign language communication,  
5       through public or private entities, for use or deploy-  
6       ment, or both, in disaster relief or search and rescue  
7       operations following a major disaster, catastrophic  
8       disaster, or emergency. Each item in the inventory  
9       shall include the information necessary for prompt  
10      access to the resource.

11           “(2) ORGANIZATION.—The inventory shall be  
12      organized to facilitate the dispatch of resources on  
13      a regional basis. This paragraph shall not be con-  
14      strued to preclude the dispatch of specialized equip-  
15      ment or scarce resources from outside the geo-  
16      graphic proximity of the disaster or emergency.

17           “(3) AVAILABILITY.—The Director shall ensure  
18      that the inventory is made available to the Governor  
19      of each State for the purposes of formulating a re-  
20      quest for the declaration of a major disaster, cata-  
21      strophic disaster, or emergency.

22           “(4) MAINTENANCE.—The Director shall en-  
23      sure that information contained in the inventory is  
24      current and accurate.

25           “(5) STATE PARTICIPATION.—

1           “(A) IN GENERAL.—Not later than 90  
2 days after the establishment of the inventory,  
3 the Director shall request each Governor of a  
4 State to identify the State Coordinating Officer  
5 and other public safety officials who are respon-  
6 sible for coordinating or overseeing State and  
7 local response to disasters and emergencies in  
8 the State.

9           “(B) ACCESS.—A public safety official des-  
10 igned under subparagraph (A) shall have di-  
11 rect and immediate access to the information  
12 contained in the inventory to expedite State and  
13 local responses to disasters and emergencies not  
14 declared by the President.

15       “(f) VOLUNTEERS.—Not later than 180 days after  
16 the date of enactment of the Federal Disaster Prepared-  
17 ness and Response Act of 1993, the Director shall—

18           “(1) establish a system that is coordinated with  
19 systems of private relief agencies to manage and uti-  
20 lize spontaneous disaster volunteers to carry out pri-  
21 ority disaster response services; and

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

23       “(g) DONATED GOODS.—Not later than 180 days  
24 after the date of enactment of the Federal Disaster Pre-  
25 paredness and Response Act of 1993, the Director shall—

1           “(1) establish a system for the management of  
2           goods donated to the Federal Government to support  
3           disaster victims; and

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

5   **SEC. 6. PREDECLARATION AUTHORITY.**

6           Title II of the Robert T. Stafford Disaster Relief and  
7           Emergency Assistance Act (42 U.S.C. 5131 et seq.) is  
8           amended by adding at the end the following new section:

9   **“SEC. 203. PREDECLARATION AUTHORITY.**

10          “(a) **AUTHORITY.**—When, in the determination of the  
11          Director, events indicate that an emergency, major disas-  
12          ter or catastrophic disaster is likely to be declared, a Fed-  
13          eral agency, in consultation with the Director, may take  
14          such actions as the agency considers necessary to prepare  
15          to provide Federal assistance to State and local govern-  
16          ments and to disaster victims.

17          “(b) **REIMBURSEMENT.**—The Federal agency shall be  
18          reimbursed by the disaster relief fund for the cost of ac-  
19          tions taken in accordance with this section .”.

20   **SEC. 7. DOMESTIC CRISIS MONITORING UNIT.**

21          (a) **ESTABLISHMENT.**—Not later than 30 days of the  
22          date after the enactment of this section, the President  
23          shall establish a unit within the White House to be known  
24          as the “Domestic Crisis Monitoring Unit”.

1 (b) HEAD.—The Domestic Crisis Preparedness and  
2 Monitoring Unit shall be headed by the Vice President.

3 (c) OTHER PARTICIPANTS.—The Cabinet Secretary,  
4 or a designee of the Secretary, and the Director, or a des-  
5 ignee of the Director, shall be detailed to the unit upon  
6 activation.

7 (d) RESPONSIBILITIES.—The head of the Domestic  
8 Crisis Monitoring Unit shall—

9 (1) monitor potential and pending disasters and  
10 emergencies;

11 (2) notify the President and Federal agencies of  
12 impending disasters and emergencies as soon as  
13 practicable; and

14 (3) ensure effective, coordinated, and rapid  
15 Federal agency response in the immediate aftermath  
16 of a catastrophic disaster or emergency.

