

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5759

To amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to prevent waste, fraud, and abuse in the Directorate, to codify certain existing functions of the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2006

Ms. HARRIS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Energy and Commerce, International Relations, Judiciary, and House Administration, 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

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## A BILL

To amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to prevent waste, fraud, and abuse in the Directorate, to codify certain existing functions of the Department of Homeland Security, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Foundations for Emergency Management Act” or the  
4 “FEMA Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY MANAGEMENT

- Sec. 101. Directorate of Emergency Management.
- Sec. 102. Disaster Response Group.
- Sec. 103. Streamlined deputation of qualified Federal law enforcement officers.
- Sec. 104. International assistance for domestic catastrophic incidents.
- Sec. 105. Gulf Coast Long-Term Recovery Office.
- Sec. 106. National Disaster Medical System.
- Sec. 107. Office of Interoperability and Compatibility.
- Sec. 108. Intelligence analysts.
- Sec. 109. Redesignation of Directorate for Information Analysis and Infrastructure Protection.
- Sec. 110. National Academy of Public Administration study on implementation of organizational reforms.
- Sec. 111. GAO reports on an inventory and status of homeland security training.
- Sec. 112. Grants for training and exercises to assist public elementary and secondary schools.
- Sec. 113. Sense of Congress on the Project 25 conformity assessment project.
- Sec. 114. National pandemic influenza exercise.
- Sec. 115. Public-private sector planning and response pilot program.
- Sec. 116. Emergency Management Performance Grants.
- Sec. 117. Hurricane exercise.
- Sec. 118. Definitions.
- Sec. 119. Conforming amendments.

TITLE II—FRAUD, WASTE, AND ABUSE PREVENTION

- Sec. 201. Fraud, waste, and abuse controls; fraud prevention training program.
- Sec. 202. Assessment and report regarding utilization of Independent Private Sector Inspectors General.
- Sec. 203. Enhanced accountability for Federal assistance.
- Sec. 204. Enhanced information sharing among Federal agencies to prevent fraud, waste, and abuse.
- Sec. 205. Deputy Inspector General for Response and Recovery.
- Sec. 206. Protection of Department of Homeland Security official seal and insignia.

TITLE III—AMENDMENTS TO DISASTER RELIEF AND  
EMERGENCY ASSISTANCE PROGRAM

- Sec. 301. Definitions.

- Sec. 302. State disaster preparedness programs.
- Sec. 303. Standards and reviews.
- Sec. 304. Penalty for misuse of funds.
- Sec. 305. Advance of non-Federal share.
- Sec. 306. Mitigation planning.
- Sec. 307. Procedure for declaration of major disasters.
- Sec. 308. Essential assistance.
- Sec. 309. Temporary housing assistance.
- Sec. 310. Procedure for declaration of emergencies.

#### TITLE IV—GOOD SAMARITAN LIABILITY IMPROVEMENT AND VOLUNTEER ENCOURAGEMENT

- Sec. 401. Short title.
- Sec. 402. Findings.

##### Subtitle A—Disaster Relief Volunteer Protection

- Sec. 411. Definitions.
- Sec. 412. Liability of disaster relief volunteers.
- Sec. 413. Liability of employer or partner of disaster relief volunteer.
- Sec. 414. Liability of host or enabling person, entity, or organization.
- Sec. 415. Liability of governmental and intergovernmental entities for donations of disaster relief goods.
- Sec. 416. Limitation on punitive and non-economic damages based on actions of disaster relief volunteers and governmental or intergovernmental donors.
- Sec. 417. Judicial review of allegations.
- Sec. 418. Supplemental declaration.
- Sec. 419. Election of State regarding nonapplicability.
- Sec. 420. Construction.

##### Subtitle B—Volunteer Protection Improvements

- Sec. 441. Definitions.
- Sec. 442. Liability protection for actions of volunteers generally.
- Sec. 443. Charitable donations liability reform for in-kind contributions.

#### TITLE V—DISASTER RECOVERY PERSONAL PROTECTION

- Sec. 501. Short title.
- Sec. 502. Findings.
- Sec. 503. Prohibition on confiscation of firearms during certain national emergencies.

#### TITLE VI—HURRICANE ELECTION RELIEF

- Sec. 601. Short title.
- Sec. 602. Grants to States for restoring and replacing election administration supplies, materials, records, equipment, and technology which were damaged, destroyed, or dislocated by Hurricanes Katrina or Rita.
- Sec. 603. Authorization of appropriations.

1                   **TITLE I—EMERGENCY**  
2                   **MANAGEMENT**

3 **SEC. 101. DIRECTORATE OF EMERGENCY MANAGEMENT.**

4           (a) ESTABLISHMENT.—Title V of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 311 et seq.) is amended to  
6 read as follows:

7                   **“TITLE V—EMERGENCY**  
8                   **MANAGEMENT**  
9                   **“Subtitle A—Directorate of**  
10                   **Emergency Management**

11 **“SEC. 501. DIRECTORATE OF EMERGENCY MANAGEMENT.**

12           “(a) UNDER SECRETARY FOR EMERGENCY MANAGE-  
13 MENT.—

14                   “(1) IN GENERAL.—There is in the Department  
15 a Directorate of Emergency Management. The head  
16 of the Directorate is the Under Secretary for Emer-  
17 gency Management, who shall be appointed by the  
18 President, by and with the advice and consent of the  
19 Senate.

20                   “(2) QUALIFICATIONS.—The individual ap-  
21 pointed as Under Secretary shall possess a dem-  
22 onstrated ability in and knowledge of emergency  
23 management and homeland security.

1           “(3) RESPONSIBILITIES.—The Under Secretary  
2 shall assist the Secretary in discharging the respon-  
3 sibilities under section 502.

4           “(b) DEPUTY UNDER SECRETARY FOR EMERGENCY  
5 PREPAREDNESS AND MITIGATION.—

6           “(1) IN GENERAL.—There is in the Department  
7 a Deputy Under Secretary for Emergency Prepared-  
8 ness and Mitigation, who shall be appointed by the  
9 President, by and with the advice and consent of the  
10 Senate.

11           “(2) QUALIFICATIONS.—The individual ap-  
12 pointed as Deputy Under Secretary shall possess a  
13 demonstrated ability in and knowledge of emergency  
14 preparedness and mitigation.

15           “(3) RESPONSIBILITIES.—The Deputy Under  
16 Secretary for Emergency Preparedness and Mitiga-  
17 tion shall assist the Under Secretary for Emergency  
18 Management in discharging the responsibilities of  
19 the Under Secretary.

20           “(c) DEPUTY UNDER SECRETARY FOR EMERGENCY  
21 RESPONSE AND RECOVERY.—

22           “(1) IN GENERAL.—There is in the Department  
23 a Deputy Under Secretary for Emergency Response  
24 and Recovery, who shall be appointed by the Presi-

1       dent, by and with the advice and consent of the Sen-  
2       ate.

3               “(2) QUALIFICATIONS.—The individual ap-  
4       pointed as Deputy Under Secretary shall possess a  
5       demonstrated ability in and knowledge of emergency  
6       response and recovery.

7               “(3) RESPONSIBILITIES.—The Deputy Under  
8       Secretary for Emergency Response and Recovery  
9       shall assist the Under Secretary for Emergency  
10      Management in discharging the responsibilities of  
11      the Under Secretary.

12              “(d) ASSISTANT SECRETARIES FOR EMERGENCY  
13      MANAGEMENT.—There are in the Department the fol-  
14      lowing Assistant Secretaries, who shall be appointed by  
15      the President, by and with the advice and consent of the  
16      Senate:

17              “(1) An Assistant Secretary for Grants and  
18      Planning, who shall report directly to the Deputy  
19      Under Secretary for Emergency Preparedness and  
20      Mitigation.

21              “(2) An Assistant Secretary for Training and  
22      Exercises, who shall report directly to the Deputy  
23      Under Secretary for Emergency Preparedness and  
24      Mitigation.

1           “(3) An Assistant Secretary for Emergency  
2           Communications, who shall report directly to the  
3           Under Secretary for Emergency Management.

4           “(4) An Assistant Secretary for Infrastructure  
5           Protection, who shall report directly to the Under  
6           Secretary for Emergency Management.

7           “(5) An Assistant Secretary for Cybersecurity  
8           and Telecommunications, who shall report directly to  
9           the Under Secretary for Emergency Management.

10 **“SEC. 502. RESPONSIBILITIES OF THE UNDER SECRETARY.**

11           “(a) RESPONSIBILITIES.—Subject to the direction  
12 and control of the Secretary, the Under Secretary for  
13 Emergency Management shall have the primary responsi-  
14 bility within the executive branch of Government for pre-  
15 paring for, mitigating against, responding to, and recov-  
16 ering from acts of terrorism, natural disasters, and other  
17 emergencies. Such responsibilities shall include the fol-  
18 lowing:

19           “(1) Serving as the Secretary’s principal advi-  
20           sor on emergency preparedness, mitigation, re-  
21           sponse, and recovery issues.

22           “(2) Carrying out all functions and authorities  
23           prescribed by the Robert T. Stafford Disaster Relief  
24           and Emergency Assistance Act (42 U.S.C. 5121 et  
25           seq.).

1           “(3) Coordinating the Federal response to acts  
2 of terrorism, natural disasters, or other emergencies,  
3 including coordination of—

4           “(A) the National Emergency Response  
5 Team;

6           “(B) the deployment of the Strategic Na-  
7 tional Stockpile;

8           “(C) the National Disaster Medical Sys-  
9 tem;

10          “(D) the Nuclear Incident Response Team  
11 (when operating as an organizational unit of  
12 the Department pursuant to this title);

13          “(E) the Metropolitan Medical Response  
14 System;

15          “(F) the Urban Search and Rescue Sys-  
16 tem;

17          “(G) Federal Incident Response Support  
18 Teams;

19          “(H) Management Support Teams; and

20          “(I) the Mobile Emergency Response Sys-  
21 tem.

22          “(4) Overseeing and directing all of the activi-  
23 ties of the Directorate.



1           “(5) Developing for each fiscal year, and sub-  
2           mitting directly to the President, a prepared budget  
3           for the Directorate.

4           “(6) Coordinating emergency preparedness,  
5           mitigation, response, and recovery activities through-  
6           out the Department.

7           “(7) Leading the development of an integrated  
8           national emergency management system.

9           “(8) Coordinating preparedness, mitigation, re-  
10          sponse, and recovery efforts at the Federal level.

11          “(9) Working with all State, local, tribal, and  
12          private sector emergency managers, emergency re-  
13          sponse providers, and emergency support providers  
14          on all matters pertaining to acts of terrorism, nat-  
15          ural disasters, and other emergencies, including  
16          training, exercises, and lessons learned.

17          “(10) Implementing national strategies and  
18          policies in all matters pertaining to emergency man-  
19          agement and the protection of critical infrastructure.

20          “(11) Establishing priorities for directing, fund-  
21          ing, and conducting national preparedness programs,  
22          activities, and services for preventing, protecting  
23          against, mitigating against, responding to, and re-  
24          covering from acts of terrorism, natural disasters,  
25          and other emergencies.

1           “(12) Coordinating communications and sys-  
2           tems of communications relating to homeland secu-  
3           rity by and between all levels of government.

4           “(13) Directing and supervising homeland secu-  
5           rity financial assistance awarded by the Department  
6           to State, local, and tribal governments.

7           “(14) Serving as an advocate for emergency  
8           preparedness across all government sectors, the pri-  
9           vate sector, and the public.

10          “(15) Helping to ensure the acquisition of oper-  
11          able and interoperable communications capabilities  
12          by Federal, State, and local governments and emer-  
13          gency response providers.

14          “(16) Aiding the recovery from acts of ter-  
15          rorism, natural disasters, and other emergencies.

16          “(17) Minimizing, to the extent practicable,  
17          overlapping planning and reporting requirements ap-  
18          plicable to State, local, and tribal governments and  
19          the private sector.

20          “(18) Performing such other duties relating to  
21          such responsibilities as the Secretary may require.

22          “(b) FUNCTIONS TRANSFERRED.—

23                 “(1) TRANSFER.—There are transferred to the  
24                 Under Secretary for Emergency Management—

1           “(A) the functions, personnel, assets, and  
2           liabilities of the Federal Emergency Manage-  
3           ment Agency; and

4           “(B) the functions, personnel, assets, and  
5           liabilities of the Directorate of Preparedness.

6           “(2) RESPONSIBILITIES.—The Under Secretary  
7           shall carry out the responsibilities of the Director of  
8           the Federal Emergency Management Agency and  
9           the responsibilities of the Under Secretary for Pre-  
10          paredness.

11          “(c) PERFORMANCE OF PREVIOUSLY TRANSFERRED  
12          FUNCTIONS.—The Secretary shall perform the functions  
13          of the following entities through the Under Secretary for  
14          Emergency Management:

15                 “(1) The Integrated Hazard Information Sys-  
16                 tem (which the Secretary shall rename ‘FIRESAT’)  
17                 of the National Oceanic and Atmospheric Adminis-  
18                 tration.

19                 “(2) The National Domestic Preparedness Of-  
20                 fice of the Federal Bureau of Investigation, includ-  
21                 ing the functions of the Attorney General relating  
22                 thereto.

23                 “(3) The Domestic Emergency Response Teams  
24                 of the Department of Justice, including the func-  
25                 tions of the Attorney General relating thereto.

1           “(4) The Office of Emergency Preparedness,  
2           the National Disaster Medical System, and the Met-  
3           ropolitan Medical Response System of the Depart-  
4           ment of Health and Human Services, including the  
5           functions of the Secretary of Health and Human  
6           Services and the Assistant Secretary for Public  
7           Health Emergency Preparedness relating thereto.

8           “(5) The United States Fire Administration  
9           and the United States Fire Academy.

10          “(d) REPROGRAMMING AND TRANSFER OF FUNDS.—  
11        In reprogramming or transferring funds, the Secretary  
12        shall comply with any applicable provision of an annual  
13        Homeland Security Appropriations Act relating to the re-  
14        programming or transfer of funds.

15          “(e) SUFFICIENCY OF RESOURCES.—The Secretary  
16        shall provide to the Under Secretary for Emergency Man-  
17        agement the resources and staff necessary to carry out  
18        the responsibilities of the Directorate of Emergency Man-  
19        agement under this section.

20        **“SEC. 503. PRINCIPAL ADVISOR ON EMERGENCY MANAGE-**  
21   **MENT.**

22          “(a) IN GENERAL.—The Under Secretary for Emer-  
23        gency Management shall serve as the principal advisor to  
24        the President for all matters pertaining to emergency  
25        management in the United States.

1       “(b) CABINET STATUS.—During the effective period  
2 of an Incident of National Significance declared by the  
3 Secretary under the National Response Plan, the Under  
4 Secretary for Emergency Management shall serve as a  
5 Cabinet Officer for the duration of such Incident of Na-  
6 tional Significance.

7       “(c) APPOINTMENT OF PRINCIPAL FEDERAL OFFI-  
8 CIAL.—Notwithstanding any provision of the National Re-  
9 sponse Plan or Homeland Security Presidential Directive  
10 5, the Secretary, in coordination with the Under Secretary  
11 for Emergency Management, shall designate the Principal  
12 Federal Official for purposes of the National Response  
13 Plan.

14       “(d) RETENTION OF AUTHORITY.—Nothing in this  
15 section shall be construed as affecting the authority of the  
16 Secretary under this Act.

17 **“SEC. 504. REGIONAL OFFICES.**

18       “(a) IN GENERAL.—In accordance with section 706,  
19 there is in the Directorate a Regional Office of Emergency  
20 Management for each region of the United States.

21       “(b) MANAGEMENT OF REGIONAL OFFICES.—

22               “(1) REGIONAL DIRECTOR.—Each Regional Of-  
23 fice shall be headed by a Regional Director for  
24 Emergency Management, who shall be appointed by  
25 the Secretary, in consultation with State, local, and

1 tribal governments in the region. Except as provided  
2 in subsection (c)(3), each Regional Director for  
3 Emergency Management shall report directly to the  
4 Under Secretary for Emergency Management.

5 “(2) DEPUTY REGIONAL DIRECTOR.—There  
6 shall be in each Regional Office a Deputy Regional  
7 Director for Emergency Management, who shall be  
8 appointed by the Secretary, in consultation with  
9 State, local, and tribal governments in the region.  
10 The Deputy Regional Director for Emergency Man-  
11 agement for a Regional Office shall report directly  
12 to the Regional Director for Emergency Manage-  
13 ment for that Regional Office.

14 “(3) QUALIFICATIONS.—Each individual ap-  
15 pointed as Regional Director or Deputy Regional Di-  
16 rector for Emergency Management must possess a  
17 demonstrated ability in and knowledge of emergency  
18 management and possess familiarity with the geo-  
19 graphical area and demographic characteristics of  
20 the population served by the Regional Office.

21 “(c) RESPONSIBILITIES.—

22 “(1) IN GENERAL.—Subject to the direction  
23 and control of the Secretary and in consultation with  
24 the Regional Advisory Council on Emergency Man-  
25 agement under subsection (e), each Regional Direc-

1 tor for Emergency Management shall work in part-  
2 nership with State, local, and tribal governments,  
3 emergency managers, emergency response providers,  
4 emergency support providers, medical providers, the  
5 private sector, nongovernmental organizations,  
6 multijurisdictional councils of governments, and re-  
7 gional planning commissions and organizations in  
8 the geographical area served by the Regional Office  
9 to carry out the responsibilities under this section.

10 “(2) CORE RESPONSIBILITIES.—The core re-  
11 sponsibilities of each Regional Director are as fol-  
12 lows:

13 “(A) Ensuring coordination and integra-  
14 tion of regional preparedness, mitigation, re-  
15 sponse, and recovery activities and programs,  
16 including planning, training, exercises, and pro-  
17 fessional development.

18 “(B) Participating in regional emergency  
19 management activities.

20 “(C) Identifying critical gaps in prepared-  
21 ness and reporting such gaps to the Assistant  
22 Secretary for Grants and Planning.

23 “(D) Identifying critical gaps in critical in-  
24 frastructure and reporting such gaps to the As-  
25 sistant Secretary for Infrastructure Protection.

1           “(E) Organizing, in consultation with the  
2 Assistant Secretary for Training and Exercises,  
3 regional training and exercise programs.

4           “(F) Facilitating the dissemination and  
5 implementation of lessons learned and best  
6 practices.

7           “(G) Improving general information shar-  
8 ing and other forms of coordination.

9           “(H) Encouraging, in coordination with  
10 the Director of the Office of Public and Com-  
11 munity Preparedness, public and community  
12 preparedness efforts.

13           “(I) Assisting in the development of re-  
14 gional capabilities needed for a national cata-  
15 strophic response system.

16           “(J) Monitoring, in coordination with the  
17 Assistant Secretary for Grants and Planning,  
18 the use of Federal homeland security assistance  
19 awarded by the Department to State, local, and  
20 tribal governments.

21           “(K) Pre-identifying Joint Field Office lo-  
22 cations in areas with large populations or in  
23 areas at high risk to acts of terrorism, natural  
24 disasters, or other emergencies.



1           “(L) Fostering the development of mutual  
2 aid and other cooperative agreements pertaining  
3 to emergency management.

4           “(M) Identifying critical gaps in regional  
5 capabilities to respond to the needs of at-risk  
6 communities, as described in section 527(e).

7           “(N) Performing such other duties relating  
8 to such responsibilities as the Secretary may re-  
9 quire.

10           “(3) INCIDENTS OF NATIONAL SIGNIFICANCE.—

11           “(A) APPOINTMENT OF REGIONAL DIREC-  
12 TOR AS PRINCIPAL FEDERAL OFFICIAL OR FED-  
13 ERAL COORDINATING OFFICER.—During the ef-  
14 fective period of an Incident of National Signifi-  
15 cance declared by the Secretary under the Na-  
16 tional Response Plan, if the Regional Director  
17 is appointed Principal Federal Official or Fed-  
18 eral Coordinating Officer, the Deputy Regional  
19 Director shall assume the responsibilities of the  
20 Regional Director during such incident.

21           “(B) RESPONSIBILITIES OF PRINCIPAL  
22 FEDERAL OFFICIAL.—In addition to the respon-  
23 sibilities of the Principal Federal Official under  
24 the National Response Plan, such Official shall,

1 with respect to the Incident of National Signifi-  
2 cance—

3 “(i) establish and direct a Joint Field  
4 Office and any other coordination struc-  
5 ture that is needed for such incident;

6 “(ii) possess the authority to make  
7 any necessary operational decisions, in ac-  
8 cordance with existing Federal law, with-  
9 out obtaining approval from the Secretary;

10 “(iii) coordinate and direct, as appro-  
11 priate, Federal response assets deployed  
12 within the operational area;

13 “(iv) serve as the primary point of  
14 contact between the Department, the De-  
15 partment of Defense, and States for con-  
16 tingency planning; and

17 “(v) act as the primary point of con-  
18 tact and situational awareness locally for  
19 the Secretary of Homeland Security.

20 “(d) TRAINING AND EXERCISE REQUIREMENTS.—

21 “(1) TRAINING.—The Secretary shall require  
22 each Regional Director and Deputy Regional Direc-  
23 tor for Emergency Management to complete Prin-  
24 cipal Federal Officer training not later than 60 days  
25 after the date on which the Regional Director or

1 Deputy Regional Director is appointed. In addition,  
2 the Secretary shall require each Regional Director  
3 and Deputy Regional Director to periodically, but  
4 not less than annually, undergo specific training to  
5 complement the qualifications of the Regional Direc-  
6 tor or Deputy Regional Director. Such training shall  
7 include training with respect to the National Inci-  
8 dent Management System, the National Response  
9 Plan, and such other subjects as determined by the  
10 Secretary.

11 “(2) EXERCISES.—The Secretary shall require  
12 each Regional Director and Deputy Regional Direc-  
13 tor for Emergency Management to regularly partici-  
14 pate in regional or national exercises.

15 “(e) REGIONAL ADVISORY COUNCILS ON EMER-  
16 GENCY MANAGEMENT.—

17 “(1) ESTABLISHMENT.—There is in each Re-  
18 gional Office a Regional Advisory Council on Emer-  
19 gency Management. Each Advisory Council shall re-  
20 port to the Regional Director of the Regional Office.

21 “(2) MEMBERSHIP.—

22 “(A) The Regional Director shall appoint  
23 the following members to the Advisory Council  
24 of that Regional Director’s Regional Office—

1           “(i) subject matter experts from  
2 across the Federal Government, including  
3 representatives from the Departments of  
4 Defense, Energy, Health and Human Serv-  
5 ices, and Transportation;

6           “(ii) subject matter experts from com-  
7 ponents of the Directorate, including the  
8 Offices of Grants and Planning, Training  
9 and Exercises, Public and Community Pre-  
10 paredness, Infrastructure Protection, Re-  
11 sponse, and Recovery;

12           “(iii) subject matter experts from  
13 other components of the Department, in-  
14 cluding the Coast Guard, United States  
15 Customs and Border Protection, Immigra-  
16 tion and Customs Enforcement, the Trans-  
17 portation Security Administration, and the  
18 United States Secret Service;

19           “(iv) subject matter experts rep-  
20 resenting emergency managers, emergency  
21 response providers, and emergency support  
22 providers; and

23           “(v) subject matter experts from the  
24 private sector, including nongovernmental  
25 organizations, educational institutions, so-

1           cial action agencies, and faith-based orga-  
2           nizations.

3           “(B) State, local, and tribal governments  
4           within the geographic area served by the Re-  
5           gional Office shall appoint officials, including  
6           Adjutants General and emergency managers, as  
7           members of the Advisory Council.

8           “(3) TERMS OF OFFICE.—

9           “(A) IN GENERAL.—The term of office of  
10          each member of the Advisory Council shall be  
11          3 years.

12          “(B) INITIAL APPOINTMENTS.—Of the  
13          members initially appointed to the Advisory  
14          Council—

15                 “(i) one-third shall be appointed for a  
16                 term of one year; and

17                 “(ii) one-third shall be appointed for a  
18                 term of two years.

19          “(4) CHAIR.—At the first meeting of the Advi-  
20          sory Council, the members of the Advisory Council  
21          appointed under paragraph (2) shall elect a chair of  
22          the Advisory Council.

23          “(5) MEETINGS.—The Advisory Council shall  
24          meet at least biannually at the call of the chair.  
25          Each member shall be given appropriate notice of

1 the call of each meeting, whenever possible not less  
2 than 15 days before the meeting.

3 “(6) REGIONAL FACTORS.—The size and com-  
4 position of each Advisory Council shall be deter-  
5 mined by—

6 “(A) the size of the region associated with  
7 the Advisory Council;

8 “(B) the propensity of that region to expe-  
9 rience natural disasters and other emergencies;

10 “(C) the risk of acts of terrorism within  
11 the region; and

12 “(D) State, local, and tribal preparedness,  
13 as measured against the National Preparedness  
14 Goal.

15 “(7) RESPONSIBILITIES.—The Advisory Council  
16 shall carry out the following responsibilities:

17 “(A) Advise the Regional Director on  
18 emergency management issues specific to that  
19 region.

20 “(B) Identify any geographic, demo-  
21 graphic, or other characteristics peculiar to any  
22 State, local, or tribal government within the re-  
23 gion that might make preparedness, mitigation,  
24 response, or recovery more complicated or dif-  
25 ficult.

1           “(C) Advise the Regional Director on de-  
2           veloping a process of peer review for cata-  
3           strophic emergency plans submitted under sec-  
4           tion 524.

5           “(D) Advise the Regional Director of any  
6           weaknesses or deficiencies in preparedness,  
7           mitigation, response, and recovery for any  
8           State, local, or tribal government within the re-  
9           gion of which the Advisory Council is aware.

10          “(E) Assist the Regional Director in estab-  
11          lishing a process to secure goods and services  
12          through coordinated, pre-negotiated contracts  
13          by Federal, State, local, and tribal govern-  
14          ments.

15          “(F) Provide recommendations on other  
16          matters pertaining to emergency management.

17          “(G) Provide such advice as the Regional  
18          Director requests.

19          “(f) COORDINATION.—Each Regional Director for  
20          Emergency Management shall coordinate all activities con-  
21          ducted under this section with other Federal departments  
22          and agencies, and shall not have authority over other  
23          agencies of the Department, including the Coast Guard,  
24          the United States Customs and Border Protection, Immi-

1 gration and Customs Enforcement, the Transportation Se-  
2 curity Administration, or the United States Secret Service.

3 “(g) RETENTION OF AUTHORITIES.—

4 “(1) FEDERAL COORDINATING OFFICER.—

5 Nothing in this section shall be construed as affect-  
6 ing any authority of the Federal Coordinating Offi-  
7 cer under the Robert T. Stafford Disaster Relief and  
8 Emergency Assistance Act (42 U.S.C. 5201 et seq.).

9 “(2) STATE, LOCAL, AND TRIBAL GOVERN-  
10 MENTS.—Nothing in this section shall be construed  
11 as limiting the power of State, local, and tribal gov-  
12 ernments.

13 “(h) DEADLINE AND USE OF EXISTING OFFICES.—

14 “(1) DEADLINE.—The Secretary shall establish  
15 the Regional Offices required under this section not  
16 later than one year after the date of the enactment  
17 of the Foundations for Emergency Management Act.

18 “(2) USE OF EXISTING FIELD OFFICES.—In es-  
19 tablishing the Regional Offices required under this  
20 section, the Secretary shall, to the extent prac-  
21 ticable, co-locate and consolidate field offices of the  
22 Department that are in existence as of the date of  
23 the enactment of such Act.

24 “(i) APPLICABILITY OF FEDERAL ADVISORY COM-  
25 MITTEE ACT.—



1           “(1) IN GENERAL.—Notwithstanding section  
2       871(a) and subject to paragraph (2), the Federal  
3       Advisory Committee Act (5 U.S.C. App.), including  
4       subsections (a), (b), and (d) of section 10 of such  
5       Act, and section 552b(c) of title 5, United States  
6       Code, shall apply to the Advisory Council.

7           “(2) TERMINATION.—Section 14(a)(2)(B) of  
8       the Federal Advisory Committee Act (5 U.S.C.  
9       App.) shall not apply to the Advisory Council.

10   **“SEC. 505. CHIEF MEDICAL OFFICER.**

11       “(a) IN GENERAL.—There is in the Department a  
12       Chief Medical Officer, who shall be appointed by the Presi-  
13       dent, by and with the advice and consent of the Senate.  
14       The Chief Medical Officer shall report directly to the  
15       Under Secretary for Emergency Management.

16       “(b) QUALIFICATIONS.—The individual appointed as  
17       Chief Medical Officer shall possess a demonstrated ability  
18       in and knowledge of medicine and public health.

19       “(c) RESPONSIBILITIES.—The Chief Medical Officer  
20       shall have the primary responsibility within the Depart-  
21       ment for medical issues related to acts of terrorism, nat-  
22       ural disasters, and other emergencies, including the fol-  
23       lowing:

24           “(1) Serving as the Secretary’s principal advi-  
25       sor on medical and public health issues.

1           “(2) Coordinating the biosurveillance and detec-  
2           tion activities of the Department.

3           “(3) Ensuring that decision support tools link  
4           biosurveillance and detection information to near  
5           real-time response actions at the State, local, and  
6           tribal level.

7           “(4) Ensuring internal and external coordina-  
8           tion of all medical preparedness and response activi-  
9           ties of the Department, including training, exercises,  
10          and equipment support.

11          “(5) Serving as the Department’s primary point  
12          of contact with the Departments of Agriculture, De-  
13          fense, Health and Human Services, Transportation,  
14          and Veterans Affairs, and other Federal depart-  
15          ments or agencies, on medical and public health  
16          issues.

17          “(6) Serving as the Department’s primary point  
18          of contact with respect to medical and public health  
19          matters.

20          “(7) Discharging, in coordination with the  
21          Under Secretary for Science and Technology, re-  
22          sponsibilities of the Department related to Project  
23          Bioshield.

24          “(8) Establishing doctrine and priorities for the  
25          National Disaster Medical System and supervising

1 its medical components, consistent with the National  
2 Response Plan and the National Incident Manage-  
3 ment System.

4 “(9) Establishing doctrine and priorities for the  
5 Metropolitan Medical Response System, consistent  
6 with the National Response Plan and the National  
7 Incident Management System.

8 “(10) Assessing and monitoring long-term  
9 health issues of emergency managers, emergency re-  
10 sponse providers, and emergency support providers.

11 “(11) Developing and updating guidelines for  
12 State, local, and tribal governments for medical re-  
13 sponse plans for chemical, biological, radiological,  
14 nuclear, or explosive weapon attacks.

15 “(12) Identifying, in consultation with the Sec-  
16 retary of Health and Human Services, appropriate  
17 medical equipment and supplies for inclusion in the  
18 force packages under the Prepositioned Equipment  
19 Program under section 581.

20 “(13) Developing, in consultation with the Sec-  
21 retary of Health and Human Services, appropriate  
22 patient tracking capabilities to execute domestic pa-  
23 tient movement and evacuations, including a system  
24 that has the capacity of electronically maintaining

1 and transmitting the health information of hospital  
2 patients.

3 “(14) Performing such other duties relating to  
4 such responsibilities as the Secretary may require.

5 “(d) DEPUTY.—There is in the Department a Deputy  
6 Chief Medical Officer, who shall be appointed by the Sec-  
7 retary and who shall assist the Chief Medical Officer in  
8 carrying out the responsibilities under subsection (c).

9 “(e) QUALIFICATIONS.—The individual appointed as  
10 Deputy Chief Medical Officer shall possess a demonstrated  
11 ability in and knowledge of medicine and public health.

12 “(f) LONG-TERM HEALTH ASSESSMENT PRO-  
13 GRAM.—

14 “(1) IN GENERAL.—The Chief Medical Officer,  
15 in consultation with the Director of the National In-  
16 stitute for Occupational Safety and Health, shall es-  
17 tablish a program to assess, monitor, and study the  
18 health and safety of emergency managers, emer-  
19 gency response providers, and emergency support  
20 providers following Incidents of National Signifi-  
21 cance declared by the Secretary under the National  
22 Response Plan.

23 “(2) COOPERATIVE AGREEMENTS.—In carrying  
24 out the program under this subsection, the Chief  
25 Medical Officer shall enter into cooperative agree-

1       ments, as necessary, with medical institutions in the  
2       areas affected by such Incidents of National Signifi-  
3       cance.

4       “(g) FEDERAL PUBLIC HEALTH AND MEDICAL AS-  
5       SETS.—

6               “(1) COMPREHENSIVE PLAN.—The Chief Med-  
7       ical Officer shall develop a comprehensive plan to  
8       identify, deploy, and track public health and medical  
9       assets of the Federal Government for use during a  
10      catastrophic event.

11              “(2) REPORT TO CONGRESS.—Not later than  
12      180 days after the date of enactment of this Act, the  
13      Chief Medical Officer shall submit to Congress a re-  
14      port containing the plan developed under this sub-  
15      section.

16      **“SEC. 506. NATIONAL BIOSURVEILLANCE INTEGRATION**  
17                      **SYSTEM.**

18              “(a) ESTABLISHMENT.—The Secretary, acting  
19      through the Chief Medical Officer, shall establish a Na-  
20      tional Biosurveillance Integration System (referred to in  
21      this section as the ‘NBIS’) to enhance the capability of  
22      the Federal Government to rapidly identify, characterize,  
23      and localize a biological event by integrating and analyzing  
24      data from human health, animal, plant, food, and environ-

1 mental monitoring systems (both national and inter-  
2 national) into 1 comprehensive system.

3 “(b) REQUIREMENTS.—The NBIS shall be designed  
4 to detect, as early as possible, a biological event that pre-  
5 sents a risk to the United States or the infrastructure or  
6 key assets of the United States. The NBIS shall—

7 “(1) consolidate data from all relevant surveil-  
8 lance systems maintained by the Department and  
9 other governmental and private sources, both foreign  
10 and domestic;

11 “(2) use an information technology system that  
12 uses the best available statistical and other analyt-  
13 ical tools to automatically identify and characterize  
14 biological events in as close to real-time as possible;  
15 and

16 “(3) process and protect sensitive data con-  
17 sistent with requirements of applicable privacy laws  
18 including the Health Insurance Portability and Ac-  
19 countability Act of 1996.

20 “(c) RESPONSIBILITIES OF THE CHIEF MEDICAL OF-  
21 FICER.—

22 “(1) IN GENERAL.—The Chief Medical Officer  
23 shall—

24 “(A) establish an entity to perform all op-  
25 erations and assessments related to the NBIS;

1           “(B) continuously monitor the availability  
2           and appropriateness of data feeds and solicit  
3           new surveillance systems with data that would  
4           enhance biological situational awareness or  
5           overall NBIS performance;

6           “(C) continuously review and seek to im-  
7           prove the statistical and other analytical meth-  
8           ods utilized by NBIS;

9           “(D) establish a procedure to enable States  
10          and local government entities to report sus-  
11          picious events that could warrant further as-  
12          sessments using NBIS;

13          “(E) receive and consider all relevant  
14          homeland security information; and

15          “(F) provide technical assistance, as ap-  
16          propriate, to all Federal, regional, State, and  
17          local government entities and private sector en-  
18          tities that contribute data relevant to the oper-  
19          ation of NBIS.

20          “(2) ASSESSMENTS.—The Chief Medical Officer  
21          shall—

22                 “(A) continuously evaluate available data  
23                 for evidence of a biological event; and

24                 “(B) integrate homeland security informa-  
25                 tion with NBIS data to provide overall situa-

1           tional awareness and determine whether a bio-  
2           logical event has occurred.

3           “(3) INFORMATION SHARING.—The Chief Med-  
4           ical Officer shall—

5                   “(A) in the event that a biological event is  
6                   detected, notify the Secretary and disseminate  
7                   results of NBIS assessments related to that bi-  
8                   ological event to appropriate Federal, regional,  
9                   State, and local response entities in a timely  
10                  manner to support decisionmaking;

11                  “(B) provide reports on NBIS assessments  
12                  to Federal, regional, State, and local govern-  
13                  ments and any private sector entities, as consid-  
14                  ered appropriate by the Secretary; and

15                  “(C) use available information sharing net-  
16                  works internal to the Department, as well as  
17                  those within the intelligence community and op-  
18                  eration centers, for distributing NBIS incident  
19                  or situational awareness reports.

20           “(d) NOTIFICATION OF CHIEF MEDICAL OFFICER.—  
21           The Secretary shall ensure that the Chief Medical Officer  
22           is notified of any threat of a biological event and receives  
23           all classified and unclassified reports related to threats of  
24           biological events in a timely manner.

25           “(e) ADMINISTRATIVE AUTHORITIES.—



1           “(1) HIRING OF EXPERTS.—The Chief Medical  
2           Officer shall hire individuals with the necessary ex-  
3           pertise to develop and operate the NBIS system.

4           “(2) DETAIL OF PERSONNEL.—Upon the re-  
5           quest of the Chief Medical Officer, the head of any  
6           Federal department or agency may detail, on a reim-  
7           bursable basis, any of the personnel of that depart-  
8           ment or agency to the Directorate of Emergency  
9           Management to assist the Chief Medical Officer in  
10          carrying out this section.

11          “(3) PRIVACY.—The Chief Medical Officer shall  
12          ensure all applicable privacy regulations are strictly  
13          adhered to in the operation of the NBIS and the  
14          sharing of any information related to the NBIS.

15          “(f) JOINT BIOSURVEILLANCE LEADERSHIP COUN-  
16          CIL.—The Chief Medical Officer shall—

17                 “(1) establish an interagency coordination coun-  
18                 cil to facilitate interagency cooperation to advise the  
19                 Chief Medical Officer on recommendations to en-  
20                 hance the biosurveillance capabilities of the Depart-  
21                 ment; and

22                 “(2) invite officials of Federal agencies that  
23                 conduct biosurveillance programs, including the De-  
24                 partment of Health and Human Services, the De-  
25                 partment of Agriculture, the Environment Protec-

1       tion Agency, and the Department of Defense, to  
2       serve on such council.

3       “(g) ANNUAL REPORT REQUIRED.—Not later than  
4       December 31 of each year, the Chief Medical Officer shall  
5       submit to Congress a report that contains each of the fol-  
6       lowing:

7               “(1) A list of departments, agencies, and pri-  
8       vate or nonprofit entities participating in the NBIS  
9       and the data each entity contributes to the NBIS.

10              “(2) An implementation plan for the NBIS that  
11       includes cost, schedule, and key milestones.

12              “(3) The status of the implementation of the  
13       NBIS.

14              “(4) The schedule for obtaining access to any  
15       relevant biosurveillance information not compiled in  
16       NBIS as of the date on which the report is sub-  
17       mitted.

18              “(5) A description of the incident reporting or  
19       decisionmaking protocols in effect as of the date on  
20       which the report is submitted and any changes made  
21       to such protocols during the period beginning on the  
22       date on which the report for the preceding year was  
23       submitted and ending on the date on which the re-  
24       port is submitted.

1           “(6) A list of any Federal, State, or local gov-  
2           ernment entities that have direct or indirect access  
3           to the information that is integrated into the NBIS.

4           “(h) RELATIONSHIP TO OTHER DEPARTMENTS AND  
5 AGENCIES.—The authority of the Chief Medical Officer  
6 under this section shall not affect an authority or responsi-  
7 bility of any other department or agency of the Federal  
8 Government with respect to biosurveillance activities  
9 under any program administered by that department or  
10 agency.

11          “(i) BIOLOGICAL EVENT.—The term ‘biological  
12 event’ means—

13           “(1) an act of terrorism that uses material of  
14 biological origins; or

15           “(2) a naturally occurring outbreak of an infec-  
16 tious disease that may affect national security.

17 **“SEC. 507. OFFICE OF STATE, LOCAL, AND TRIBAL GOVERN-**  
18 **MENT COORDINATION.**

19          “(a) ESTABLISHMENT.—There is in the Directorate  
20 of Emergency Management an Office of State, Local, and  
21 Tribal Government Coordination to oversee and coordinate  
22 programs of the Directorate for and relationships with na-  
23 tional organizations representing State, local, and tribal  
24 governments.

1       “(b) DIRECTOR.—The Office shall be headed by a Di-  
2 rector, who shall be appointed by the Secretary.

3       “(c) RESPONSIBILITIES.—The Director of the Office  
4 of State, Local, and Tribal Government Coordination  
5 shall, in consultation with the Regional Directors for  
6 Emergency Management appointed under section 504(b),  
7 carry out the following responsibilities:

8           “(1) Coordinating the activities of the Direc-  
9 torate relating to State, local, and tribal govern-  
10 ment.

11          “(2) Assessing and advocating for the resources  
12 needed by State, local, and tribal governments to  
13 prevent, prepare for, respond to, mitigate against,  
14 and recover from acts of terrorism, natural disas-  
15 ters, and other emergencies.

16          “(3) Providing State, local, and tribal govern-  
17 ments with regular information, research, and tech-  
18 nical support to assist local efforts in securing the  
19 homeland.

20          “(4) Developing a process for receiving mean-  
21 ingful and timely consultation from State, local, and  
22 tribal governments to assist in the development of  
23 an integrated national emergency management sys-  
24 tem.

1           “(5) Scheduling regular meetings with rep-  
2           representatives selected by State, local, and tribal gov-  
3           ernments.

4           “(6) Ensuring the coordination of the planning,  
5           reporting, and certification requirements imposed on  
6           State, local, and tribal governments by the Direc-  
7           torate, identifying duplicative reporting and certifi-  
8           cation requirements that can be eliminated, and de-  
9           termining whether some reports can be used or  
10          adapted to be used to satisfy multiple reporting obli-  
11          gations.

12   **“SEC. 508. NATIONAL OPERATIONS CENTER.**

13          “(a) ESTABLISHMENT.—There is in the Department  
14          of Homeland Security the National Operations Center (re-  
15          ferred to in this section as the ‘NOC’) which shall serve  
16          as the Nation’s nerve center for information-sharing and  
17          domestic incident management at all times.