17 (e) COORDINATION OF ACTIVITIES.—The head of the  
18 Domestic Crisis Monitoring Unit shall coordinate with the  
19 Director and the Governors of States affected by a cata-  
20 strophic disaster or emergency or in which a catastrophic  
21 disaster or emergency is likely to be declared.

22 (f) ACTIVATION.—The President shall activate the  
23 Domestic Crisis Monitoring Unit during the warning  
24 stages of a major or catastrophic disaster, or immediately  
25 following a catastrophic disaster when there is no warning,

1 and shall remain activated until the President determines  
2 that continued activation is unwarranted.

3 (g) ROLE OF FEDERAL COORDINATING OFFICER.—

4 (1) CHIEF OF PRESIDENTIAL RESPONSE  
5 PLAN.—After activation of the Domestic Crisis Mon-  
6 itoring Unit, the Federal Coordinating Officer shall  
7 retain authority as the chief administrator of the  
8 Presidential Response Plan.

9 (2) COORDINATION OF PLAN PARTICIPANTS.—

10 The Federal Coordinating Officer shall coordinate  
11 the activities of the participants of the Plan, includ-  
12 ing consulting with participating agencies to deter-  
13 mine disaster response priorities and directing par-  
14 ticipating agencies to carry out assignments as need-  
15 ed.

16 **SEC. 8. DAMAGE AND NEEDS ASSESSMENT.**

17 Title III of the Robert T. Stafford Disaster Relief  
18 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)  
19 is amended by adding at the end the following new section:

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

21 “(a) IN GENERAL.—Not later than 6 months after  
22 the date of enactment of this section, the Director shall  
23 establish disaster strike teams to be deployed at the dis-  
24 cretion of the Director to an area where a major disaster,  
25 catastrophic disaster, or emergency is likely to be declared.

1 The Director or other FEMA official designated by the  
2 Director shall lead each such strike team, which shall have  
3 the purpose of assessing damage and resulting needs.

4 “(b) COMPOSITION.—The Director shall designate  
5 experts and officials from appropriate Federal agencies,  
6 including FEMA and the Department of Defense, sup-  
7 ported by representatives of State and local agencies, and  
8 private relief agencies, to serve on the disaster strike  
9 teams.

10 “(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon  
11 the request of the Director, the head of any Federal agen-  
12 cy shall detail to temporary duty with a strike team on  
13 a nonreimbursable basis, such personnel within the admin-  
14 istrative jurisdiction of the head of the Federal agency as  
15 the Director may need or believe to be useful for carrying  
16 out the functions of the strike team. Each such detail shall  
17 be without loss of seniority, pay, or other employee status.

18 “(d) EXERCISES.—The strike teams shall conduct  
19 practice exercises at least annually, including officials  
20 from appropriate Federal, State, and local agencies.

21 “(e) DAMAGE AND NEEDS ASSESSMENT.—

22 “(1) IN GENERAL.—Not later than 3 hours  
23 after the onset of a potential or actual catastrophic  
24 disaster, the Director shall deploy a strike team es-  
25 tablished under subsection (a) to evaluate the extent

1 of the damage and the resulting needs for authorized  
2 Federal disaster relief assistance.

3 “(2) RECOMMENDATIONS.—As soon as possible  
4 after deployment, a strike team shall make rec-  
5 ommendations to the Director, the President, and  
6 the Governors of the affected States regarding the  
7 damage and the resources needed to provide life sup-  
8 port to the affected areas. The recommendation shall  
9 classify the disaster and the anticipated level of re-  
10 sponse according to a graduated scale developed by  
11 the Director as part of the Presidential Response  
12 Plan.

13 “(3) COORDINATION WITH STATE AND LOCAL  
14 OFFICIALS.—The damage and needs assessments  
15 shall be conducted in coordination with the State  
16 and local officials of the affected area.”.