18          “(b) RESPONSIBILITIES.—The NOC shall—

19                 “(1) increase coordination between Federal,  
20                 State, territorial, tribal, local, and private sector  
21                 partners;

22                 “(2) collect and fuse information from a variety  
23                 of sources on a daily basis to monitor threats and  
24                 help deter, detect, and prevent terrorist acts;

1           “(3) provide real-time situational awareness  
2           and coordinate incident and response activities;

3           “(4) in conjunction with the Office of Intel-  
4           ligence and Analysis, issue advisories and bulletins  
5           concerning threats to homeland security, as well as  
6           specific protective measures; and

7           “(5) perform other functions the Secretary  
8           deems necessary.

9           “(c) DIRECTOR.—The NOC shall be headed by a Di-  
10          rector, who shall be appointed by the Secretary. The Di-  
11          rector shall report directly to the Secretary.

12          “(d) STAFF.—The NOC shall be staffed with full-  
13          time employees from relevant Federal departments and  
14          agencies. The NOC shall also be staffed with employees  
15          from other relevant Federal, State, and local departments  
16          and agencies if the Secretary deems it appropriate.

17          “(e) TRANSFER OF FUNCTIONS.—The Secretary  
18          shall provide for the transfer to the NOC of the functions  
19          of the following entities:

20                 “(1) The Homeland Security Operations Cen-  
21                 ter.

22                 “(2) The National Response Coordination Cen-  
23                 ter.

24                 “(3) The Interagency Incident Management  
25                 Group.

1       “(f) REVISION OF NATIONAL RESPONSE PLAN.—The  
2 Secretary shall revise the National Response Plan to carry  
3 out this section.

4       **“SEC. 509. OFFICE OF NATIONAL CAPITAL REGION COORDI-**  
5                                   **NATION.**

6       “(a) ESTABLISHMENT.—

7               “(1) IN GENERAL.—There is in the Directorate  
8 of Emergency Management the Office of National  
9 Capital Region Coordination, to oversee and coordi-  
10 nate Federal programs for and relationships with  
11 State, local, and regional authorities in the National  
12 Capital Region, as defined under section 2674(f)(2)  
13 of title 10, United States Code.

14               “(2) DIRECTOR.—The Office shall be headed by  
15 a Director, who shall be appointed by the Secretary.  
16 The Director shall report directly to the Under Sec-  
17 retary for Emergency Management.

18               “(3) COOPERATION.—The Secretary shall co-  
19 operate with the Mayor of the District of Columbia,  
20 the Governors of Maryland and Virginia, and other  
21 State, local, and regional officers in the National  
22 Capital Region to integrate the District of Columbia,  
23 Maryland, and Virginia into the planning, coordina-  
24 tion, and execution of the activities of the Federal  
25 Government to prevent, prepare for, respond to,

1 mitigate against, and recover from acts of terrorism,  
2 natural disasters, and other emergencies.

3 “(b) RESPONSIBILITIES.—The Director of the Office  
4 of National Capital Region Coordination shall carry out  
5 the following responsibilities:

6 “(1) Overseeing and coordinating the activities  
7 of the Department relating to the National Capital  
8 Region, including cooperation with the Office for  
9 State, Local, and Tribal Government Coordination.

10 “(2) Assessing and advocating for the resources  
11 needed by State, local, and regional authorities in  
12 the National Capital Region to implement efforts to  
13 prevent, prepare for, respond to, mitigate against,  
14 and recover from acts of terrorism, natural disas-  
15 ters, and other emergencies.

16 “(3) Providing State, local, and regional au-  
17 thorities in the National Capital Region with regular  
18 information, research, and technical support to as-  
19 sist the efforts of State, local, and regional authori-  
20 ties in the National Capital Region in preventing,  
21 preparing for, responding to, mitigating against, and  
22 recovering from acts of terrorism, natural disasters,  
23 and other emergencies.

24 “(4) Developing a process for receiving mean-  
25 ingful input from State, local, and regional authori-



1 ties and the private sector in the National Capital  
2 Region to assist in the development of the homeland  
3 security plans and activities of the Federal Govern-  
4 ment.

5 “(5) Coordinating with Federal agencies in the  
6 National Capital Region on emergency preparedness  
7 to ensure adequate planning, information sharing,  
8 training, and execution of the Federal role in domes-  
9 tic preparedness activities.

10 “(6) Coordinating with Federal, State, local,  
11 and regional agencies and private sector entities in  
12 the National Capital Region on emergency prepared-  
13 ness to ensure adequate planning, information shar-  
14 ing, training, and execution of domestic prepared-  
15 ness activities among such agencies and entities.

16 “(7) Serving as a liaison between the Federal  
17 Government and State, local, and regional authori-  
18 ties and private sector entities in the National Cap-  
19 ital Region to facilitate access to Federal grants and  
20 other programs.

21 “(c) ANNUAL REPORT.—The Director shall submit to  
22 Congress an annual report that includes the following:

23 “(1) The identification of any resources re-  
24 quired to fully implement homeland security efforts  
25 in the National Capital Region.

1           “(2) An assessment of the progress made by  
2           the National Capital Region in implementing home-  
3           land security efforts.

4           “(3) The recommendations of the Director with  
5           respect any additional resources needed to fully im-  
6           plement homeland security efforts in the National  
7           Capital Region.

8           “(d) LIMITATION.—Nothing in this section shall be  
9           construed as limiting the power of any State, local, or trib-  
10          al government.

11       **“SEC. 510. NATIONAL ADVISORY COUNCIL ON EMERGENCY**  
12                               **MANAGEMENT.**

13          “(a) ESTABLISHMENT.—Not later than 60 days after  
14          the date of the enactment of this section, the Secretary  
15          shall establish an advisory body pursuant to section  
16          871(a), to be known as the National Advisory Council on  
17          Emergency Management.

18          “(b) RESPONSIBILITIES.—The Advisory Council shall  
19          assist the Secretary in implementing subsection (c).

20          “(c) REQUIREMENT TO REVIEW, REVISE, OR RE-  
21          PLACE CERTAIN DOCUMENTS.—The Secretary shall peri-  
22          odically, but not less than biennially, review, revise, or re-  
23          place—

24                       “(1) the National Response Plan;

1           “(2) the National Incident Management Sys-  
2       tem;

3           “(3) the National Preparedness Guidance;

4           “(4) the National Preparedness Goal;

5           “(5) the Targeted Capabilities List;

6           “(6) the Universal Task List;

7           “(7) the National Infrastructure Protection  
8       Plan;

9           “(8) the National Planning Scenarios;

10          “(9) any successor to any document under any  
11       of paragraphs (1) through (8); and

12          “(10) any other national initiatives on acts of  
13       terrorism, natural disasters, and other emergencies  
14       that affects emergency managers, emergency re-  
15       sponse providers, and emergency support providers  
16       as necessary.

17       “(d) REPORT.—

18           “(1) IN GENERAL.—Not later than one year  
19       after the date on which the Advisory Council is es-  
20       tablished under subsection (a), and not later than  
21       every two years thereafter, the Advisory Council  
22       shall submit to the Secretary a report on the rec-  
23       ommendations of the Advisory Council for reviewing,  
24       revising, or replacing such national initiatives.

25           “(2) CONTENTS.—Each report shall—

1           “(A) include a priority ranking of essential  
2 capabilities for emergency preparedness in  
3 order to provide guidance to the Secretary and  
4 to the Congress on determining the appropriate  
5 allocation of, and funding levels for, the needs  
6 of emergency response providers;

7           “(B) set forth a methodology by which any  
8 State, local, or tribal government will be able to  
9 determine the extent to which it possesses or  
10 has access to the essential capabilities that  
11 State, local, and tribal governments having  
12 similar risks should obtain;

13           “(C) describe the availability of national  
14 voluntary consensus standards, and whether  
15 there is a need for new national voluntary con-  
16 sensus standards, with respect to training and  
17 equipment for emergency response providers;

18           “(D) include such additional matters as  
19 the Secretary may specify in order to further  
20 the emergency preparedness capabilities of  
21 emergency response providers; and

22           “(E) include such revisions to the contents  
23 of previous reports as are necessary to take into  
24 account changes in the most current risk as-  
25 sessment prepared by and available from the

1 Chief Intelligence Officer and the Assistant Sec-  
2 retary for Infrastructure Protection or other  
3 relevant information as determined by the Sec-  
4 retary.

5 “(3) CONSISTENCY WITH FEDERAL WORKING  
6 GROUP.—The Advisory Council shall ensure that its  
7 recommendations for essential capabilities for emer-  
8 gency preparedness are, to the extent feasible, con-  
9 sistent with any preparedness goals or recommenda-  
10 tions of the Federal working group established under  
11 section 319F(a) of the Public Health Service Act  
12 (42 U.S.C. 247d–6(a)).

13 “(e) MEMBERSHIP.—

14 “(1) IN GENERAL.—The Advisory Council shall  
15 consist of 30 members appointed by the Secretary,  
16 and shall, to the extent practicable, represent a geo-  
17 graphic (including urban and rural) and substantive  
18 cross section of emergency managers, emergency re-  
19 sponse providers, and emergency support providers  
20 from State, local, and tribal governments, including  
21 as appropriate—

22 “(A) members selected from the emergency  
23 management and response fields, including fire  
24 service, law enforcement, hazardous materials

1 response, emergency medical services, and  
2 emergency management personnel;

3 “(B) health scientists, emergency and in-  
4 patient medical providers, and public health  
5 professionals, including—

6 “(i) experts in emergency health care  
7 response to chemical, biological, radio-  
8 logical, and nuclear terrorism;

9 “(ii) experts in providing mental  
10 health care during emergency response op-  
11 erations; and

12 “(iii) experts in stockpiling medical  
13 equipment and supplies and medical logis-  
14 tics;

15 “(C) experts from Federal, State, and local  
16 governments, and the private sector, rep-  
17 resenting standards-setting organizations, in-  
18 cluding representation from the voluntary con-  
19 sensus codes and standards development com-  
20 munity, particularly those with expertise in the  
21 emergency preparedness and response field;

22 “(D) State and local officials with exper-  
23 tise in terrorism preparedness and emergency  
24 management, including Adjutants General, sub-  
25 ject to the condition that if any such official is

1 an elected official representing 1 of the two  
2 major political parties, an equal number of  
3 elected officials shall be selected from each such  
4 party; and

5 “(E) members selected from the emergency  
6 support field, including public works, utilities,  
7 and transportation personnel who are routinely  
8 engaged in emergency response.

9 “(2) COORDINATION WITH THE DEPARTMENTS  
10 OF HEALTH AND HUMAN SERVICES AND TRANSPOR-  
11 TATION.—In the selection of members of the Advi-  
12 sory Council who are health or emergency medical  
13 services professionals, the Secretary shall coordinate  
14 such selection with the Secretaries of Health and  
15 Human Services and Transportation.

16 “(3) EX OFFICIO MEMBERS.—The Secretary  
17 and the Secretary of Health and Human Services  
18 shall each designate 1 or more officers of their re-  
19 spective Department to serve as ex officio members  
20 of the Advisory Council. One of the ex officio mem-  
21 bers from the Department of Homeland Security  
22 shall be the designated officer of the Federal Gov-  
23 ernment for purposes of subsection (e) of section 10  
24 of the Federal Advisory Committee Act (5 App.  
25 U.S.C.).

1           “(4) TERMS OF OFFICE.—

2                   “(A) IN GENERAL.—Except as provided in  
3           subparagraph (B), the term of office of each  
4           member of the Advisory Council shall be 3  
5           years.

6                   “(B) INITIAL APPOINTMENTS.—Of the  
7           members initially appointed to the Advisory  
8           Council—

9                           “(i) one-third shall be appointed for a  
10                           term of one year; and

11                           “(ii) one-third shall be appointed for a  
12                           term of two years.

13           “(f) APPLICABILITY OF FEDERAL ADVISORY COM-  
14           MITTEE ACT.—

15                   “(1) IN GENERAL.—Notwithstanding section  
16           871(a) and subject to paragraph (2), the Federal  
17           Advisory Committee Act (5 U.S.C. App.), including  
18           subsections (a), (b), and (d) of section 10 of such  
19           Act, and section 552b(c) of title 5, United States  
20           Code, shall apply to the Advisory Council.

21                   “(2) TERMINATION.—Section 14(a)(2)(B) of  
22           the Federal Advisory Committee Act (5 U.S.C.  
23           App.) shall not apply to the Advisory Council.



1 **“SEC. 511. REORGANIZATION OF DIRECTORATE.**

2 “The Secretary may not allocate or reallocate func-  
3 tions among the officers of the Directorate of Emergency  
4 Management or establish, consolidate, alter, or discontinue  
5 organizational units within the Directorate of Emergency  
6 Management under the authority of section 872 until the  
7 date that is 120 days after the date on which the Secretary  
8 submits to Congress a report describing the proposed allo-  
9 cation, reallocation, establishment, consolidation, alter-  
10 ation or discontinuance.

11 **“Subtitle B—Emergency**  
12 **Preparedness**

13 **“SEC. 521. OFFICE OF GRANTS AND PLANNING.**

14 “(a) IN GENERAL.—There is in the Department an  
15 Office of Grants and Planning under the authority of the  
16 Under Secretary for Emergency Management.

17 “(b) ASSISTANT SECRETARY.—The head of the office  
18 shall be the Assistant Secretary for Grants and Planning.

19 “(c) RESPONSIBILITIES.—The Assistant Secretary  
20 for Grants and Planning shall carry out the following re-  
21 sponsibilities:

22 “(1) Administering Department grant programs  
23 that enhance the capacity of State, regional, local,  
24 and tribal governments to prevent, prepare for, miti-  
25 gate against, respond to, and recover from acts of  
26 terrorism, natural disasters, and other emergencies.

1           “(2) Ensuring coordination of the homeland se-  
2           curity assistance programs of the Federal Govern-  
3           ment.

4           “(3) Establishing incentives for the efficient ad-  
5           ministration of Federal homeland security assist-  
6           ance.

7           “(4) Evaluating the effectiveness of funded De-  
8           partment programs and disseminating lessons  
9           learned, as appropriate.

10          “(5) Reviewing and revising, in consultation  
11          with the NIC (as that term is used in section 541)  
12          and the National Advisory Council on Emergency  
13          Management, on a periodic basis, but not less than  
14          biennially, preparedness documents and capabilities-  
15          based planning tools, related to catastrophic acts of  
16          terrorism, natural disasters, and other emergencies,  
17          including—

18                 “(A) the National Preparedness Goal;

19                 “(B) the Targeted Capabilities List;

20                 “(C) the Universal Task List;

21                 “(D) the National Planning Scenarios; and

22                 “(E) any other document or tool in sup-  
23                 port of Homeland Security Presidential Direc-  
24                 tive 8 or any other Homeland Security Presi-

1           dential Directive related to the national emer-  
2           gency management system.

3           “(6) Establishing, in coordination with State,  
4           local, and tribal governments, a clear and account-  
5           able process for achieving, maintaining, and enhanc-  
6           ing national preparedness for catastrophic acts of  
7           terrorism, natural disasters, and other emergencies.

8           “(7) Providing technical assistance to State,  
9           local, and tribal governments on catastrophic plan-  
10          ning and preparedness.

11          “(8) Developing performance measures and  
12          metrics for assessing national preparedness.

13          “(9) Assessing, on a periodic basis, but not less  
14          than annually, the effectiveness of preparedness ca-  
15          pabilities at the Federal, State, local, and tribal lev-  
16          els.

17          “(10) Developing priorities for Federal home-  
18          land security assistance to State, local, and tribal  
19          governments on the basis of such periodic assess-  
20          ments.

21          “(11) Implementing a shared resource planning  
22          system to facilitate collaborative plan development.

23          “(12) Reviewing, in coordination with appro-  
24          priate Federal departments and agencies, all Federal  
25          preparedness activities.

1           “(13) Performing such other duties relating to  
2           such responsibilities as the Secretary may require.

3           “(d) ANNUAL STATUS REPORTS.—Not later than 60  
4           days after the last day of each fiscal year, the Secretary  
5           shall provide to Congress a status report on the Nation’s  
6           level of preparedness during that fiscal year, including  
7           State, local, and tribal capabilities, the amount and use  
8           of grants awarded by the Department to State, local, and  
9           tribal governments, the readiness of Federal response as-  
10          sets, the utilization of mutual aid, and an assessment of  
11          how the Federal homeland security assistance programs  
12          support the National Preparedness Goal.

13          **“SEC. 522. OFFICE OF TRAINING AND EXERCISES.**

14          “(a) IN GENERAL.—There is in the Department an  
15          Office of Training and Exercises under the authority of  
16          the Under Secretary for Emergency Management.

17          “(b) ASSISTANT SECRETARY.—The head of the office  
18          shall be the Assistant Secretary for Training and Exer-  
19          cises.

20          “(c) RESPONSIBILITIES.—The Assistant Secretary  
21          for Training and Exercises shall—

22                  “(1) establish specific requirements for training  
23                  programs and exercises for Federal, State, regional,  
24                  local, and tribal government officials, emergency re-

1        sponse providers, emergency support providers, and  
2        other entities as appropriate;

3            “(2) design, develop, perform, and evaluate  
4        training programs and exercises at all levels of gov-  
5        ernment to enhance and test the Nation’s capability  
6        to prevent, prepare for, mitigate against, respond to,  
7        and recover from threatened or actual acts of ter-  
8        rorism, natural disasters, and other emergencies;

9            “(3) establish common supporting methodology  
10       for training programs and exercises;

11          “(4) define and implement performance meas-  
12       ures for training programs and exercises;

13          “(5) coordinate the training and exercise activi-  
14       ties of the Department;

15          “(6) serve as the primary point of contact in  
16       the Department for homeland security training and  
17       exercises for other Federal departments and agen-  
18       cies;

19          “(7) identify, analyze, and monitor the imple-  
20       mentation of best practices and lessons learned with  
21       respect to training and exercises;

22          “(8) establish a comprehensive program for the  
23       professional development and education of homeland  
24       security personnel at all levels of government, non-

1 governmental organizations, and emergency manage-  
2 ment personnel in the private sector; and

3 “(9) perform such other duties relating to such  
4 responsibilities as the Secretary may require.

5 “(d) TRANSFER.—

6 “(1) IN GENERAL.—The Assistant Secretary for  
7 Training and Exercises shall have authority over the  
8 following:

9 “(A) The Center for Domestic Prepared-  
10 ness.

11 “(B) The National Emergency Training  
12 Center.

13 “(C) The National Exercise and Evalua-  
14 tion Program.

15 “(2) NOBLE TRAINING CENTER.—The Noble  
16 Training Center is transferred to the Center for Do-  
17 mestic Preparedness. The Center for Domestic Pre-  
18 paredness shall integrate the Noble Training Center  
19 into the program structure of the Center for Domes-  
20 tic Preparedness.

21 “(e) NATIONAL EXERCISE PROGRAM.—

22 “(1) IN GENERAL.—The Secretary, acting  
23 through the Assistant Secretary for Training and  
24 Exercises, shall carry out a National Exercise Pro-  
25 gram for the purpose of testing, evaluating, and en-

1       hancing the capabilities of Federal, State, regional,  
2       local, and tribal government entities to prevent, pre-  
3       pare for, respond to, mitigate against, and recover  
4       from threatened or actual acts of terrorism, natural  
5       disasters, and other emergencies.

6               “(2) CONTENTS OF PROGRAM.—The National  
7       Exercise Program—

8               “(A) shall enhance coordination for pre-  
9       paredness between all levels of government,  
10       emergency response providers, emergency sup-  
11       port providers, nongovernmental organizations,  
12       international governments and organizations,  
13       and the private sector;

14              “(B) shall be—

15              “(i) multidisciplinary in nature, in-  
16       cluding, as appropriate, information anal-  
17       ysis and cybersecurity components;

18              “(ii) as realistic as practicable and  
19       based on current risk assessments, includ-  
20       ing credible threats, vulnerabilities, and  
21       consequences;

22              “(iii) carried out with the minimum  
23       degree of notice to involved parties regard-  
24       ing the timing and details of such exer-  
25       cises, consistent with safety considerations;

1           “(iv) evaluated against performance  
2           measures and followed by corrective action  
3           to solve identified deficiencies; and

4           “(v) assessed to learn best practices,  
5           which the Secretary shall share with ap-  
6           propriate Federal, State, regional, local,  
7           and tribal personnel, authorities, and  
8           training institutions for emergency man-  
9           agers, emergency response providers, and  
10          emergency support providers; and

11          “(C) shall provide assistance to State, re-  
12          gional, local, and tribal governments with the  
13          design, implementation, and evaluation of exer-  
14          cises that—

15                 “(i) conform to the requirements  
16                 under subparagraph (B);

17                 “(ii) are consistent with any applica-  
18                 ble State or urban area homeland security  
19                 strategy or plan;

20                 “(iii) support implementation of—

21                         “(I) the National Incident Man-  
22                         agement System;

23                         “(II) the National Response  
24                         Plan;



1 “(III) the National Preparedness  
2 Goal;

3 “(IV) the National Preparedness  
4 Guidance;

5 “(V) the National Infrastructure  
6 Protection Plan; and

7 “(VI) any other similar national  
8 initiatives; and

9 “(iv) provide for systematic evaluation  
10 of readiness.

11 “(3) NATIONAL LEVEL EXERCISES.—The Sec-  
12 retary, acting through the Assistant Secretary for  
13 Training and Exercises, shall periodically but not  
14 less than biennially, perform national exercises for  
15 the following purposes:

16 “(A) To involve in national exercises high-  
17 ranking officials from—

18 “(i) Federal, State, local, tribal, and  
19 international governments;

20 “(ii) nongovernmental organizations,  
21 including faith-based organizations;

22 “(iii) the private sector; and

23 “(iv) others as the Secretary considers  
24 appropriate.

1           “(B) To test and evaluate, in coordination  
2 with the Attorney General and the Secretary of  
3 Defense, the capability of Federal, State, local,  
4 and tribal governments to detect, disrupt, and  
5 prevent threatened or actual catastrophic acts  
6 of terrorism, especially those involving weapons  
7 of mass destruction.

8           “(C) To test and evaluate the readiness of  
9 Federal, State, local, and tribal governments to  
10 respond in a coordinated and unified manner to  
11 catastrophic acts of terrorism, natural disasters,  
12 and other emergencies.

13           “(D) To test and evaluate the readiness of  
14 Federal, State, local, and tribal governments to  
15 recover from catastrophic acts of terrorism, nat-  
16 ural disasters, and other emergencies.

17           “(4) COORDINATION AND CONSULTATION.—In  
18 carrying out the National Exercise Program, the  
19 Secretary shall—

20           “(A) coordinate with—

21           “(i) components of the Department  
22 that have expertise in exercises, including  
23 the Coast Guard, the United States Secret  
24 Service, United States Customs and Bor-

1 der Protection, and United States Immi-  
2 gration and Customs Enforcement; and

3 “(ii) such other Federal departments  
4 and agencies as the Secretary determines  
5 are appropriate; and

6 “(B) consult regularly with—

7 “(i) a geographic and substantive  
8 cross section of emergency managers,  
9 emergency response providers, and emer-  
10 gency support providers (including such  
11 providers located in both urban and rural  
12 areas);

13 “(ii) Federal, State, and local training  
14 institutions for emergency managers, emer-  
15 gency response providers, and emergency  
16 support providers; and

17 “(iii) State and local officials, includ-  
18 ing Adjutants General, with expertise in  
19 terrorism preparedness and emergency  
20 management.

21 “(5) TOP OFFICIAL PREVENTION EXERCISES.—

22 Not later than one year after the date of enactment  
23 of the Foundations for Emergency Management Act,  
24 the Secretary, acting through the Assistant Sec-  
25 retary for Training and Exercises, shall establish a

1 program through which the Secretary carries out pe-  
2 riodically but not less than biennially a national ter-  
3 rorism prevention exercise for the purposes of—

4 “(A) involving in national exercises high-  
5 ranking officials from Federal, State, local,  
6 tribal, and international governments, as the  
7 Secretary considers appropriate; and

8 “(B) testing and evaluating, in coordina-  
9 tion with the Attorney General and the Sec-  
10 retary of Defense, the capability of Federal,  
11 State, local, and tribal government entities to  
12 detect, disrupt, and prevent threatened or ac-  
13 tual catastrophic acts of terrorism.

14 “(6) NATIONAL EXERCISE STRATEGY.—The  
15 Secretary, acting through the Assistant Secretary  
16 for Training and Exercises, shall develop a multi-  
17 year national homeland security exercise plan and  
18 submit the plan to the Homeland Security Council  
19 for review and approval.

20 “(f) NATIONAL TRAINING PROGRAM.—

21 “(1) IN GENERAL.—The Secretary, acting  
22 through the Assistant Secretary for Training and  
23 Exercises, shall carry out a National Training Pro-  
24 gram for the purpose of enhancing the capabilities  
25 of the Nation’s emergency managers, emergency re-

1        sponse providers, and emergency support providers  
2        to prevent, prepare for, respond to, mitigate against,  
3        and recover from threatened or actual acts of ter-  
4        rorism, natural disasters, and other emergencies.

5            “(2) REQUIREMENTS.—The National Training  
6        Program shall provide training that—

7            “(A) reaches multiple disciplines, including  
8        Federal, State, and local government officials,  
9        emergency managers, emergency response pro-  
10       viders, emergency support providers, the private  
11       sector, international governments and organiza-  
12       tions, and other entities as the Secretary con-  
13       siders appropriate;

14           “(B) provides training at the awareness,  
15       performance, and management and planning  
16       levels;

17           “(C) utilizes multiple training mediums  
18       and methods, including—

19            “(i) direct delivery;

20            “(ii) train-the-trainer;

21            “(iii) computer-based training;

22            “(iv) web-based training; and

23            “(v) video teleconferencing;

1           “(D) is consistent with any applicable  
2 State or urban area homeland security strategy  
3 or plan;

4           “(E) is consistent with, and supports im-  
5 plementation of, the National Incident Manage-  
6 ment System, the National Response Plan, the  
7 National Preparedness Goal, the National Pre-  
8 paredness Guidance, the National Infrastruc-  
9 ture Protection Plan, and other such national  
10 initiatives;

11           “(F) is evaluated against clear and con-  
12 sistent performance measures; and

13           “(G) to the greatest extent practicable, uti-  
14 lizes State, regional, and tribal training institu-  
15 tions.

16           “(3) NATIONAL VOLUNTARY CONSENSUS  
17 STANDARDS.—The Secretary shall—

18           “(A) support the development, promulga-  
19 tion, and regular updating as necessary of na-  
20 tional voluntary consensus standards for train-  
21 ing; and

22           “(B) ensure that the training provided  
23 under the National Training Program is con-  
24 sistent with such standards.

1           “(4) TRAINING PARTNERS.—In developing and  
2 delivering training under the National Training Pro-  
3 gram, the Secretary shall—

4           “(A) work with government training facili-  
5 ties, academic institutions, private organiza-  
6 tions, and other entities that provide special-  
7 ized, state-of-the-art training for emergency  
8 managers, emergency response providers, or  
9 emergency support providers; and

10          “(B) utilize, as appropriate, training  
11 courses provided by community colleges, State  
12 and local public safety academies, State and  
13 private universities, and other facilities.

14          “(5) COORDINATION AND CONSULTATION.—In  
15 carrying out the National Training Program, the  
16 Secretary shall—

17          “(A) coordinate with—

18           “(i) components of the Department  
19 that have expertise in training, including  
20 the Coast Guard, the United States Secret  
21 Service, the United States Fire Adminis-  
22 tration, and the Federal Law Enforcement  
23 Training Center; and

1           “(ii) such other Federal departments  
2           and agencies as the Secretary determines  
3           are appropriate; and

4           “(B) consult regularly with—

5           “(i) a geographic and substantive  
6           cross section of emergency managers,  
7           emergency response providers, and emer-  
8           gency support providers (including such  
9           providers located in both urban and rural  
10          areas); and

11          “(ii) State and local officials, includ-  
12          ing Adjutants General, with expertise in  
13          terrorism preparedness and emergency  
14          management.

15          “(g) REMEDIAL ACTION MANAGEMENT PROGRAM.—  
16          The Secretary, acting through the Assistant Secretary for  
17          Training and Exercises, shall establish a Remedial Action  
18          Management Program to—

19                 “(1) identify and analyze training, exercises,  
20                 and real-world events for lessons learned and best  
21                 practices;

22                 “(2) generate after action reports for Incidents  
23                 of National Significance as declared by the Secretary  
24                 under the National Response Plan;



1           “(3) disseminate lessons learned and best prac-  
2           tices;

3           “(4) monitor the implementation of lessons  
4           learned and best practices;

5           “(5) conduct remedial action tracking and long-  
6           term trend analysis; and

7           “(6) certify that—

8                   “(A) recipients of Federal homeland secu-  
9                   rity assistance have implemented lessons  
10                  learned and best practices, as appropriate; and

11                  “(B) ensure that no recipient uses any  
12                  Federal homeland security assistance without  
13                  such certification.

14           “(h) NATIONAL DOMESTIC PREPAREDNESS CONSOR-  
15           TIUM.—There is in the Department a National Domestic  
16           Preparedness Consortium that—

17                  “(1) includes as members—

18                          “(A) the Center for Domestic Prepared-  
19                          ness;

20                          “(B) the New Mexico Institute of Mining  
21                          and Technology;

22                          “(C) Louisiana State University;

23                          “(D) the Texas A&M University System;

24                          and

1           “(E) the Nevada Test Site of the Depart-  
2           ment of Energy.

3           “(2) identifies, develops, tests, and delivers  
4           training to State, local, and tribal emergency re-  
5           sponse providers;

6           “(3) provides onsite and mobile training at the  
7           performance and management and planning levels;  
8           and

9           “(4) facilitates the delivery of awareness level  
10          training by the training partners of the Department.

11          “(i) NATIONAL EXERCISE SIMULATION CENTER.—  
12          There is in the Department a National Exercise Simula-  
13          tion Center that uses a mix of live, virtual, and construc-  
14          tive simulations to—

15                 “(1) prepare elected officials, emergency man-  
16                 agers, emergency response providers, and emergency  
17                 support providers at all levels of Government to op-  
18                 erate cohesively;

19                 “(2) provide a learning environment for the  
20                 homeland security personnel of all Federal depart-  
21                 ments and agencies;

22                 “(3) assist in the development of operational  
23                 procedures and exercises, particularly those based on  
24                 catastrophic incidents; and

1           “(4) allow incident commanders to exercise de-  
2           cisionmaking in a simulated environment.

3   **“SEC. 523. ESSENTIAL CAPABILITIES.**

4           “(a) ESTABLISHMENT OF ESSENTIAL CAPABILI-  
5   TIES.—

6           “(1) IN GENERAL.—Building upon the National  
7   Preparedness Goal, the Secretary, acting through  
8   the Assistant Secretary for Grants and Planning,  
9   shall regularly update, revise, or replace essential ca-  
10  pabilities for State, local, and tribal government  
11  emergency preparedness, in consultation with the  
12  following:

13           “(A) The National Advisory Council on  
14   Emergency Management under section 509.

15           “(B) Components of the Department, in-  
16   cluding the Under Secretary for Science and  
17   Technology, the Chief Intelligence Officer, the  
18   Director for Operations Coordination, the As-  
19   sistant Secretary for Policy, the Assistant Sec-  
20   retary for Transportation Security, the Assist-  
21   ant Secretary for Infrastructure Protection, the  
22   Assistant Secretary for Cybersecurity and Tele-  
23   communications, the Commissioner of United  
24   States Customs and Border Protection, and the  
25   Commandant of the Coast Guard.

1           “(C) The Secretary of Health and Human  
2           Services.

3           “(D) Other appropriate Federal depart-  
4           ments and agencies.

5           “(E) State, local, and tribal emergency re-  
6           sponse providers.

7           “(F) State, local, and tribal emergency  
8           support providers.

9           “(G) State, local, and tribal prevention and  
10          emergency management officials, including Ad-  
11          jutants General.

12          “(H) Consensus-based standardmaking or-  
13          ganizations responsible for setting standards  
14          relevant to emergency managers, emergency re-  
15          sponse providers, and emergency support pro-  
16          viders.

17          “(2) DEADLINES.—The Secretary shall update,  
18          revise, or replace the essential capabilities under  
19          paragraph (1) not later than 30 days after receiving  
20          the report submitted by the National Advisory Coun-  
21          cil on Emergency Management under section 509(d).

22          “(3) REPORT ON PROVISION OF ESSENTIAL CA-  
23          PABILITIES.—The Secretary shall ensure that a re-  
24          port containing a detailed description of the essential  
25          capabilities is provided promptly to State and tribal

1 governments and to Congress. The States shall  
2 make the description of the essential capabilities  
3 available as appropriate to local governments within  
4 their jurisdictions.

5 “(b) OBJECTIVES.—The Secretary shall ensure that  
6 essential capabilities meet the following objectives:

7 “(1) Essential capabilities shall describe specifi-  
8 cally the planning, personnel, equipment, training,  
9 and exercises that State, local, or tribal governments  
10 should possess or have access to for purposes of the  
11 Department’s goals for emergency preparedness  
12 based on—

13 “(A) the National Preparedness Goal and  
14 supporting directives, policies, and guidelines;

15 “(B) the most current risk assessment  
16 available from the Chief Intelligence Officer of  
17 the threats of terrorism against the United  
18 States;

19 “(C) the risks faced by different types of  
20 communities, including communities of various  
21 sizes, geographies, and other distinguishing  
22 characteristics; and

23 “(D) the principles of regional coordination  
24 and mutual aid among State, local, and tribal  
25 governments.

1           “(2) Essential capabilities shall be sufficiently  
2 flexible so as to allow State, local, and tribal govern-  
3 ment officials to establish priorities based on local or  
4 regional needs while reaching nationally determined  
5 emergency preparedness levels within a specified  
6 time period.

7           “(3) Essential capabilities shall be designed to  
8 enable the measurement of progress toward specific  
9 emergency preparedness goals.

10          “(c) FACTORS TO BE CONSIDERED.—

11           “(1) IN GENERAL.—In updating, revising, or  
12 replacing essential capabilities for State, local, or  
13 tribal governments under subsection (a)(1), the Sec-  
14 retary specifically shall consider the variables of  
15 threat, vulnerability, and consequences with respect  
16 to population (including transient commuting and  
17 tourist populations), areas of high population den-  
18 sity, critical infrastructure, coastline, and inter-  
19 national borders.

20           “(2) BASIS FOR CONSIDERATION.—Such con-  
21 sideration shall be based upon the most current risk  
22 assessment available from the Chief Intelligence Of-  
23 ficer and the Assistant Secretary for Infrastructure  
24 Protection of the threats of terrorism against the  
25 United States and the needs described in the Na-

1 tional Preparedness Goal and the directives, policies,  
2 and guidelines supporting the National Preparedness  
3 Goal.

4 **“SEC. 524. CATASTROPHIC PLANNING.**

5 “(a) PURPOSE.—The purpose of this section is to en-  
6 sure that, in return for Federal funds, State and local gov-  
7 ernments take responsibility for preparing and planning  
8 for catastrophic incidents.

9 “(b) CATASTROPHIC INCIDENT DEFINED.—In this  
10 section, the term ‘catastrophic incident’ means any nat-  
11 ural or manmade incident, including terrorism, that re-  
12 sults in extraordinary levels of mass casualties, damage,  
13 or disruption severely affecting the population, infrastruc-  
14 ture, environment, economy, national morale, or govern-  
15 ment functions.

16 “(c) CATASTROPHIC EMERGENCY PLANS RE-  
17 QUIRED.—The Secretary, acting through the Assistant  
18 Secretary for Grants and Planning and in consultation  
19 with the Assistant Secretary for Training and Exercises,  
20 shall require any State or urban area that submits an ap-  
21 plication to the Secretary for Federal homeland security  
22 financial assistance administered by the Department to  
23 maintain a catastrophic emergency plan to be imple-  
24 mented in the event of a catastrophic incident. The Sec-  
25 retary shall require the State or urban area to update,

1 implement, and exercise the catastrophic emergency plan  
2 as necessary.

3 “(d) REQUIREMENTS.—Each catastrophic emergency  
4 plan required under this section, with respect to a State  
5 or urban area, shall include—

6 “(1) evacuation and sheltering in place proce-  
7 dures for the general population of the State or  
8 urban area;

9 “(2) the procedures in place to address the pre-  
10 positioning of food, medical and fuel supplies;

11 “(3) the evacuation and sheltering in place pro-  
12 cedures for populations with special needs, including  
13 persons with disabilities, health problems, language  
14 barriers, and income barriers, the elderly, children,  
15 and individuals with pets, service animals, or farm  
16 animals;

17 “(4) sheltering options for displaced popu-  
18 lations;

19 “(5) the augmentation of response resources;

20 “(6) regional planning, mutual aid agreements,  
21 and requests for assistance that can meet urgent  
22 needs;

23 “(7) the adequacy of delivery networks for crit-  
24 ical services and supplies;



1           “(8) the degree to which the plan is mutually  
2           supportive among contiguous jurisdictions and  
3           States;

4           “(9) the use of all available and appropriate  
5           transportation modes and resources, including the  
6           identification of routes of egress and ingress, and  
7           destinations;

8           “(10) the changes in authorities or regulations  
9           which may be necessary for the plan to meet the de-  
10          mands of a catastrophic event;

11          “(11) contingency plans for the survivability,  
12          sustainability, and interoperability of emergency  
13          communications systems;

14          “(12) procedures for disseminating timely and  
15          accurate public alerts and warnings;

16          “(13) procedures and policies for the continuity  
17          of operations for government and other essential  
18          services;

19          “(14) search and rescue procedures for popu-  
20          lations with special needs, including persons with  
21          disabilities, health problems, language barriers, and  
22          income barriers, the elderly, children, and individ-  
23          uals with pets, service animals, or farm animals; and

24          “(15) a clearly defined command structure.

1       “(e) CONSISTENCY.—A catastrophic emergency plan  
2 required under this section shall be consistent with, and  
3 support the implementation of—

4           “(1) any applicable State or urban area home-  
5 land security strategy or plan; and

6           “(2) the National Incident Management Sys-  
7 tem, the National Response Plan, the National Pre-  
8 paredness Goal, the National Preparedness Guid-  
9 ance, the National Infrastructure Protection Plan,  
10 and other such national initiatives as may be deter-  
11 mined by the Secretary.

12       “(f) PEER REVIEW CERTIFICATION.—

13           “(1) DEVELOPMENT OF REGIONAL PLANS.—  
14 Each Regional Director for Emergency Management  
15 under section 504, in coordination with the Assist-  
16 ant Secretary for Grants and Planning, shall develop  
17 a process of peer review for any catastrophic emer-  
18 gency plan submitted under subsection (a) by a  
19 State or urban area in the geographical area in  
20 which the Regional Office directed by that Regional  
21 Director for Emergency Management is located.

22           “(2) DEADLINE FOR SUBMISSION OF PLANS.—  
23 Not later than one year after the date of the enact-  
24 ment of the Foundations for Emergency Manage-  
25 ment Act, each Regional Director for Emergency

1 Management shall submit a plan to the National Ad-  
2 visory Council on Emergency Management describ-  
3 ing the peer review process developed by the Re-  
4 gional Director for Emergency Management. The  
5 National Advisory Council on Emergency Manage-  
6 ment shall review and approve or disapprove each  
7 such plan.

8 “(g) REMEDIAL ACTION.—Not later than 90 days  
9 after completion of exercises under subsection (a), the Sec-  
10 retary, in consultation with the Assistant Secretary for  
11 Training and Exercises, shall develop a lessons learned  
12 and remedial action strategy for catastrophic planning.

13 “(h) CONSULTATION.—In developing the catastrophic  
14 emergency plan required under this section, a State or  
15 urban area shall consult with and seek appropriate com-  
16 ments from—

17 “(1) local governments within the urban area or  
18 State;

19 “(2) a geographic and substantive cross section  
20 of emergency managers, emergency response pro-  
21 viders, and emergency support providers within the  
22 urban area or State (including, in the case of a  
23 State, such providers from both urban and rural  
24 areas within the State);

1           “(3) locally governed multijurisdictional coun-  
2           cils of governments and regional planning commis-  
3           sions; and

4           “(4) appropriate private sector sources.

5   **“SEC. 525. SYSTEM ASSESSMENT AND VALIDATION FOR**  
6                           **EMERGENCY RESPONDERS PROGRAM.**

7           “(a) IN GENERAL.—The Secretary, acting through  
8           the Under Secretary for Emergency Management and in  
9           coordination with the Under Secretary for Science and  
10          Technology, shall establish a System Assessment and Vali-  
11          dation for Emergency Responders Program to provide  
12          high quality, impartial, and operationally relevant evalua-  
13          tions and validations of critical emergency response pro-  
14          vider-related equipment and systems and provide such  
15          evaluations and validations to emergency response pro-  
16          viders in an operationally useful form.

17          “(b) REQUIREMENTS.—The program established  
18          under subsection (a) shall—

19                 “(1) provide impartial, practitioner relevant,  
20                 and operationally oriented assessments and valida-  
21                 tions of emergency response provider equipment and  
22                 systems that have not previously third-party certified  
23                 to a national voluntary census standard adopted by  
24                 the Department, including—

1           “(A) commercial, off-the-shelf emergency  
2           response provider equipment and systems in all  
3           equipment list categories of the Standardized  
4           Equipment List published by the Interagency  
5           Board for Equipment Standardization and  
6           Interoperability; and

7           “(B) such other equipment or systems as  
8           the Secretary determines are appropriate;

9           “(2) provide information that enables decision-  
10          makers and emergency response providers to better  
11          select, procure, use, and maintain emergency re-  
12          sponse provider equipment or systems;

13          “(3) assess and validate the performance of  
14          products within a system and systems within sys-  
15          tems; and

16          “(4) provide information and feedback to emer-  
17          gency response providers through a well-maintained,  
18          Internet-accessible database.