17 **SEC. 9. CATASTROPHIC DISASTERS.**

18 Title IV of the Robert T. Stafford Disaster Relief and  
19 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is  
20 amended by adding at the end the following new section:

21 **“SEC. 425. CATASTROPHIC DISASTERS.**

22 “(a) DECLARATION.—

23 “(1) RECOMMENDATION BY DISASTER STRIKE  
24 TEAMS.—At the onset of a disaster in which the dis-  
25 aster strike teams established under section 322(a)

1 have been deployed, or immediately thereafter, the  
2 disaster strike teams shall make concurrent rec-  
3 ommendations to the Director, the President, and  
4 the Governors of the affected States, the Director,  
5 and the President as to whether the disaster should  
6 be declared a catastrophic disaster.

7 “(2) REQUEST FOR DECLARATION.—Requests  
8 for a declaration by the President that a cata-  
9 strophic disaster exists shall be made by the Gov-  
10 ernors of the affected States. A request for a major  
11 disaster declaration complying with the requirements  
12 of section 401 may accompany the request for a dec-  
13 laration of a catastrophic disaster.

14 “(3) FINAL DETERMINATION.—Based on a re-  
15 quest or requests under paragraph (2), the Presi-  
16 dent may declare that a catastrophic disaster, a  
17 major disaster, or an emergency exists. A determina-  
18 tion by the President that a catastrophic disaster or  
19 an emergency exists shall be final.

20 “(b) EFFECT OF DETERMINATION.—

21 “(1) FEDERAL SHARE.—Notwithstanding sec-  
22 tion 403 (b) and (c)(4), the Federal share of the eli-  
23 gible cost of essential direct Federal assistance nec-  
24 essary to sustain life or to protect property following  
25 a catastrophic disaster declaration shall be—

1           “(A) for the first 72 hours (and for up to  
2           an additional 96 hours, at the discretion of the  
3           President) 100 percent; and

4           “(B) after the assistance provided under  
5           subparagraph (A), not less than 75 percent.

6           “(2) DISASTER RESPONSE AND MASS CARE.—

7           Upon the declaration of a catastrophic disaster, the  
8           Federal Coordinating Officer shall assume an active  
9           role in determining whether ancillary resources, such  
10          as the resources of the Department of Defense, are  
11          required to support any disaster response function.  
12          Upon the determination that ancillary resources are  
13          required for mass care, the Federal Coordinating Of-  
14          ficer will actively assist the American Red Cross in  
15          obtaining the resources of the Federal agencies.

16          “(3) RESPONSIBILITY OF THE DEPARTMENT OF  
17          DEFENSE.—

18                 “(A) IN GENERAL.—Following the declara-  
19                 tion of a catastrophic disaster, the Secretary of  
20                 Defense shall, when requested by the President  
21                 and with the concurrence of the Governor of the  
22                 affected State, provide to persons adversely af-  
23                 fected by the disaster, disaster response services  
24                 not otherwise available from State, local, or vol-  
25                 unteer agencies, including—

1 “(i) food, water, and shelter;

2 “(ii) communications;

3 “(iii) debris removal;

4 “(iv) medical assistance; and

5 “(v) any other services necessary to  
6 sustain human life or to promote recovery.

7 “(B) REIMBURSEMENT.—The Secretary of  
8 Defense shall be reimbursed by the disaster re-  
9 lief fund for the provision of disaster response  
10 services described in subparagraph (A).

11 “(C) DIRECTION OF ACTIVITIES.—The  
12 provision of disaster response services under  
13 subparagraph (A) and the administration of re-  
14 lief by consenting State, local, and volunteer  
15 agencies shall be directed by the Federal Co-  
16 ordinating Officer in consultation with the Vice  
17 President in coordination with the Governors of  
18 the affected States or a designee of the Gov-  
19 ernors. After a declaration of a catastrophic  
20 disaster, specific requests by the Governors for  
21 the individual disaster response services de-  
22 scribed in subparagraph (A) shall not be nec-  
23 essary.

24 “(D) TRAINING.—The Secretary of De-  
25 fense shall undertake necessary training and ex-

1           exercises to ensure preparedness for this humani-  
2           tarian mission.