19          “(c) ASSESSMENT AND VALIDATION PROCESS.—The  
20          assessment and validation of emergency response provider  
21          equipment and systems shall utilize multiple evaluation  
22          techniques, including—

23                 “(1) operational assessments of equipment per-  
24                 formance on vehicle platforms;

1           “(2) technical assessments on a comparative  
2 basis of system component performance across  
3 makes and models under controlled conditions; and

4           “(3) integrative assessments on an individual  
5 basis of system component interoperability and com-  
6 patibility with other system components.

7           “(d) COORDINATION.—In assessing and validating  
8 personnel protective equipment under this section, the  
9 Secretary shall, to the extent practicable, coordinate with  
10 the Director of the National Institute for Occupational  
11 Safety and Health.

12 **“SEC. 526. NATIONAL HOMELAND SECURITY ACADEMY.**

13           “(a) ESTABLISHMENT.—

14           “(1) IN GENERAL.—The Secretary—

15                   “(A) shall establish the National Home-  
16 land Security Academy (referred to in this sec-  
17 tion as the ‘Academy’) within the Office of  
18 Training and Exercises of the Department; and

19                   “(B) may enter into cooperative agree-  
20 ments with other agencies or entities to utilize  
21 space and provide for the lease of real property  
22 for the Academy or any component of the Acad-  
23 emy.

24           “(2) COMPOSITION.—The Academy shall con-  
25 sist of—

1           “(A) the National Homeland Security  
2 Education and Strategy Center (referred to in  
3 this section as the ‘Strategy Center’) to provide  
4 fundamental instruction and develop a home-  
5 land security curriculum focusing primarily on  
6 the Federal Government’s overall strategy,  
7 goals, methods, and techniques;

8           “(B) a communications network capable of  
9 delivering distance learning opportunities, at  
10 the direction of the Strategy Center;

11           “(C) the programs of the Office of State  
12 and Local Government Coordination and Pre-  
13 paredness’ Center for Homeland Defense and  
14 Security located at the Naval Postgraduate  
15 School, and such programs shall be incor-  
16 porated into the Academy in a manner to be de-  
17 termined by the Secretary; and

18           “(D) the National Homeland Security  
19 Education Network, which—

20                   “(i) shall be composed of representa-  
21 tives from all of the academies and train-  
22 ing centers within the jurisdiction of the  
23 Department;

24                   “(ii) shall work with the Academy to  
25 develop a standardized homeland security

1 curriculum to be incorporated, as appro-  
2 priate, at each academy and training cen-  
3 ter to ensure that the focus of the indi-  
4 vidual centers is coordinated with the cen-  
5 tralized educational strategies and goals of  
6 the Academy; and

7 “(iii) shall not affect the respective  
8 missions and goals of the participating  
9 academies and training centers.

10 “(3) MISSION.—The mission of the Academy  
11 shall be to—

12 “(A) establish an educational system to—

13 “(i) cultivate leaders in homeland se-  
14 curity; and

15 “(ii) ensure that Federal, State, local,  
16 tribal, and private sector officials get the  
17 full range of skills needed to provide robust  
18 homeland security;

19 “(B) provide strategic education and train-  
20 ing to carry out the missions of the Department  
21 of Homeland Security;

22 “(C) provide cross-disciplinary and joint  
23 education and training to Federal, State, and  
24 local government officials responsible for the di-



1 rect application and execution of vital homeland  
2 security missions; and

3 “(D) focus primarily on shorter-term class-  
4 es and exercises to maximize participation by  
5 the homeland security community.

6 “(4) ENROLLMENT TARGET.—

7 “(A) IN GENERAL.—The Strategy Center  
8 shall have an initial annual enrollment target of  
9 1,000 resident students, as described in sub-  
10 section (b)(3)(A).

11 “(B) NON-RESIDENT STUDENTS.—The en-  
12 rollment target under subparagraph (A) does  
13 not include non-resident students, including  
14 students who participate in electronic learning  
15 systems.

16 “(5) RESPONSIBILITIES.—

17 “(A) IN GENERAL.—In addition to pro-  
18 viding traditional course work and hands-on  
19 training exercises, the Academy shall encourage  
20 the development and use of modern technology  
21 to ensure that the training offered at the Acad-  
22 emy, and to organizations and individuals re-  
23 ceiving instruction over electronic learning sys-  
24 tems—

1                   “(i) is tailored to the unique needs of  
2                   the individuals and groups that need train-  
3                   ing;

4                   “(ii) efficiently uses such technology;  
5                   and

6                   “(iii) translates directly into practical  
7                   skills.

8                   “(B) INSTRUCTIONAL MATERIALS.—The  
9                   Academy shall develop instructional require-  
10                  ments for courses related to its mission that are  
11                  supported with materials that are adequately  
12                  reviewed and continuously updated.

13                  “(C) CERTIFICATION.—

14                  “(i) IN GENERAL.—The Academy may  
15                  establish certification criteria for students  
16                  in areas related to its mission, in consulta-  
17                  tion with the Network established under  
18                  subsection (e).

19                  “(ii) RECERTIFICATION.—The criteria  
20                  established under clause (i) shall include  
21                  requirements for recertification and ensure  
22                  the availability of needed assessment tools.

23                  “(D) INFORMATION REPOSITORY.—The  
24                  Academy shall provide a repository of approved  
25                  instructional materials, instructional software,

1 and other materials that are easily accessible by  
2 participants.

3 “(E) COMMUNICATION NETWORKS.—The  
4 Academy shall certify, and operate, if necessary,  
5 a secure, reliable communication system capable  
6 of delivering instructional materials to partici-  
7 pants at any time and place.

8 “(F) INSTRUCTION AND EXPERTISE.—The  
9 Academy shall certify instructors, experts, coun-  
10 selors, and other individuals who can provide  
11 answers and advice to students over commu-  
12 nication systems.

13 “(6) STRATEGY CENTER.—

14 “(A) RESPONSIBILITIES.—The Strategy  
15 Center shall—

16 “(i) provide curriculum development  
17 and classroom instruction for resident stu-  
18 dents that focus on the strategic goals,  
19 methods, and techniques for homeland se-  
20 curity;

21 “(ii) provide instruction—

22 “(I) primarily to Federal employ-  
23 ees described under subsection  
24 (b)(3)(A) with homeland security re-  
25 sponsibilities; and

1                   “(II) to small numbers of State  
2                   and local government officials and pri-  
3                   vate individuals; and

4                   “(iii) direct the operation of the Acad-  
5                   emy’s electronic learning systems.

6                   “(B) CURRICULUM.—The curriculum  
7                   taught at the Strategy Center shall—

8                   “(i) include basic education about  
9                   homeland security, the Department, and  
10                  the relationship of the directorates within  
11                  the Department;

12                  “(ii) include the relationship between  
13                  the Department and other Federal, State,  
14                  and local agencies with homeland security  
15                  responsibilities; and

16                  “(iii) be developed with assistance  
17                  from the National Homeland Security  
18                  Education Network.

19                  “(b) ADMINISTRATION.—

20                  “(1) EXECUTIVE DIRECTOR.—The Secretary  
21                  shall appoint an Executive Director for the Acad-  
22                  emy, who shall—

23                  “(A) administer the operations of the  
24                  Academy;

1           “(B) establish an Academic Board, to be  
2           headed by the Dean of the Academic Board, ap-  
3           pointed under paragraph (2);

4           “(C) hire initial staff and faculty, as ap-  
5           propriate and necessary;

6           “(D) contract with practitioners and ex-  
7           perts, as appropriate, to supplement academic  
8           instruction;

9           “(E) make recommendations to the Sec-  
10          retary regarding long-term staffing and funding  
11          levels for the Academy; and

12          “(F) report to the Executive Director of  
13          the Office of State and Local Government Co-  
14          ordination and Preparedness.

15          “(2) DEAN OF THE ACADEMIC BOARD.—The  
16          Executive Director shall appoint, with the approval  
17          of the Secretary, a permanent professor to serve as  
18          Dean of the Academic Board and perform such du-  
19          ties as the Executive Director may prescribe.

20          “(3) DIRECTOR OF ADMISSIONS.—The Execu-  
21          tive Director shall appoint, with the approval of the  
22          Secretary, a Director of Admissions, who shall—

23                  “(A) grant admission to the Strategy Cen-  
24                  ter to—

1 “(i) new employees of the Depart-  
2 ment, who have clear homeland security re-  
3 sponsibilities;

4 “(ii) mid-level executive employees of  
5 the Department, including employees that  
6 receive academy or other training, who  
7 demonstrate a need for cross-disciplinary  
8 or advanced education and training and  
9 have been endorsed by the appropriate  
10 Under Secretary;

11 “(iii) other Federal employees with  
12 homeland security responsibilities who have  
13 been endorsed by the head of their agency;

14 “(iv) State and local employees who—

15 “(I) demonstrate a clear respon-  
16 sibility for providing homeland secu-  
17 rity; and

18 “(II) possess the nomination of  
19 the Governor of their State, or Head  
20 of applicable jurisdiction; and

21 “(v) private sector applicants who  
22 demonstrate a clear responsibility for pro-  
23 viding homeland security;

24 “(B) ensure that students from each level  
25 of government and the private sector are in-

1           cluded in all programs and classes, whenever  
2           appropriate; and

3                   “(C) perform such duties as the Executive  
4           Director may prescribe.

5           “(c) BOARD OF VISITORS.—

6                   “(1) ESTABLISHMENT.—Before the Academy  
7           admits any students, the Secretary shall establish a  
8           Board of Visitors (in this section referred to as the  
9           ‘Board’) to—

10                   “(A) assist in the development of cur-  
11           riculum and programs at the Academy; and

12                   “(B) recommend the site for the location  
13           of the Strategy Center.

14           “(2) MEMBERSHIP.—

15                   “(A) COMPOSITION.—The Board will be  
16           composed of—

17                   “(i) the Secretary, or designee, who  
18           shall serve as chair;

19                   “(ii) the Executive Director of the  
20           Academy, or designee, who shall be a non-  
21           voting member;

22                   “(iii) the Chairman of the Committee  
23           on Homeland Security and Governmental  
24           Affairs of the Senate, or designee;

1           “(iv) the Ranking Member of the  
2           Committee on Homeland Security and  
3           Governmental Affairs of the Senate, or  
4           designee;

5           “(v) the Chairman of the Committee  
6           on Homeland Security of the House of  
7           Representatives, or designee;

8           “(vi) the Ranking Member of the  
9           Committee on Homeland Security of the  
10          House of Representatives, or designee;

11          “(vii) the Secretary of Health and  
12          Human Services, or designee;

13          “(viii) the Secretary of Defense, or  
14          designee;

15          “(ix) the Secretary of Education, or  
16          designee;

17          “(x) the Secretary of Transportation,  
18          or designee;

19          “(xi) the Director of the Federal Bu-  
20          reau of Investigation, or designee;

21          “(xii) 4 persons, who shall be ap-  
22          pointed by the Secretary for 2-year terms  
23          to represent State and local governments;  
24          and



1           “(xiii) 4 persons, who shall be ap-  
2           pointed by the Secretary for 2-year terms  
3           to represent first responders.

4           “(B) PROHIBITION.—Any person described  
5           under subparagraph (A), whose membership on  
6           the Board would create a conflict of interest,  
7           shall not serve as a member of the Board.

8           “(C) VACANCIES.—If a member of the  
9           Board dies or resigns from office, the official  
10          who designated the member shall designate a  
11          successor for the unexpired portion of the term.

12          “(3) DUTIES.—

13                 “(A) ACADEMY VISITS.—The Board shall  
14                 visit the Academy not less than annually, and  
15                 may, with the approval of the Secretary, make  
16                 other visits to the Academy in connection with  
17                 the duties of the Board or to consult with the  
18                 Executive Director of the Academy.

19                 “(B) INQUIRIES.—The Board shall inquire  
20                 into the curriculum, instruction, physical equip-  
21                 ment, fiscal affairs, academic methods, student  
22                 body composition, and other matters relating to  
23                 the Academy that the Board decides to con-  
24                 sider.

25                 “(C) REPORTS.—

1           “(i) ANNUAL REPORT.—Not later  
2           than 60 days after each annual visit, the  
3           Board shall submit a written report to the  
4           Secretary, which describes its action, and  
5           of its views and recommendations per-  
6           taining to the Academy.

7           “(ii) ADDITIONAL REPORTS.—Any re-  
8           port of a visit, other than the annual visit,  
9           shall, if approved by a majority of the  
10          members of the Board, be submitted to the  
11          Secretary not later than 60 days after the  
12          approval.

13          “(4) TRAVEL EXPENSES.—The members of the  
14          Board shall be allowed travel expenses, including per  
15          diem in lieu of subsistence, at rates authorized for  
16          employees of agencies under subchapter I of chapter  
17          57 of title 5, United States Code, while away from  
18          their homes or regular places of business in the per-  
19          formance of services for the Board.

20          “(d) REPORTS TO CONGRESS.—

21                 “(1) CURRICULUM AND ATTENDANCE.—The  
22          Secretary shall submit an annual report that de-  
23          scribes the curriculum of, and enrollment at, the  
24          Academy to—

1           “(A) the Committee on Homeland Security  
2           and Governmental Affairs of the Senate; and

3           “(B) the Committee on Homeland Security  
4           of the House of Representatives.

5           “(2) FEASIBILITY REPORT.—Not later than 1  
6           year after the establishment of the Academy, the  
7           Secretary shall submit a report to the Committee on  
8           Homeland Security and Governmental Affairs of the  
9           Senate and the Committee on Homeland Security of  
10          the House of Representatives that—

11           “(A) recommends an appropriate combina-  
12           tion of students from Federal, State, and local  
13           government and the private sector, and the per-  
14           centage of costs related to the education of each  
15           of these student groups that should be reim-  
16           bursable;

17           “(B) describes the feasibility of expanding  
18           the Academy in regional offices established by  
19           the Department or other government or univer-  
20           sity programs to provide ongoing education and  
21           training for Federal employees with homeland  
22           security responsibilities; and

23           “(C) describes the feasibility of providing  
24           education for the general public through elec-  
25           tronic learning systems.

1       “(e) NATIONAL HOMELAND SECURITY EDUCATION  
2 NETWORK.—

3           “(1) ESTABLISHMENT.—The Executive Direc-  
4 tor of the Academy shall establish a National Home-  
5 land Security Education Network (referred to in this  
6 section as the ‘Network’), as described under sub-  
7 section (a)(2)(B).

8           “(2) MEMBERSHIP.—The Network shall be  
9 comprised of representatives from Federal training  
10 and certification organizations, including—

11           “(A) the National Homeland Security  
12 Academy;

13           “(B) the Office of Domestic Preparedness;

14           “(C) the National Domestic Preparedness  
15 Consortium;

16           “(D) the Center for Homeland Defense  
17 and Security at the Naval Postgraduate School;

18           “(E) the Federal Law Enforcement Train-  
19 ing Center, including all schools or training and  
20 education programs managed or co-located with  
21 the Center;

22           “(F) the Customs and Border Protection  
23 Academy;

24           “(G) the Border Patrol Academy;

1           “(H) the Bureau of Immigration and Cus-  
2           toms Enforcement Academy;

3           “(I) the Secret Service Academy;

4           “(J) the United States Coast Guard Acad-  
5           emy, including all schools within the jurisdiction  
6           of the Coast Guard Academy;

7           “(K) the Emergency Management Insti-  
8           tute;

9           “(L) the Animal and Plant Health Inspec-  
10          tion Service Training Program;

11          “(M) the Federal Air Marshal Training  
12          Center;

13          “(N) the National Fire Academy; and

14          “(O) other relevant training facilities with-  
15          in the Department.

16          “(3) CURRICULUM REQUIREMENTS.—The cur-  
17          riculum and course work developed as part of the  
18          Network shall be incorporated into the curriculum of  
19          the institutions listed under paragraph (2), as ap-  
20          propriate, to ensure that students at these institu-  
21          tions understand how their homeland security re-  
22          sponsibilities relate to other homeland security re-  
23          sponsibilities in the Department and other Federal,  
24          State, and local agencies. The training centers and

1 academies listed under paragraph (2) shall retain  
2 their respective missions and goals.

3 “(4) SEMI-ANNUAL MEETINGS.—The Executive  
4 Director and the Dean of the Academic Board shall  
5 meet with the Network not less than once every 6  
6 months to—

7 “(A) discuss curriculum requirements; and

8 “(B) coordinate training activities within  
9 the Network.

10 “(5) REPORTS.—Not later than 2 years after  
11 the date of enactment of this section, and every 2  
12 years thereafter, the Network shall submit a report  
13 to the Committee on Homeland Security and Gov-  
14 ernmental Affairs of the Senate and the Committee  
15 on Homeland Security of the House of Representa-  
16 tives, which describes the Network’s—

17 “(A) strategy for using advanced instruc-  
18 tional technologies;

19 “(B) plans for future improvement; and

20 “(C) success in working with other organi-  
21 zations in achieving the goals described under  
22 subparagraphs (A) and (B).

1 **“SEC. 527. OFFICE OF PUBLIC AND COMMUNITY PREPARED-**  
2 **NESS.**

3 “(a) IN GENERAL.—There is in the Directorate of  
4 Emergency Management an Office of Public and Commu-  
5 nity Preparedness.

6 “(b) DIRECTOR.—The Office shall be headed by a Di-  
7 rector, who shall be appointed by the Secretary. The Di-  
8 rector shall report directly to the Assistant Secretary for  
9 Grants and Planning.

10 “(c) COMPONENTS.—The Office of Public and Com-  
11 munity Preparedness shall consist of the following:

12 “(1) The various component programs of the  
13 Citizen Corps, including Community Emergency Re-  
14 sponse Teams, Fire Corps, Volunteers in Police  
15 Service, USA on Watch, and the Medical Reserve  
16 Corps.

17 “(2) The Internet website known as Ready.gov  
18 and the components of that website, including Ready  
19 Businesses, Ready Kids, and Listo.

20 “(3) Such other duties relating to community,  
21 public, and citizen preparedness as the Secretary  
22 may provide.

23 “(d) RESPONSIBILITIES.—The Director of the Office  
24 of Public and Community Preparedness, in coordination  
25 with and support of the Regional Directors of Emergency  
26 Management under section 504, shall have the primary

1 responsibility within the Department for assisting the ef-  
2 forts of State, local, and tribal governments in preparing  
3 citizens and communities in the United States for acts of  
4 terrorism, natural disasters, and other emergencies, in-  
5 cluding primary responsibility for each of the following:

6           “(1) Coordinating and supporting public and  
7           community preparedness efforts at all levels of Gov-  
8           ernment.

9           “(2) Serving as the principal advisor to the Sec-  
10          retary on public and community preparedness issues.

11          “(3) Developing guidance on citizen prepared-  
12          ness for grants to State, local, and tribal govern-  
13          ments.

14          “(4) Providing, through the Regional Offices  
15          under section 504, State, local, and tribal Citizen  
16          Corps Councils with tools, information, and technical  
17          assistance to connect local and national citizen pre-  
18          paredness efforts.

19          “(5) Directing, managing, and implementing all  
20          programs associated with the entities under sub-  
21          section (c).

22          “(6) Establishing specialized preparedness pro-  
23          grams for at-risk communities under subsection (e).

24          “(7) Ensuring coordination with private sector  
25          entities, faith-based groups, other nongovernmental



1 organizations, special needs groups, emergency man-  
2 agers, emergency response providers, emergency sup-  
3 port providers, and international organizations, in  
4 order to promote citizen preparedness and participa-  
5 tion.

6 “(8) Developing a comprehensive program of  
7 public service announcements for use on a national  
8 basis or, in consultation with State, local, or tribal  
9 governments, on a regional, State, or local basis.

10 “(9) Assisting in the implementation of national  
11 strategies for public and community preparedness,  
12 including the development of individual preparedness  
13 skills and capabilities, including assembling pre-  
14 paredness kits, developing emergency communica-  
15 tions plans, training in basic first aid, and learning  
16 how to react to a variety of emergencies.

17 “(e) AT-RISK COMMUNITIES.—In carrying out the  
18 responsibilities under this section, the Director shall con-  
19 sider the unique preparedness challenges faced by persons  
20 with disabilities, health problems, language barriers, and  
21 income barriers, the elderly, children, and individuals with  
22 pets, service animals, or farm animals.

23 “(f) NATIONAL CITIZEN CORPS COUNCIL.—

24 “(1) IN GENERAL.—There is in the Directorate  
25 a National Citizen Corps Council. The Under Sec-

1       retary for Emergency Management or a designee  
2       shall serve as chair of the Council.

3               “(2) MEMBERSHIP.—The Council shall consist  
4       of national leaders of organizations and associations  
5       representing at risk communities described under  
6       subsection (e), emergency managers, emergency re-  
7       sponse providers, emergency support providers, com-  
8       munity and volunteer service providers, government,  
9       and the private sector.

10              “(3) RESPONSIBILITIES.—The responsibilities  
11       of the Council are as follows:

12                      “(A) To work together at the national level  
13       and encourage members of the Council at the  
14       State, local, and tribal level to collaborate in  
15       support of the Citizen Corps.

16                      “(B) To identify opportunities for Federal,  
17       State, local, and tribal organizations to collabo-  
18       rate to accomplish the shared goals of the Cit-  
19       izen Corps programs.

20                      “(C) To encourage the development and  
21       support of local Citizen Corps Councils and to  
22       advance the Citizen Corps mission across the  
23       country.

24                      “(D) To exchange facts and information  
25       on programs to promote public awareness,

1 training, safety, and volunteer service opportu-  
2 nities and on safety and preparedness messages  
3 to be conveyed to the public.

4 “(E) To develop and disseminate messages  
5 on safety and emergency preparedness that will  
6 be effective in engaging communities and indi-  
7 viduals in the Citizen Corps.

8 “(F) To serve as the catalyst for engaging  
9 others within their areas of expertise to pro-  
10 mote the Citizen Corps mission.

11 “(4) MEETINGS.—The Under Secretary for  
12 Emergency Management or a designee shall convene  
13 meetings of the National Citizen Corps Council at  
14 the discretion of the Under Secretary or at the di-  
15 rection of the Secretary.

16 “(g) COORDINATION.—The Director shall—

17 “(1) coordinate with other Federal entities, as  
18 appropriate, including the Departments of Health  
19 and Human Services, Justice, Commerce, and Edu-  
20 cation, the Environmental Protection Agency, and  
21 the Corporation for National and Community Serv-  
22 ice, to enhance public and community preparedness;

23 “(2) coordinate with State, local, and tribal  
24 governments; and

1           “(3) subject to the availability of appropria-  
2           tions, make grants and enter into contracts and co-  
3           operative agreements with other Federal agencies  
4           and nongovernmental organizations, as may be nec-  
5           essary and proper to carry out the responsibilities of  
6           the Director under this section.

7   **“SEC. 528. PRESCRIPTED MISSION ASSIGNMENTS AND RE-**  
8                                   **QUESTS FOR ASSISTANCE.**

9           “The Secretary shall develop prescribed mission as-  
10          signments and requests for assistance for assets most like-  
11          ly to be used in responding to future emergencies and dis-  
12          asters.

13   **“Subtitle C—Emergency Response**

14   **“SEC. 541. NATIONAL INCIDENT MANAGEMENT SYSTEM**  
15                                   **AND NATIONAL RESPONSE PLAN INTEGRA-**  
16                                   **TION CENTER.**

17          “(a) IN GENERAL.—There is in the Directorate of  
18          Emergency Management a National Incident Management  
19          System and National Response Plan Integration Center  
20          (referred to in this section as the ‘NIC’).

21          “(b) DIRECTOR.—The NIC shall be headed by a Di-  
22          rector, who shall be appointed by the Secretary. The Di-  
23          rector shall report directly to the Deputy Under Secretary  
24          for Response and Recovery.

1       “(c) RESPONSIBILITIES.—The Director, in consulta-  
2 tion with the Assistant Secretary for Grants and Planning,  
3 the Assistant Secretary for Training and Exercises, the  
4 heads of other appropriate Federal departments and agen-  
5 cies, and the National Advisory Council on Emergency  
6 Management under section 509, shall establish a mecha-  
7 nism for ensuring ongoing management and maintenance  
8 of the National Incident Management System (NIMS), the  
9 National Response Plan (NRP), any other document or  
10 tool in support of Homeland Security Presidential Direc-  
11 tive 5, or any other Homeland Security Presidential Direc-  
12 tive related to incident management and response. The re-  
13 sponsibilities of the Director shall include the following:

14               “(1) Revising, as appropriate, the NIMS and  
15 the NRP not later than 90 days after the enactment  
16 of this section with respect to—

17                       “(A) clarifying the roles and responsibil-  
18 ities of the Principal Federal Official, the Fed-  
19 eral Coordinating Officer, the Federal Resource  
20 Coordinator, and the Disaster Recovery Man-  
21 ager;

22                       “(B) developing procedures for the timely  
23 activation of each such role;

24                       “(C) establishing, in consultation with the  
25 Director for Public and Community Prepared-

1           ness and the Director of the Corporation for  
2           National and Community Service, as part of the  
3           NRP an emergency support function with re-  
4           spect to volunteers and donations;

5           “(D) realigning the emergency support  
6           functions of the NRP so as to be consistent  
7           with the NIMS;

8           “(E) developing doctrine and procedures  
9           relating to the management of acts of ter-  
10          rorism, natural disasters, and other emergencies  
11          affecting multiple State;

12          “(F) improving the utilization of Federal,  
13          State, local, and tribal resources, including the  
14          deployment of emergency response providers,  
15          specialized equipment, and supplies;

16          “(G) finalizing and releasing the Cata-  
17          strophic Incident Supplement to the NRP;

18          “(H) ensuring the effective use of emer-  
19          gency response providers at emergency scenes;

20          “(I) conforming the NRP and NIMS to  
21          the provisions of this Act;

22          “(J) reviewing other matters pertaining to  
23          the NIMS and the NRP as the Secretary may  
24          require;

1           “(K) clarifying, in consultation with the  
2           Secretary and the Secretary of Defense, the role  
3           of the Department of Defense in catastrophic  
4           events under the NRP, including the cir-  
5           cumstances in which the Department of De-  
6           fense should be employed and the objectives and  
7           limitations that the Department of Defense  
8           should have;

9           “(L) defining the circumstances under  
10          which the Catastrophic Incident Annex and  
11          Supplement should be invoked under the NRP  
12          for known and no-notice events; and

13          “(M) designating which agency has the  
14          primary responsibility under the NRP for emer-  
15          gency support function 13 (Public Safety and  
16          Security) and in which circumstances.

17          “(2) Developing a national program for NIMS  
18          and NRP education and awareness, including spe-  
19          cific instruction on the purposes of the NIMS and  
20          the NRP and responsibilities of the NIC.

21          “(3) Promoting the compatibility between na-  
22          tional voluntary consensus standards for the NIMS  
23          and the NRP and such standards developed by other  
24          public, private, or professional groups.

1           “(4) Facilitating the development and publica-  
2           tion of materials and standardized templates to sup-  
3           port the implementation and continuous refinement  
4           of the NIMS and the NRP.

5           “(5) Developing performance measures and as-  
6           sessment criteria for the various components of the  
7           NIMS and the NRP and compliance requirements  
8           and compliance timelines for implementation by  
9           Federal, State, local, and tribal entities.

10          “(6) Establishing a peer review process for  
11          NIMS compliance certifications that verifies the sat-  
12          isfaction of training, planning, exercising, and other  
13          activities.

14          “(7) Defining, in consultation with the Assist-  
15          ant Secretary for Training and Exercises, the gen-  
16          eral training requirements and the national training  
17          standards and course curricula associated with the  
18          NIMS and the NRP.

19          “(8) Facilitating the development of national  
20          voluntary consensus standards, guidelines, and pro-  
21          tocols for incident management training and exer-  
22          cises, including consideration of existing exercise and  
23          training programs at all levels of government.

24          “(9) Facilitating the establishment and mainte-  
25          nance of a publication management system for docu-



1 ments supporting the NIMS and the NRP and other  
2 related publications and materials related to the  
3 NIMS and the NRP, including the development or  
4 coordination of general publications.

5 “(10) Reviewing and certifying, in coordination  
6 with accrediting organizations and in consultation  
7 with Federal, State, local, tribal, private-sector, and  
8 nongovernmental entities, the discipline-specific pub-  
9 lication management requirements submitted by pro-  
10 fessional organizations and associations.

11 “(11) Facilitating the development and publica-  
12 tion of national voluntary consensus standards,  
13 guidelines, and protocols for the qualification and  
14 certification of emergency managers, emergency re-  
15 sponse providers, and emergency support providers,  
16 as appropriate.

17 “(12) Reviewing and approving, in coordination  
18 with appropriate national professional organizations  
19 and with input from Federal, State, local, tribal, pri-  
20 vate-sector, and other nongovernmental entities, the  
21 discipline-specific qualification and certification re-  
22 quirements submitted by organizations and associa-  
23 tions representing emergency managers, emergency  
24 response providers, and emergency support pro-  
25 viders.

1           “(13) Facilitating the establishment and main-  
2           tenance of a documentation and database system re-  
3           lated to qualification, certification, and credentialing  
4           of emergency managers, emergency response pro-  
5           viders, and emergency support providers and non-  
6           governmental organizations, including reviewing and  
7           approving, in coordination with appropriate national  
8           professional organizations and with input from the  
9           Federal, State, local, tribal, private-sector and non-  
10          governmental entities, of the discipline-specific re-  
11          quirements.

12          “(14) Establishing a data maintenance system  
13          to provide emergency managers with the detailed  
14          qualification, experience, and training information  
15          needed to credential personnel for prescribed na-  
16          tional emergency management positions.

17          “(15) Coordinating minimum professional cer-  
18          tification standards and facilitation of the design  
19          and implementation of a credentialing system that  
20          can be used nationwide.

21          “(16) Facilitating the development and issuance  
22          of national standards for the typing of resources.

23          “(17) Facilitating the definition and mainte-  
24          nance of the information framework required to  
25          guide the development of NIMS information sys-

1       tems, including the development of data standards  
2       for—

3               “(A) incident notification and situation re-  
4               ports;

5               “(B) status reporting;

6               “(C) analytical data;

7               “(D) geospatial information;

8               “(E) wireless communications;

9               “(F) identification and authentication; and

10              “(G) incident reports, including lessons  
11              learned reports.

12              “(18) Performing such other duties relating to  
13              such responsibilities as the Secretary may require.

14              “(d) OPERATIONAL PLANS.—

15              “(1) DEVELOPMENT.—The head of each pri-  
16              mary department and agency for each emergency  
17              support function under the NRP shall develop de-  
18              tailed operational plans describing—

19                      “(A) how the department or agency will  
20                      become operational during an incident of na-  
21                      tional significance; and

22                      “(B) how the department or agency will  
23                      coordinate with other annexes and emergency  
24                      support functions.

1           “(2) STANDARDS.—Operational plans developed  
2           under paragraph (1) should conform to the NIMS  
3           and be consistent with the emergency support func-  
4           tion structure.

5           “(3) REPORTS TO CONGRESS.—Not later than  
6           one year after the date of the Director’s realignment  
7           of emergency support functions pursuant to sub-  
8           section (c)(1)(D), the head of each primary depart-  
9           ment and agency shall submit to Congress a report  
10          containing an operational plan developed under this  
11          subsection, together with a certification that the re-  
12          sponse structures of the department or agency are  
13          aligned with the NIMS and the NRP.

14          “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
15          is authorized to be appropriated to carry out this section  
16          \$25,000,000 for each of fiscal years 2007 through 2010.

17          **“SEC. 542. USE OF NATIONAL PRIVATE SECTOR NETWORKS**  
18                                   **IN EMERGENCY RESPONSE.**

19          “To the maximum extent practicable, the Secretary,  
20          acting through the Under Secretary for Emergency Man-  
21          agement, shall use national private sector networks and  
22          infrastructure for emergency response to acts of terrorism,  
23          natural disasters, and other emergencies.

1 **“SEC. 543. NUCLEAR INCIDENT RESPONSE.**

2 “(a) NUCLEAR INCIDENT RESPONSE TEAM.—In con-  
3 nection with actual or threatened acts of terrorism, nat-  
4 ural disasters, or other emergencies in the United  
5 States—

6 “(1) the Nuclear Incident Response Team shall  
7 operate as an organizational unit of the Department;  
8 and

9 “(2) while so operating, the Secretary shall  
10 have direction, authority, and control of the Nuclear  
11 Incident Response Team.

12 “(b) RESPONSIBILITIES.—In addition to the author-  
13 ity under subsection (a), the Secretary, acting through the  
14 Under Secretary for Emergency Management, shall at all  
15 times carry out the following responsibilities:

16 “(1) Establishing standards for performance of  
17 the Nuclear Incident Response Team and, when  
18 such standards have been met, certifying that they  
19 have been met.

20 “(2) Conducting joint and other exercises and  
21 training and evaluating performance.

22 “(3) Providing funds to the Department of En-  
23 ergy and the Environmental Protection Agency, as  
24 appropriate, for homeland security planning, exer-  
25 cises and training, and equipment.

1       “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to limit the responsibility of the  
3 Secretary of Energy and the Administrator of the Envi-  
4 ronmental Protection Agency for organizing, training,  
5 equipping, and utilizing their respective entities that par-  
6 ticipate in the Nuclear Incident Response Team, or (sub-  
7 ject this section) from exercising direction, authority, and  
8 control over such entities when they are not operating as  
9 a unit of the Department.

10       “(d) DEFINITION.—In this section, the term ‘Nuclear  
11 Incident Response Team’ means a resource that in-  
12 cludes—

13               “(1) those entities of the Department of Energy  
14 that perform nuclear or radiological emergency sup-  
15 port functions (including accident response, search  
16 response, advisory, and technical operations func-  
17 tions), radiation exposure functions at the medical  
18 assistance facility known as the Radiation Emer-  
19 gency Assistance Center/Training Site (REAC/TS),  
20 radiological assistance functions, and related func-  
21 tions; and

22               “(2) those entities of the Environmental Protec-  
23 tion Agency that perform such support functions (in-  
24 cluding radiological emergency response functions)  
25 and related functions.

1 **“SEC. 544. NATIONAL URBAN SEARCH AND RESCUE RE-**  
2 **SPONSE SYSTEM.**

3       “(a) NATIONAL URBAN SEARCH AND RESCUE RE-  
4 SPONSE SYSTEM.—There is in the Directorate of Emer-  
5 gency Management an emergency response system known  
6 as the National Urban Search and Rescue Response Sys-  
7 tem that provides a national network of standardized  
8 search and rescue resources to assist State, local, and trib-  
9 al governments in responding to acts of terrorism, natural  
10 disasters, and other emergencies.

11       “(b) ADMINISTRATION OF THE SYSTEM.—

12               “(1) TASK FORCE PARTICIPATION.—The Under  
13 Secretary for Emergency Management shall select  
14 eligible urban search and rescue teams that are  
15 sponsored by State and local government entities to  
16 participate as task forces in the System. The Under  
17 Secretary shall determine the criteria for such par-  
18 ticipation.

19               “(2) AGREEMENTS WITH SPONSORING AGEN-  
20 CIES.—The Under Secretary shall enter into an  
21 agreement with the State or local government entity  
22 that sponsors each search and rescue team selected  
23 under paragraph (1) with respect the team’s partici-  
24 pation as a task force in the System.

25               “(3) URBAN SEARCH AND RESCUE TEAM PER-  
26 SONNEL.—Personnel of an urban search and rescue

1 team that participates as a task force under this sec-  
2 tion may be—

3 “(A) personnel of the State or local gov-  
4 ernment sponsor; or

5 “(B) personnel of any other Federal,  
6 State, or local government entity that enters  
7 into a participation agency agreement with the  
8 State or local government sponsor of the team.

9 “(4) MANAGEMENT AND TECHNICAL TEAMS.—

10 The Under Secretary shall maintain such manage-  
11 ment and other technical teams as are necessary to  
12 administer the System.

13 “(c) ADVISORY COMMITTEE.—

14 “(1) IN GENERAL.—The Under Secretary shall  
15 establish and maintain an advisory committee to  
16 provide expert recommendations to the Under Sec-  
17 retary with respect to administering the System.

18 “(2) COMPOSITION.—The advisory committee  
19 shall be geographically diverse, and shall include, at  
20 a minimum—

21 “(A) the chief officer or senior executive  
22 from each of at least three State or local gov-  
23 ernments that sponsor urban search and rescue  
24 teams selected to participate in the System as  
25 task forces;



1           “(B) the senior emergency manager from  
2           each of at least two States in which such local  
3           governments are located; and

4           “(C) at least one representative selected by  
5           the leaders of the task forces.

6           “(3) TERMINATION.—The advisory committee  
7           shall terminate on the date that is two years after  
8           the date of the enactment of the Foundations for  
9           Emergency Management Act.

10          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
11         are authorized to be appropriated to carry out this sec-  
12         tion—

13           “(1) \$40,000,000 for each of fiscal years 2007  
14           through 2009; and

15           “(2) such sums as may be necessary for each  
16           fiscal year after fiscal year 2009.

17         **“SEC. 545. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

18           “(a) IN GENERAL.—There is in the Department a  
19         Metropolitan Medical Response System. Under the Sys-  
20         tem, the Assistant Secretary for Grants and Planning  
21         shall administer grants to develop, maintain, and enhance  
22         medical preparedness systems that are capable of respond-  
23         ing effectively during the initial hours of a public health  
24         crisis or mass-casualty event caused by an act of ter-  
25         rorism, natural disaster, or other emergency.

1       “(b) USE OF FUNDS.—The Metropolitan Medical Re-  
2 sponse System shall make grants to local governments to  
3 enhance any of the following activities:

4           “(1) Medical surge capacity.

5           “(2) Mass prophylaxis.

6           “(3) Chemical, biological, radiological, nuclear,  
7 and explosive detection, response, and decontamina-  
8 tion capabilities.

9           “(4) Emergency communications capabilities.

10          “(5) Information sharing and collaboration ca-  
11 pabilities.

12          “(6) Regional collaboration.

13          “(7) Triage and pre-hospital treatment.

14          “(8) Medical supply management and distribu-  
15 tion.

16          “(9) Fatality management.

17          “(10) Such other activities as the Secretary  
18 may provide.

19       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 is authorized to be appropriated to the Secretary to carry  
21 out this section \$60,000,000 for each of fiscal years 2007  
22 through 2010.

1 **“SEC. 546. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
2 **PACT AUTHORIZATION.**

3 “(a) IN GENERAL.—The Secretary, acting through  
4 the Under Secretary for Emergency Management, may  
5 make grants for the purposes of administering the Emer-  
6 gency Management Assistance Compact consented to by  
7 Public Law 104–321.

8 “(b) USES.—A grant under this section shall be  
9 used—

10 “(1) to carry out recommendations identified in  
11 after-action reports for the 2004 and 2005 hurricane  
12 season issued under the Emergency Management  
13 Assistance Compact;

14 “(2) to coordinate with the Department and  
15 other Federal Government agencies;

16 “(3) to coordinate with State and local govern-  
17 ment entities and their respective national associa-  
18 tions; or

19 “(4) to administer the operations of the Emer-  
20 gency Management Assistance Compact.

21 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
22 is authorized to be appropriated to the Secretary to carry  
23 out this section \$4,000,000 for each fiscal year. Amounts  
24 appropriated under this section shall remain available for  
25 3 fiscal years.

1                   **“Subtitle D—Emergency**  
2                   **Communications**

3   **“SEC. 561. OFFICE OF EMERGENCY COMMUNICATIONS.**

4           “(a) IN GENERAL.—There is in the Department an  
5 Office of Emergency Communications, which shall be  
6 under the authority of the Under Secretary for Emergency  
7 Management.

8           “(b) ASSISTANT SECRETARY.—The head of the office  
9 shall be the Assistant Secretary for Emergency Commu-  
10 nications.

11          “(c) RESPONSIBILITIES.—The Assistant Secretary  
12 for Emergency Communications shall—

13               “(1) assist the Secretary in developing and im-  
14 plementing the program described in section  
15 7303(a)(1) of the Intelligence Reform and Terrorism  
16 Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except  
17 as provided in section 5 of the Foundations for  
18 Emergency Management Act;

19               “(2) administer the Department’s responsibil-  
20 ities and authorities relating to the SAFECOM Pro-  
21 gram;

22               “(3) administer the Department’s responsibil-  
23 ities and authorities relating to the Integrated Wire-  
24 less Network program;

1           “(4) coordinate, as appropriate, with the Assist-  
2           ant Secretary for Cybersecurity and Telecommuni-  
3           cations, regarding the administration of the National  
4           Communications System;

5           “(5) conduct extensive, nationwide outreach and  
6           foster the development of interoperable emergency  
7           communications capabilities by State, regional, local,  
8           and tribal governments and public safety agencies;

9           “(6) provide technical assistance to State, re-  
10          gional, local, and tribal officials with respect to use  
11          of interoperable emergency communications capabili-  
12          ties;

13          “(7) facilitate the creation of Regional Emer-  
14          gency Communications Coordination Working  
15          Groups under section 565;

16          “(8) promote the development of standard oper-  
17          ating procedures with respect to use of interoperable  
18          emergency communications capabilities for incident  
19          response and facilitate the sharing of information on  
20          best practices (including from governments abroad)  
21          for achieving, maintaining, and enhancing interoper-  
22          able emergency communications capabilities for such  
23          response;

24          “(9) coordinate the establishment of a national  
25          response capability with initial and ongoing plan-

1 ning, implementation, and training for the deploy-  
2 ment of backup communications services in the  
3 event of a catastrophic loss of local and regional  
4 emergency communications services;

5 “(10) assist the President, the National Secu-  
6 rity Council, the Homeland Security Council, the Di-  
7 rector of the Office of Science and Technology Pol-  
8 icy, and the Director of the Office of Management  
9 and Budget in ensuring the operability of the tele-  
10 communications functions and responsibilities of the  
11 Federal Government;

12 “(11) establish requirements for total and non-  
13 proprietary interoperable emergency communications  
14 capabilities for all public safety radio and data com-  
15 munications systems and equipment;

16 “(12) help to establish an integrated national  
17 public alert and warning system that incorporates  
18 legacy systems; and

19 “(13) review, in consultation with Assistant  
20 Secretary for Grants and Planning, all interoperable  
21 emergency communications plans of Federal, State,  
22 local, and tribal governments, including Statewide  
23 and tactical interoperability plans.