3           “(E) CONTINGENCY PLAN.—The Director  
4           shall develop a contingency plan for the provi-  
5           sion of disaster response services described in  
6           subparagraph (A) in the event that sufficient  
7           disaster response services are unavailable under  
8           subparagraph (A).

9           “(4) ADDITIONAL ASSISTANCE.—

10           “(A) IN GENERAL.—Subject to subpara-  
11           graph (B), the assistance provided in this sub-  
12           section shall supplement and not supplant the  
13           major disaster assistance programs provided in  
14           titles IV and V.

15           “(B) EXCEPTION.—Sections 302 and 303  
16           shall not apply to catastrophic disasters for the  
17           period described in paragraph (1)(A).”.

18   **SEC. 10. TARGETED EMERGENCY GRANTS.**

19           (a) IN GENERAL.—Title II of the Robert T. Stafford  
20   Disaster Relief and Emergency Assistance Act (as amend-  
21   ed by section 6 of this Act) is further amended by adding  
22   at the end the following new section:

23   **“SEC. 204. TARGETED EMERGENCY GRANTS.**

24           “(a) IN GENERAL.—The Director shall establish a  
25   grant program for the purposes of enabling States to pre-

1 pare for, respond to, and recover from major disasters or  
2 emergencies, including evaluations of hazards in the State.  
3 Applications for a grant shall be reviewed by the Director,  
4 and grant awards shall be based on the degree of risk of  
5 major disasters or emergencies involved. Grants shall be  
6 provided only upon compliance by the applicant State with  
7 the performance standards established under subsection  
8 (b).

9 “(b) PERFORMANCE STANDARDS.—

10 “(1) ESTABLISHMENT.—Not later than 1 year  
11 after the date of enactment of this section, the Di-  
12 rector shall establish performance standards to de-  
13 termine eligibility and application procedures for a  
14 grant award under this section.

15 “(2) CRITERIA.—The performance standards  
16 shall be based on the relative severity of risk to pub-  
17 lic health, safety, and property at risk in the State,  
18 and shall include provisions for—

19 “(A) updating emergency operations plans  
20 annually;

21 “(B) ensuring interoperability between  
22 Federal, State, and local emergency operations  
23 plans;

1           “(C) conducting training and annual exer-  
2           cises with all appropriate entities including the  
3           National Guard; and

4           “(D) requiring appropriate hazard mitiga-  
5           tion activities.

6           “(3) PERFORMANCE REVIEW.—The Director  
7           shall conduct annual performance reviews of State  
8           emergency operations plans based on the criteria de-  
9           scribed in paragraph (2).

10          “(4) NOTIFICATION.—The Director shall notify  
11          a State that does not meet the performance stand-  
12          ards within 60 days of review. In the notice, the Di-  
13          rector shall direct the State as to the steps that  
14          must be taken to meet the performance standards.

15          “(5) OPPORTUNITY TO COMPLY.—A State that  
16          does not meet the performance standards shall be  
17          given an additional 60 days to comply.

18          “(c) FEDERAL SHARE OF GRANT.—The Federal  
19          share of a grant under this section shall be 50 percent  
20          of the cost of updating the emergency preparedness activi-  
21          ties of a State.

22          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
23          are authorized to be appropriated to carry out this section  
24          \$200,000,000 for each of fiscal years 1994 through  
25          1998.”.

1 (b) FEDERAL SHARE OF ASSISTANCE.—Title VI of  
2 such Act (42 U.S.C. 5201 et seq.) is amended by adding  
3 at the end the following new section:

4 **“SEC. 604. COMPLIANCE WITH PERFORMANCE STANDARDS.**

5 “(a) IN GENERAL.—Notwithstanding any other pro-  
6 vision of this Act, the Director shall establish a sliding  
7 scale, in accordance with subsection (c), setting forth the  
8 Federal share of the cost of eligible assistance to be pro-  
9 vided under this section during the long-term recovery pe-  
10 riod following a disaster or emergency for a State that  
11 is not in compliance with the performance standards es-  
12 tablished under section 204.