24 “(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED  
25 FUNCTIONS.—There is transferred to the Secretary the

1 authority to administer, through the Assistant Secretary  
2 for Emergency Communications, the following:

3           “(1) The SAFECOM Program.

4           “(2) The responsibilities of the Chief Informa-  
5 tion Officer related to the implementation of the In-  
6 tegrated Wireless Network.

7           “(3) The Interoperable Communications Tech-  
8 nical Assistance Program.

9           “(e) COORDINATION.—The Assistant Secretary shall  
10 coordinate, as appropriate, with the Director of the Office  
11 for Interoperability and Compatibility the responsibilities  
12 described in section 104 of the Foundations for Emer-  
13 gency Management Act.

14           “(f) SUFFICIENCY OF RESOURCES PLAN.—

15           “(1) REPORT.—Not later than days 60 days  
16 after the enactment of this section, the Secretary  
17 shall submit to Congress a report on the resources  
18 and staff necessary to carry out the responsibilities  
19 under this subtitle.

20           “(2) COMPTROLLER GENERAL REVIEW.—The  
21 Comptroller General shall review the validity of the  
22 report submitted by the Secretary under paragraph  
23 (1). Not later than 30 days after the date on which  
24 such report is submitted, the Comptroller General

1 shall submit to Congress a report containing the  
2 findings of such review.

3 **“SEC. 562. NATIONAL EMERGENCY COMMUNICATIONS**  
4 **STRATEGY.**

5 “(a) IN GENERAL.—The Secretary, acting through  
6 the Assistant Secretary for Emergency Communications,  
7 shall, not later than one year after the completion of the  
8 baseline assessment under section 563, and in cooperation  
9 with State, local, and tribal governments, Federal depart-  
10 ments and agencies, emergency response providers, emer-  
11 gency support responders, and the private sector, develop  
12 a National Emergency Communications Strategy to  
13 achieve interoperable emergency communications.

14 “(b) CONTENTS.—The national strategy shall—

15 “(1) include a national interoperable emergency  
16 communication inventory that—

17 “(A) identifies for each Federal depart-  
18 ment and agency—

19 “(i) the channels and frequencies  
20 used;

21 “(ii) the nomenclature used to refer to  
22 each channel or frequency used; and

23 “(iii) the types of communications  
24 system and equipment used;



1           “(B) identifies the interoperable emergency  
2           communication systems in use for public safety  
3           systems in the United States; and

4           “(C) provides a listing of public safety mu-  
5           tual aid channels in operation and their ability  
6           to connect to an interoperable communications  
7           system;

8           “(2) include, in consultation with the National  
9           Institute of Standards and Technology, a process for  
10          expediting national voluntary consensus-based emer-  
11          gency communications equipment standards for the  
12          purchase and use by public safety agencies of inter-  
13          operable emergency communications equipment and  
14          technologies;

15          “(3) identify the appropriate interoperable  
16          emergency communications capabilities necessary for  
17          Federal, State, local, and tribal governments to op-  
18          erate at all threat levels;

19          “(4) address both short-term and long-term so-  
20          lutions to achieving Federal, State, local, and tribal  
21          interoperable emergency communications systems,  
22          including provision of existing and emerging tech-  
23          nologies that facilitate operability, interoperability,  
24          coordination, and integration among existing emer-  
25          gency communications systems;

1           “(5) identify how Federal Government depart-  
2           ments and agencies that respond to acts of ter-  
3           rorism, natural disasters, and other emergencies can  
4           work effectively with State, local, and tribal govern-  
5           ments, in all States, and such other entities as are  
6           necessary to implement the strategy;

7           “(6) include measures to identify and overcome  
8           all obstacles to achieving interoperable emergency  
9           communications; and

10           “(7) set goals and establish timeframes for the  
11           achievement of an emergency, command-level com-  
12           munication system based on existing equipment  
13           across the United States and develop a timetable for  
14           a nationwide interoperable emergency communica-  
15           tions system.

16 **“SEC. 563. ASSESSMENTS AND REPORTS.**

17           “(a) **BASELINE OPERABILITY AND INTEROPER-**  
18 **ABILITY ASSESSMENT.**—Not later than one year after the  
19 date of the enactment of this section and not less than  
20 every 5 years thereafter, the Secretary, acting through the  
21 Assistant Secretary for Emergency Communications, shall  
22 conduct an assessment of Federal, State, local, and tribal  
23 governments, to—

1           “(1) define the range of operable and interoperable emergency communications capabilities needed for specific events;

2           “(2) assess the current capabilities to meet such communications needs; and

3           “(3) identify the gap between such current capabilities and defined requirements.

4           “(b) PROGRESS REPORTS.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall submit to Congress a report on the progress of the Department in implementing and achieving the goals of this subtitle, including—

5           “(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);

6           “(2) a determination of the degree to which interoperable emergency communications has been achieved to date and ascertain the needs that remain for interoperability to be achieved;

7           “(3) an assessment of the ability of communities to provide and maintain interoperable emergency communications among emergency managers, emergency response providers, emergency support

1 providers, and government officials in the event of  
2 acts of terrorism, natural disasters, or other emer-  
3 gencies, including Incidents of National Significance  
4 declared by the Secretary under the National Re-  
5 sponse Plan, and where there is substantial damage  
6 to ordinary communications infrastructure or sus-  
7 tained loss of electricity;

8 “(4) a list of best practices among communities  
9 for providing and maintaining interoperable emer-  
10 gency communications in the event of acts of ter-  
11 rorism, natural disasters, or other emergencies; and

12 “(5) an evaluation of the feasibility and desir-  
13 ability of the Department developing, on its own or  
14 in conjunction with the Department of Defense, a  
15 mobile communications capability, modeled on the  
16 Army Signal Corps, that could be deployed to sup-  
17 port emergency communications at the site of acts of  
18 terrorism, natural disasters, or other emergencies.

19 **“SEC. 564. COORDINATION OF FEDERAL EMERGENCY COM-**  
20 **MUNICATIONS GRANT PROGRAMS.**

21 “(a) ASSESSMENT OF GRANTS AND STANDARDS PRO-  
22 GRAMS.—The Secretary, acting through Assistant Sec-  
23 retary for Emergency Communications, shall assess Fed-  
24 eral grants and standards programs managed by other  
25 Federal departments and agencies to—

1           “(1) integrate and coordinate Federal grant  
2 guidelines for the use of Federal homeland security  
3 assistance relating to interoperable emergency com-  
4 munications;

5           “(2) assess and make recommendations to en-  
6 sure that such guidelines are consistent with the  
7 mission of the Office of Emergency Communications;  
8 and

9           “(3) assess and make recommendations to en-  
10 sure conformity with the goals and objectives identi-  
11 fied in the National Emergency Communications  
12 Strategy.

13           “(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

14           “(1) IN GENERAL.—The Secretary, acting  
15 through the Assistant Secretary for Grants and  
16 Planning, and in consultation with the Assistant  
17 Secretary for Emergency Communications, shall pro-  
18 hibit any State, local, or tribal government from  
19 using Federal homeland security assistance adminis-  
20 tered by the Department to achieve, maintain, or en-  
21 hance interoperable emergency communications ca-  
22 pabilities if such government has not complied with  
23 the requirement to submit a Statewide Interoperable  
24 Communications Plan as required by section 7303(f)  
25 of the Intelligence Reform and Terrorism Prevention

1 Act of 2004 (6 U.S.C. 194(f)) within 2 years after  
2 the date of enactment of this section.

3 “(2) STANDARDS.—The Secretary, in coordina-  
4 tion with other Federal departments and agencies  
5 with responsibility for standards shall develop, pro-  
6 mulgate, and revise national voluntary consensus  
7 standards on interoperable emergency communica-  
8 tions within 4 years after the date of the enactment  
9 of this section, if the requirements of paragraph  
10 (1)(B) have not been satisfied.

11 “(c) TRANSFER OF FUNCTIONS.—Not later than 60  
12 days after the date of the enactment of this subsection,  
13 the President shall transfer to the Assistant Secretary for  
14 Emergency Communications the functions authorized by  
15 section 3006 of the Deficit Reduction Act of 2006 (Public  
16 Law 109–71; 120 Stat. 24), including the authority to  
17 borrow under 3006(b) of that Act.

18 **“SEC. 565. REGIONAL EMERGENCY COMMUNICATIONS CO-**  
19 **ORDINATION.**

20 “(a) IN GENERAL.—There is in each Regional Office  
21 under section 504 a Regional Emergency Communications  
22 Coordination Working Group (in this section referred to  
23 as an ‘RECC Working Group’).

24 “(b) SUBJECT MATTER EXPERTS.—The RECC  
25 Working Group shall consist of the following:

1           “(1)     NON-FEDERAL.—Organizations     rep-  
2     resenting the interests of the following:

3           “(A) State officials.

4           “(B) Local officials.

5           “(C) State police departments.

6           “(D) Local police departments.

7           “(E) Local fire departments.

8           “(F) Public safety answering points (9–1–  
9     1 services).

10          “(G) Communications equipment vendors  
11     (including broadband data service providers).

12          “(H) Hospitals.

13          “(I) Public utility services.

14          “(J) Local exchange carriers.

15          “(K) Local broadcast media.

16          “(L) Wireless carriers.

17          “(M) Satellite communications services.

18          “(N) Emergency evacuation transit serv-  
19     ices.

20          “(O) Ambulance services.

21          “(P) HAM and amateur radio operators.

22          “(Q) State emergency managers, homeland  
23     security directors, or representatives of State  
24     Administrative Agencies.

1           “(R) Local emergency managers or home-  
2           land security directors.

3           “(S) Other emergency response providers  
4           or emergency support providers as deemed ap-  
5           propriate.

6           “(2) FEDERAL.—Representatives from the De-  
7           partment and other Federal departments and agen-  
8           cies with responsibility for coordinating interoperable  
9           emergency communications with or providing emer-  
10          gency support services to State, local, and tribal gov-  
11          ernments.

12          “(c) DUTIES.—The duties of each RECC Working  
13          Group shall include—

14               “(1) assessing the survivability, sustainability,  
15               and interoperability of local emergency communica-  
16               tions systems to meet the goals of the National  
17               Emergency Communications Strategy;

18               “(2) reporting annually to the Assistant Sec-  
19               retary for Emergency Communications on the status  
20               of its region in building a robust and sustainable  
21               interoperable voice and data emergency communica-  
22               tions network and on the progress of the region in  
23               meeting the goals of the National Emergency Com-  
24               munications Strategy under section 562 when such  
25               Strategy is complete;



1           “(3) coordinating the establishment of an effective  
2           multijurisdictional, multi-agency emergency  
3           communications network for use during acts of terrorism,  
4           natural disasters, and other emergencies through the expanded use of emergency management  
5           and public safety communications mutual aid agreements; and

6           “(4) coordinating the establishment of Federal,  
7           State, local, and tribal support services and networks designed to address the immediate and critical  
8           human needs in responding to acts of terrorism, natural disasters, and other emergencies.

9           **“SEC. 566. EMERGENCY COMMUNICATIONS PREPAREDNESS**  
10           **CENTER.**

11           “(a) ESTABLISHMENT.—There is established the  
12           Emergency Communications Preparedness Center (in this  
13           section referred to as the ‘Center’).

14           “(b) OPERATION.—

15           “(1) IN GENERAL.—The Secretary, the Chairman of the Federal Communication Commission, the  
16           Secretary of Defense, the Secretary of Commerce,  
17           the Attorney General, and the heads of other Federal  
18           departments and agencies or their designees  
19           shall jointly operate the Center in accordance with  
20           the Memorandum of Understanding entitled, ‘Emer-

1 agency Communications Preparedness Center  
2 (ECPC) Charter’.

3 “(2) CHAIR.—The Secretary shall be the Chair  
4 of the Center.

5 “(c) FUNCTIONS.—The Center shall—

6 “(1) serve as the focal point for interagency ef-  
7 forts to address operable and interoperable commu-  
8 nications;

9 “(2) serve as a clearinghouse with respect to all  
10 relevant information regarding intergovernmental ef-  
11 forts to achieve nationwide interoperable emergency  
12 communications capabilities;

13 “(3) ensure cooperation among the relevant  
14 Federal Government departments and agencies to  
15 improve effectiveness in the communication and im-  
16 plementation of the goals of the National Emergency  
17 Communications Strategy, including specifically by  
18 working to avoid duplication, hindrances, and coun-  
19 teractive efforts among the participating Federal de-  
20 partments and agencies;

21 “(4) prepare and submit to Congress, on an an-  
22 nual basis, a strategic assessment regarding the ef-  
23 forts of Federal departments and agencies to imple-  
24 ment the National Emergency Communications  
25 Strategy; and

1           “(5) perform such other functions as the Presi-  
2           dent may assign.

3           “(d) REPORT.—Not later than 180 days after the  
4           date of the enactment of this section, the President shall  
5           transmit to the Congress a report regarding the implemen-  
6           tation of this section, including a description of the staff-  
7           ing and resource needs of the Center.

8           **“SEC. 567. URBAN AND OTHER HIGH RISK AREA COMMU-  
9                                    NICATIONS CAPABILITIES.**

10          “(a) IN GENERAL.—The Secretary, in consultation  
11          with the Chairman of the Federal Communications Com-  
12          mission and the Secretary of Defense, and with appro-  
13          priate State, local, and tribal government officials, shall  
14          provide technical guidance, training, and other assistance,  
15          as appropriate, to support the rapid establishment of con-  
16          sistent, secure, and effective interoperable emergency com-  
17          munications capabilities in the event of an emergency in  
18          urban and other areas determined by the Secretary to be  
19          at consistently high levels of risk from terrorist attack.

20          “(b) MINIMUM CAPABILITIES.—The interoperable  
21          emergency communications capabilities established under  
22          subsection (a) shall ensure the ability of all levels of gov-  
23          ernment, emergency response providers, emergency sup-  
24          port providers, the private sector, and other organizations  
25          with emergency response capabilities—

1           “(1) to communicate with each other in the  
2 event of an emergency;

3           “(2) to have appropriate and timely access to  
4 the Information Sharing Environment described in  
5 section 1016 of the National Security Intelligence  
6 Reform Act of 2004 (6 U.S.C. 321); and

7           “(3) to be consistent with any applicable State  
8 or Urban Area homeland strategy or plan.

9 **“SEC. 568. INTEGRATED NATIONAL ALERT AND WARNING**  
10 **SYSTEM.**

11           “(a) IN GENERAL.—The Secretary, acting through  
12 the Assistant Secretary for Emergency Communications,  
13 and in coordination with the head of any Federal depart-  
14 ment or agency that possesses or acquires alert and warn-  
15 ing capabilities, including the Departments of Commerce  
16 and Defense and the Federal Communications Commis-  
17 sion, shall develop, manage, operate, and coordinate an in-  
18 tegrated national public alert and warning system that in-  
19 corporates legacy systems.

20           “(b) REQUIREMENTS.—Such system shall—

21           “(1) be operational within 3 years of the date  
22 of enactment of this section;

23           “(2) ensure effective collaboration with State,  
24 local, and tribal governments;

1           “(3) complement and provide interoperability  
2 with State, local, and tribal public alert and warning  
3 systems;

4           “(4) ensure the interoperability of commercially  
5 available equipment for radio and data communica-  
6 tions systems;

7           “(5) carry alert and warning messages for acts  
8 of terrorism, natural disasters, and other emer-  
9 gencies;

10           “(6) conduct regular internal training and exer-  
11 cises on generating and disseminating public alert  
12 and warning messages;

13           “(7) support public education and outreach to  
14 increase community awareness of the integrated na-  
15 tional alert and warning system;

16           “(8) incorporate, to the maximum extent pos-  
17 sible, technologies and systems that warn and sup-  
18 port the unique needs faced by persons with disabil-  
19 ities or language barriers;

20           “(9) develop public–private partnerships to—

21                   “(A) leverage government and industry  
22 needs, capabilities, and resources necessary to  
23 delivery effective disaster warnings;

24                   “(B) facilitate the development, promulga-  
25 tion, and regular updating of national voluntary

1 consensus standards for public alert and warn-  
2 ing technologies;

3 “(C) identify, in consultation with the As-  
4 sistant Secretary for Infrastructure Protection  
5 and the Assistant Secretary for Cybersecurity  
6 and Telecommunications, critical infrastructure  
7 and key resources necessary to provide accu-  
8 rate, survivable, and sustainable public alerts  
9 and warnings;

10 “(D) incorporate private sector threat in-  
11 formation sharing into Federal, State, and local  
12 alert and warning systems; and

13 “(E) ensure continuity of operations plans  
14 are in place to minimize the disruption to com-  
15 munications infrastructure used for the dissemi-  
16 nation of public alerts and warnings;

17 “(10) promulgate standard operating proce-  
18 dures and protocols for the integrated national pub-  
19 lic alert and warning system; and

20 “(11) identify and incorporate existing, new,  
21 and emerging technologies, including the utilization  
22 of both satellite and ground based alert and warning  
23 distribution networks to provide redundant, timely,  
24 and accurate public alerts and warnings.

1       “(c) IMPLEMENTATION PLAN.—The Secretary, act-  
2 ing through the Assistant Secretary for Emergency Com-  
3 munications, shall develop an implementation plan for this  
4 section within 180 days after the enactment of this sec-  
5 tion.

## 6                   **“Subtitle E—Logistics**

### 7       **“SEC. 580. CHIEF LOGISTICS OFFICER.**

8       “(a) APPOINTMENT.—There is in the Department a  
9 Chief Logistics Officer, who shall be appointed by the Sec-  
10 retary. The Chief Logistics Officer shall oversee all logis-  
11 tics operations of the Department across multiple support  
12 functions.

13       “(b) SUPPLY CHAIN MANAGEMENT SYSTEM.—The  
14 Chief Logistics Officer shall be responsible for developing  
15 and maintaining an integrated supply chain management  
16 system. The supply chain management system shall be  
17 structured to be compatible with the National Incident  
18 Management System.

19       “(c) RESPONSIBILITIES.—The Chief Logistics Officer  
20 shall —

21               “(1) guide and assist Federal, State, and local  
22 entities that manage emergency response assets and  
23 commodities to enable the entities to procure and de-  
24 liver supplies for emergency operations; and

1           “(2) provide for the development of logistics  
2           technology and software solutions to allow emer-  
3           gency managers to view all assets in the supply  
4           chain and to be able to access those assets.

5           “(d) REGIONAL LOGISTICS OFFICERS.—Each re-  
6           gional office of the Department shall have a logistics offi-  
7           cer, who shall be appointed by the Secretary.

8           **“SEC. 581. PREPOSITIONED EQUIPMENT PROGRAM.**

9           “(a) IN GENERAL.—The Secretary, acting through  
10          the Under Secretary for Emergency Management and in  
11          coordination with the Regional Directors, shall establish  
12          a Prepositioned Equipment Program to preposition stand-  
13          ardized emergency equipment in selected geographic areas  
14          to sustain and replenish critical assets used by State, local,  
15          or tribal governments in response to, or rendered inoper-  
16          able by the effects of, acts of terrorism, natural disasters,  
17          or other emergencies.

18          “(b) FORCE PACKAGES.—As part of the Program,  
19          the Secretary shall establish a number of force packages.  
20          Each force package shall—

21                 “(1) contain preposition-standardized equip-  
22                 ment and frequently used off-the-shelf items;

23                 “(2) be strategically located and maintained at  
24                 logistics centers in no less than 11 regions and, to



1 the extent practicable, co-located with the push  
2 packages of the Strategic National Stockpile;

3 “(3) be rapidly deployable to any major popu-  
4 lation area within at least 12 hours; and

5 “(4) be easily transportable by air, land, or  
6 water.

7 “(c) TYPES OF EQUIPMENT INCLUDED.—Each force  
8 package shall include—

9 “(1) personal protective equipment;

10 “(2) detection equipment;

11 “(3) decontamination equipment;

12 “(4) search and rescue equipment;

13 “(5) medical equipment and supplies;

14 “(6) communications equipment;

15 “(7) mobile shelters;

16 “(8) mobile medical facilities; and

17 “(9) any additional devices, tools, supplies, and  
18 material most likely needed by initial on-scene emer-  
19 gency response providers.

20 “(d) SUPPORT TEAMS.—Each force package shall be  
21 staffed by qualified and trained personnel who reside in  
22 the region. Such personnel shall—

23 “(1) be available to respond to emergencies  
24 when necessary;

1           “(2) provide life-cycle management and mainte-  
2 nance of equipment; and

3           “(3) perform associated logistics, including  
4 equipment maintenance and calibration.

5           “(e) PROCEDURES FOR DEPLOYMENT OF FORCE  
6 PACKAGES.—The Secretary, acting through the Under  
7 Secretary, shall deploy force packages to State, local, and  
8 tribal officials when—

9           “(1) a State or local government entity,  
10 through the Governor of the State, or a tribal gov-  
11 ernment entity, makes a request for the transfer de-  
12 ployment of a force package; and

13           “(2) the Under Secretary approves such re-  
14 quest.