13 “(b) LONG-TERM RECOVERY DEFINED.—For the  
14 purposes of this section, the term ‘long-term recovery’  
15 means the results of activities undertaken to restore an  
16 affected area to the original condition of the area and that  
17 are not necessary to protect human health and public safe-  
18 ty in the immediate aftermath of a disaster.

19 “(c) SLIDING SCALE.—On the sliding scale estab-  
20 lished under subsection (a), the Federal share shall not  
21 exceed 70 percent of the cost of long-term recovery for  
22 each year the State remains out of compliance with the  
23 performance standards. States that are not in compliance  
24 with performance standards shall pay a greater share of  
25 Federal assistance.”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) Section 201 of the Robert T. Stafford Dis-  
3 aster Relief and Emergency Assistance Act (42  
4 U.S.C. 5131) is amended by striking subsection (d).

5 (2) Section 404 of such Act (42 U.S.C. 5170c)  
6 is repealed.

7 (3) Section 106(c) of the Housing and Commu-  
8 nity Development Act of 1974 (42 U.S.C. 5306(c))  
9 is amended by striking paragraph (4).

10 (4) Section 5(b)(2)(A) of the Earthquake Haz-  
11 ards Reduction Act of 1977 (42 U.S.C.  
12 7704(b)(2)(A)) is amended—

13 (A) by striking clause (iv); and

14 (B) by redesignating clauses (v) and (vi)  
15 as clauses (iv) and (v), respectively.

16 **SEC. 11. REORGANIZATION OF FEMA.**

17 (a) IN GENERAL.—The Director shall restructure  
18 FEMA to—

19 (1) implement an all hazards approach to disas-  
20 ter management that includes activities and meas-  
21 ures designed or undertaken to—

22 (A) minimize the effects of natural disas-  
23 ters, civil disturbances, or attack-related emer-  
24 gencies and disasters;

1 (B) respond to the immediate emergency  
2 conditions that are created by the disasters; and

3 (C) effectuate emergency repairs to, or the  
4 emergency restoration of, vital utilities and fa-  
5 cilities destroyed or damaged by a disaster, sub-  
6 ject to reimbursement by private utilities;

7 (2) utilize resources dedicated to defense-related  
8 programs on the date of enactment of this Act to re-  
9 spond to major disasters, catastrophic disasters, and  
10 emergencies;

11 (3) redefine the relationship between the Direc-  
12 tor and FEMA headquarters and regional offices to  
13 ensure effective disaster planning and response; and

14 (4) reduce the number of regional offices and  
15 locate the offices in areas the Director identifies as  
16 high risk.

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

22 (1) The position of Executive Director of  
23 FEMA/Chief of Staff of FEMA.

24 (2) The position of Federal Insurance Adminis-  
25 trator.

1           (3) The position of Administrator of the United  
2 States Fire Administration.

3           (4) The position of Superintendent of the Na-  
4 tional Academy for Fire Prevention and Control.

5           (5) The positions of Regional Director of  
6 FEMA, which shall be reduced in number.

7           (6) The position of General Counsel of FEMA.

8           (7) The position of Senior Advisor to the State  
9 and Local Programs and Support Directorate.

10          (8) Positions of a confidential or policy-deter-  
11 mining character described in schedule C of subpart  
12 C of part 213 of title 5, Code of Federal Regula-  
13 tions.

14          (c) CONFORMING AMENDMENTS.—

15           (1) Section 5(b) of the Federal Fire Prevention  
16 and Control Act of 1974 (15 U.S.C. 2204(b)) is  
17 amended by striking “appointed by the President, by  
18 and with the advice and consent of the Senate, and  
19 shall be”.

20           (2) Section 7(b) of such Act (15 U.S.C.  
21 2206(b)) is amended by striking “, who shall be ap-  
22 pointed by the Secretary”.

1 **SEC. 12. NATIONAL ACADEMY FOR FIRE AND ALL HAZARDS**  
2 **TRAINING.**

3 (a) ESTABLISHMENT.—The National Academy for  
4 Fire Prevention and Control and the Emergency Manage-  
5 ment Institute operated by FEMA are abolished and  
6 merged into the National Academy for Fire and All Haz-  
7 ards Training. The National Academy for Fire and All  
8 Hazards Training shall provide appropriate education for  
9 fire prevention and control of all hazards emergency man-  
10 agement.

11 (b) REDESIGNATION OF TRAINING ACADEMY.—Sec-  
12 tion 7 of the Federal Fire Prevention and Control Act of  
13 1974 (15 U.S.C. 2206) is amended—

14 (1) in subsection (a), by striking “National  
15 Academy for Fire Prevention and Control” and in-  
16 serting “National Academy for Fire and All Hazards  
17 Training”; and

18 (2) in subsection (d)—

19 (A) by striking “and” at the end of para-  
20 graph (4);

21 (B) by striking the period at the end of  
22 paragraph (5) and inserting “; and”; and

23 (C) by adding at the end the following new  
24 paragraph:

25 “(6) train employees of the Federal Emergency  
26 Management Agency and State and local officials in

1 all hazards, as defined in section 102(11) of the  
2 Robert T. Stafford Disaster Relief and Emergency  
3 Assistance Act (42 U.S.C. 5122(11)).”.

4 (c) CONFORMING AMENDMENT.—Section 4 of such  
5 Act (15 U.S.C. 2203) is amended by striking “National  
6 Academy for Fire Prevention and Control” and inserting  
7 “National Academy for Fire and All Hazards Training”.

8 (d) TRANSFER OF FUNCTIONS AND RESOURCES.—  
9 The Director of the Federal Emergency Management  
10 Agency shall transfer the functions, personnel, facilities,  
11 and equipment of the Emergency Management Institute  
12 existing on the date of enactment of this Act to the Na-  
13 tional Academy for Fire and All Hazards Training.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 17 of such Act (15 U.S.C. 2216) is amended by adding  
16 at the end the following new subsection:

17 “(h) There are authorized to be appropriated for the  
18 National Academy for Fire and All Hazards Training  
19 \$80,000,000 for each of fiscal years 1994 through 1998.”.

20 **SEC. 13. RESEARCH CENTER.**

21 Title II of the Robert T. Stafford Disaster Relief and  
22 Emergency Assistance Act (as amended by sections 6 and  
23 10(a) of this Act) is further amended by adding at the  
24 end the following new section:

1 **“SEC. 205. RESEARCH CENTER.**

2 “(a) ESTABLISHMENT.—Not later than 1 year after  
3 the date of enactment of this section, the Director shall  
4 establish a university-based research center to—

5 “(1) conduct research on disaster management  
6 methods, technologies, mitigation and response sys-  
7 tems;

8 “(2) develop a curriculum for disaster manage-  
9 ment and related fields curriculum; and

10 “(3) provide education and training to the  
11 emergency response community.

12 “(b) COMPOSITION.—The university or universities  
13 shall be selected by the Director following a competitive  
14 selection process.

15 “(c) REPORT.—The center shall report annually to  
16 the President and Congress on the activities of the consor-  
17 tium.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to carry out this section  
20 \$5,000,000 for each of fiscal years 1994 and 1995.”.

21 **SEC. 14. REPEAL OF CIVIL DEFENSE ACT.**

22 (a) REPEAL.—The Federal Civil Defense Act of 1950  
23 (50 U.S.C. App. 2251 et seq.) is repealed.

24 (b) CONFORMING AMENDMENTS.—

25 (1) Section 813(d)(2) of the Agricultural Act of  
26 1970 (7 U.S.C. 1427a(d)(2)) is amended by striking

1 “as proclaimed” and all that follows through the pe-  
2 riod and inserting a period.

3 (2) Section 310 of title 23, United States Code,  
4 is amended by striking “Federal Civil Defense Ad-  
5 ministrator” and inserting “Director of the Federal  
6 Emergency Management Agency”.

7 (3) Section 202 of the Robert T. Stafford Dis-  
8 aster Relief and Emergency Assistance Act (42  
9 U.S.C. 5132) is amended—

10 (A) by striking subsection (c); and

11 (B) by redesignating subsection (d) as sub-  
12 section (c).

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