15           “(f) COORDINATION.—In carrying out the  
16 Prepositioned Equipment Program under this section, the  
17 Secretary shall coordinate with the Secretaries of Defense  
18 and Health and Human Services and with the heads of  
19 such other Federal departments and agencies as the Sec-  
20 retary determines are appropriate.

21 **“SEC. 582. 21ST CENTURY LOGISTICS SYSTEM.**

22           “(a) ESTABLISHMENT.—The Secretary, acting  
23 through the Under Secretary for Emergency Management,  
24 shall, in consultation with the private sector and the heads  
25 of other appropriate Federal departments and agencies,

1 develop a 21st century logistics system that includes real-  
2 time tracking of assets. The system shall be efficient,  
3 transparent, and flexible for procurement and delivery of  
4 goods and services necessary for an effective and timely  
5 response to major disasters and other emergencies.

6 “(b) SYSTEM DEVELOPMENT.—The Secretary shall  
7 ensure that the logistics system is developed through the  
8 use of in-house, private sector, and other Federal agency  
9 logistics capabilities (or a combination thereof).

10 “(c) INVENTORY.—In accordance with the require-  
11 ments of section 611(h)(1)(C) of the Robert T. Stafford  
12 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
13 5196(h)(1)(C)), the 21st century logistics system shall in-  
14 clude an inventory of Federal response capabilities and  
15 corresponding assets and resources. Such inventory shall  
16 include—

17 “(1) the performance parameters of each capa-  
18 bility;

19 “(2) the timeframe within which each capability  
20 can be available for deployment to an incident;

21 “(3) the readiness of each capability to respond  
22 to domestic incidents; and

23 “(4) the availability of such capability.

24 “(d) MILITARY CAPABILITIES.—The Secretary of De-  
25 fense shall provide to the Secretary a description of the

1 functions and capabilities of any entity of the Department  
2 of Defense that may be used to provide support to civil  
3 authorities in responding to acts of terrorism, natural dis-  
4 asters, or other emergencies.

5 “(e) DATABASE.—The Secretary, acting through the  
6 Under Secretary for Emergency Management, shall estab-  
7 lish an inventory database to allow—

8 “(1) real-time exchange of information regard-  
9 ing capabilities, assets, and resources, readiness, or  
10 the compatibility of equipment;

11 “(2) easy identification and rapid deployment  
12 during an incident; and

13 “(3) the sharing of inventories across jurisdic-  
14 tions.

15 “(f) FORCE PACKAGES.—The Secretary, acting  
16 though the Under Secretary for Emergency Management,  
17 shall certify on an annual basis that Federal departments  
18 and agencies with primary or supporting agency respon-  
19 sibilities under an emergency support function of the Na-  
20 tional Response Plan have developed and maintained force  
21 packages of rapidly deployable Federal capabilities.

22 “(g) LOGISTICS SUPPORT CENTERS.—The Secretary,  
23 acting through the Under Secretary and in coordination  
24 with other Federal departments and agencies and State,  
25 local, and tribal governments, shall identify physical loca-

1 tions in selected geographic areas that could be used as  
2 logistics support centers for receiving, staging, and inte-  
3 grating Federal capabilities in the event of acts of ter-  
4 rorism, natural disasters, and other emergencies.

5 “(h) COORDINATION.—In carrying out the activities  
6 of the program under this section, the Under Secretary  
7 shall consult with the Administrator of the Emergency  
8 Management Assistance Compact to ensure effective co-  
9 ordination of efforts in responding to requests for assist-  
10 ance.

11 **“SEC. 583. SMALL BUSINESS DATABASE FOR FEDERAL CON-**  
12 **TRACTING RELATED TO MAJOR DISASTERS**  
13 **AND EMERGENCY ASSISTANCE ACTIVITIES.**

14 “(a) ESTABLISHMENT OF DATABASE.—The Sec-  
15 retary, acting through the Under Secretary for Emergency  
16 Management and in coordination with the Regional Direc-  
17 tors under section 504, shall establish and maintain a  
18 database that contains information about small business  
19 entities for purposes of Federal contracting related to as-  
20 sistance activities conducted in response to and recovery  
21 from acts of terrorism, natural disasters, and other emer-  
22 gencies.

23 “(b) INCLUDED INFORMATION.—The database under  
24 subsection (a) shall include the following information  
25 about each small business entity included in the database:

1           “(1) The name of the small business entity.

2           “(2) The location of the small business entity.

3           “(3) The area served by the small business enti-  
4           ty.

5           “(4) The type of good or service provided by  
6           the small business entity.

7           “(c) SOURCE OF INFORMATION.—

8           “(1) SUBMISSION.—The database may only  
9           contain such information about a small business en-  
10          tity as is submitted by the small business entity.

11          “(2) ATTESTATION.—Each small business enti-  
12          ty submitting information to the database shall sub-  
13          mit—

14                 “(A) an attestation that the information  
15                 submitted is true; and

16                 “(B) documentation supporting such attes-  
17                 tation.

18          “(3) VERIFICATION.—The Secretary shall verify  
19          only that the documentation submitted by each small  
20          business entity supports the information submitted  
21          by that small business entity.

22          “(d) AVAILABILITY OF DATABASE.—The Secretary  
23          shall make the database generally available on the Internet  
24          website of the Department.

1       “(e) CONSULTATION OF DATABASE.—Before award-  
2 ing a Federal contract for a disaster-related activity, a  
3 component of the Department shall consult the database  
4 established under this section.

5       “(f) DATABASE INTEGRATION.—The Secretary shall  
6 integrate the database established under this section into  
7 any other procurement-related database maintained by the  
8 Secretary.

9       “(g) DEFINITIONS.—For purposes of this section, the  
10 terms ‘small business entity’, ‘small business entity owned  
11 and controlled by socially and economically disadvantaged  
12 individuals’, ‘small business entity owned and controlled  
13 by women’, and ‘small business entity owned and con-  
14 trolled by service-disabled veterans’ shall have the mean-  
15 ings given the terms ‘small business concern’, ‘small busi-  
16 ness concern owned and controlled by socially and eco-  
17 nomically disadvantaged individuals’, ‘small business con-  
18 cern owned and controlled by women’, and ‘small business  
19 concern owned and controlled by service-disabled veterans’  
20 respectively under the Small Business Act (15 U.S.C. 631  
21 et seq.).

1 **“SEC. 584. PRE-NEGOTIATED CONTRACTS FOR DELIVERY**  
2 **OF GOODS AND SERVICES AFTER EMER-**  
3 **GENCIES.**

4 “(a) IN GENERAL.—The Undersecretary for Emer-  
5 gency Management, in accordance with the process for co-  
6 ordinated, pre-negotiated contracts established pursuant  
7 to section 504(e)(7)(E), shall have, and may delegate to  
8 any Regional Director for Emergency Management, the  
9 authority to enter into contracts for the delivery of nec-  
10 essary goods or services relating to the response to or re-  
11 covery from acts of terrorism, natural disasters, or other  
12 emergencies affecting the geographical area served by the  
13 Regional Office of that Regional Director.

14 “(b) NECESSARY GOODS AND SERVICES.—The nec-  
15 essary goods and services referred to in subsection (a) in-  
16 clude the following:

17 “(1) Debris removal and other disaster clean-up  
18 needs.

19 “(2) The provision of food, water, ice, and first  
20 aid supplies.

21 “(3) Meals-ready-to-eat.

22 “(4) The provision of such other goods and  
23 services as determined appropriate by the each Re-  
24 gional Director in coordination with the applicable  
25 Regional Advisory Council on Emergency Manage-  
26 ment.



1       “(c) PREFERENCE FOR CONTRACTS WITH SMALL  
2 BUSINESSSES.—To the greatest extent practicable, in en-  
3 tering into a contract under subsection (a), the Under Sec-  
4 retary, or the relevant delegated Regional Director for  
5 Emergency Management, shall give a preference to a small  
6 business entity, as that term is defined in section 583.

7       “(d) COMPETITIVE PROCEDURES.—In entering into  
8 a contract under this section, the Under Secretary, or the  
9 relevant delegated Regional Director for Emergency Man-  
10 agement, shall use competitive procedures, to the max-  
11 imum extent practicable, except as otherwise provided by  
12 law.

13       “(e) CONSULTATION WITH OTHER FEDERAL DE-  
14 PARTMENTS AND AGENCIES.—The Under Secretary, or  
15 the relevant delegated Regional Director for Emergency  
16 Management, shall consult with the head of a Federal de-  
17 partment or agency with respect to any contract entered  
18 into by the head of such department or agency using funds  
19 made available for preparedness, mitigation, response, and  
20 recovery with respect to acts of terrorism, natural disas-  
21 ters, and other emergencies.

22       “(f) RELATIONSHIP TO FEDERAL ASSISTANCE.—In  
23 the case of a contract that has been negotiated by the rel-  
24 evant Regional Director for Emergency Management act-  
25 ing under authority delegated by the Under Secretary, the

1 existence of a contract entered into under this section shall  
2 not prevent a State, local, or tribal government from re-  
3 ceiving or using Federal assistance for the provision of  
4 necessary goods and services relating to response or recov-  
5 ery.

6 **“Subtitle F—Infrastructure**  
7 **Protection and Cybersecurity**

8 **“SEC. 591. OFFICE OF INFRASTRUCTURE PROTECTION.**

9 “(a) IN GENERAL.—There is in the Department an  
10 Office of Infrastructure Protection under the authority of  
11 the Under Secretary for Emergency Management.

12 “(b) ASSISTANT SECRETARY FOR INFRASTRUCTURE  
13 PROTECTION.—The head of the Office shall be the Assist-  
14 ant Secretary for Infrastructure Protection. The Assistant  
15 Secretary shall report directly to the Under Secretary for  
16 Emergency Management.

17 “(c) RESPONSIBILITIES OF THE ASSISTANT SEC-  
18 RETARY.—The Assistant Secretary shall carry out the re-  
19 sponsibilities of the Department regarding infrastructure  
20 protection. Such responsibilities shall include the fol-  
21 lowing:

22 “(1) To identify and carry out comprehensive  
23 risk assessments of key resources and critical infra-  
24 structure of the United States, to determine the  
25 risks posed by particular types of terrorist attacks

1 within the United States (including an assessment of  
2 the probability of success of such attacks and the  
3 feasibility and potential efficacy of various counter-  
4 measures to such attacks).

5 “(2) To develop and maintain a comprehensive  
6 national plan for securing the key resources and  
7 critical infrastructure of the United States, in ac-  
8 cordance with Homeland Security Presidential Di-  
9 rective 7.

10 “(3) To recommend measures necessary to pro-  
11 tect the key resources and critical infrastructure of  
12 the United States in coordination with other Federal  
13 Departments and agencies and in consultation with  
14 State, local, and tribal government agencies and au-  
15 thorities, and the private sector.

16 “(4) To assess the preparedness capabilities of  
17 critical infrastructure to mitigate against, respond  
18 to, and recover from acts of terrorism and other cat-  
19 astrophic emergencies, including natural disasters.

20 “(5) To coordinate and implement, as appro-  
21 priate, preparedness efforts to ensure that critical  
22 infrastructure and key resources efforts are fully in-  
23 tegrated and coordinated with the response and re-  
24 covery activities of the Department.

1           “(6) To establish and maintain partnerships  
2           and information sharing processes with Federal,  
3           State, local, and tribal governments, the private sec-  
4           tor, and international governments and organiza-  
5           tions to enhance coordination of critical infrastruc-  
6           ture and key resource efforts.

7           “(7) To coordinate with the Under Secretary  
8           for Intelligence and Analysis and elements of the in-  
9           telligence community and with Federal, State, local,  
10          and tribal law enforcement agencies, and the private  
11          sector, as appropriate.

12          “(8) To provide the Secretary with an annual  
13          summary of national critical infrastructure protec-  
14          tion efforts and priorities and to provide, in con-  
15          sultation with the Assistant Secretary for Grants  
16          and Planning, recommendations for Federal critical  
17          infrastructure protection funding.

18          “(9) In carrying out responsibilities under para-  
19          graphs (1) and (2), to consult with other Federal,  
20          State, local, and tribal government agencies and au-  
21          thorities as appropriate.

22          “(10) To perform other such duties relating to  
23          such responsibilities as the Secretary may provide.

24          “(d) INTEGRATION CENTER.—

1           “(1) IN GENERAL.—There is an Integration  
2 Center in the Office of Infrastructure Protection,  
3 which shall be staffed by the Office of Infrastructure  
4 Protection, the Office of Cybersecurity and Tele-  
5 communications, and the Office of Intelligence and  
6 Analysis.

7           “(2) RESPONSIBILITIES.—The Integration Cen-  
8 ter shall—

9           “(A) be responsible for the integration of  
10 relevant threat, consequence, and vulnerability  
11 information, analysis, and assessments (whether  
12 such information, analysis, or assessments are  
13 provided or produced by the Department or  
14 others) in order to identify priorities for protec-  
15 tive and support measures by the Department,  
16 other Federal departments and agencies, State,  
17 local, and tribal government agencies and au-  
18 thorities, the private sector, and other entities;  
19 and

20           “(B) develop and disseminate analytical  
21 products that combine homeland security infor-  
22 mation with critical infrastructure and key re-  
23 source vulnerability and consequence informa-  
24 tion.

1           “(3) CRITICAL INFRASTRUCTURE INFORMA-  
2           TION.—The Secretary shall ensure that the Depart-  
3           ment makes full and efficient use of open-source in-  
4           formation to analyze United States critical infra-  
5           structure from the perspective of terrorists using  
6           publicly available information.

7           “(e) STAFF.—

8           “(1) IN GENERAL.—The Secretary shall ensure  
9           that the Office has staff that possess appropriate ex-  
10          pertise and experience to assist the Assistant Sec-  
11          retary in discharging responsibilities under this sec-  
12          tion.

13          “(2) PRIVATE SECTOR STAFF.—Staff under  
14          this subsection may include individuals from the pri-  
15          vate sector.

16          “(3) SECURITY CLEARANCES.—Staff under this  
17          subsection shall possess security clearances appro-  
18          priate for their work under this section.

19          “(f) DETAIL OF PERSONNEL.—

20          “(1) IN GENERAL.—In order to assist the Of-  
21          fice in discharging responsibilities under this section,  
22          personnel of other Federal departments and agencies  
23          may be detailed to the Department for the perform-  
24          ance of analytic functions and related duties.

1           “(2) COOPERATIVE AGREEMENTS.—The Sec-  
2       retary and the head of the Federal department or  
3       agency concerned may enter into cooperative agree-  
4       ments for the purpose of detailing personnel under  
5       this subsection.

6           “(3) BASIS.—The detail of personnel under this  
7       subsection may be on a reimbursable or non-reim-  
8       bursable basis.

9           “(g) REPROGRAMMING AND TRANSFER OF FUNDS.—  
10       In reprogramming or transferring funds, the Secretary  
11       shall comply with any applicable provision of an annual  
12       Homeland Security Appropriations Act relating to the re-  
13       programming or transfer of funds.

14       **“SEC. 592. OFFICE OF CYBERSECURITY AND TELE-**  
15                               **COMMUNICATIONS.**

16           “(a) IN GENERAL.—There is in the Department an  
17       Office of Cybersecurity and Telecommunications under the  
18       authority of the Under Secretary for Emergency Manage-  
19       ment.

20           “(b) ASSISTANT SECRETARY FOR CYBERSECURITY  
21       AND TELECOMMUNICATIONS.—The head of the Office  
22       shall be the Assistant Secretary for Cybersecurity and  
23       Telecommunications. The Assistant Secretary shall report  
24       directly to the Under Secretary for Emergency Manage-  
25       ment.

1       “(c) RESPONSIBILITIES OF ASSISTANT SEC-  
2 RETARY.—The Assistant Secretary shall carry out the re-  
3 sponsibilities of the Department regarding cybersecurity  
4 and telecommunications. Such responsibilities shall in-  
5 clude the following:

6               “(1) To establish and manage—

7                       “(A) a national cybersecurity response sys-  
8 tem that includes the ability to—

9                               “(i) analyze the effect of cybersecurity  
10 threat information on national critical in-  
11 frastructure identified under Homeland Se-  
12 curity Presidential Directive 7; and

13                               “(ii) aid in the detection and warning  
14 of potential vulnerability or attack that  
15 could cause widespread disruption, and in  
16 the restoration of, cybersecurity infrastruc-  
17 ture in the aftermath of such attacks;

18                       “(B) a national cybersecurity threat and  
19 vulnerability reduction program that facilitates  
20 and coordinates with businesses and organiza-  
21 tions to conduct risk assessments on informa-  
22 tion technology and deal with vulnerabilities  
23 that would have a national effect on critical in-  
24 frastructure and that coordinates the mitigation  
25 of such vulnerabilities;



1           “(C) a continuity of operations program to  
2 plan and allocate resources for the continuation  
3 of critical information operations in the event of  
4 a large scale disruption of the information in-  
5 frastructure and to coordinate a response;

6           “(D) a reconstitution program to ensure  
7 that priorities, procedures, and resources are in  
8 place to reconstitute information infrastructures  
9 in the government and private sector that are  
10 critical to the orderly functioning of the econ-  
11 omy, health of the population, and national se-  
12 curity;

13           “(E) a resiliency program that will support  
14 basic and fundamental research to improve the  
15 reliability of network protocols as well as pro-  
16 vide for reasonable security controls and that  
17 will work with the private sector to improve the  
18 security of key network protocols and develop  
19 more secure, reliable successors;

20           “(F) a national public-private  
21 cybersecurity awareness, training, and edu-  
22 cation program that promotes Internet security  
23 awareness among all enduser groups, including  
24 the education community, students, businesses,

1 and government entities, and helps coordinate  
2 cybersecurity awareness initiatives;

3 “(G) a Government cybersecurity program  
4 to coordinate and consult with Federal, State,  
5 and local governments to enhance their  
6 cybersecurity programs; and

7 “(H) a national security and international  
8 cybersecurity cooperation program to help fos-  
9 ter Federal efforts to enhance international  
10 cybersecurity awareness and cooperation.

11 “(2) To coordinate and to leverage existing ef-  
12 forts within the private sector on the program under  
13 paragraph (1) as appropriate and to promote  
14 cybersecurity information sharing, vulnerability as-  
15 sessment, and threat warning regarding critical in-  
16 frastructure.

17 “(3) To coordinate with other directorates and  
18 offices within the Department and with other Fed-  
19 eral agencies, as appropriate, on the cybersecurity  
20 aspects of their missions.

21 “(4) To carry out, in coordination with the As-  
22 sistant Secretary for Emergency Communications,  
23 as appropriate, the duties of the National Commu-  
24 nications System.

1           “(5) To coordinate with the Under Secretary to  
2 ensure that the National Response Plan developed  
3 includes appropriate measures for the recovery of  
4 the cybersecurity elements of critical infrastructure.

5           “(6) To develop processes for information shar-  
6 ing with the private sector, consistent with section  
7 214, that—

8                   “(A) promote voluntary cybersecurity best  
9 practices, standards, and benchmarks that are  
10 responsive to rapid technology changes and to  
11 the security needs of critical infrastructure; and

12                   “(B) consider roles of Federal, State, local,  
13 and foreign governments, appropriate standards  
14 bodies, and the private sector, including the in-  
15 surance industry and auditors.

16           “(7) To coordinate with the Chief Information  
17 Officer of the Department in establishing a secure  
18 information sharing architecture and information  
19 sharing processes, including with respect to the De-  
20 partment’s operation centers.

21           “(8) To consult with the Electronic Crimes  
22 Task Force of the United States Secret Service on  
23 private sector outreach and information activities.

24           “(9) To consult with the Office for Training  
25 and Exercises to ensure that realistic cybersecurity

1 scenarios are incorporated into training exercises, in-  
2 cluding tabletop and recovery exercises.

3 “(10) To consult and coordinate with the As-  
4 sistant Secretary for Infrastructure Protection, the  
5 Under Secretary for Science and Technology, and,  
6 where appropriate, with other relevant Federal de-  
7 partments and agencies, on the security of digital  
8 control systems, such as Supervisory Control and  
9 Data Acquisition systems.

10 “(11) To consult and coordinate with the Under  
11 Secretary for Science and Technology on  
12 cybersecurity research and development require-  
13 ments.

14 “(d) ANNUAL REPORT.—The Secretary shall submit  
15 to Congress an annual report on the programs under this  
16 section and the specific funding requirements of each pri-  
17 ority and objective of the Secretary with respect to such  
18 programs. For each priority or objective the Secretary  
19 shall describe how the private sector is involved in each  
20 such program.

21 “(e) DEADLINE FOR NOMINATION.—Not later than  
22 90 days after the date of the enactment of this section,  
23 the President shall nominate an individual to serve as the  
24 Assistant Secretary for Cybersecurity and Telecommuni-  
25 cations.

1 “(f) STAFF.—

2 “(1) IN GENERAL.—The Secretary shall provide  
3 the Office with staff having appropriate expertise  
4 and experience to assist the Assistant Secretary in  
5 discharging responsibilities under this section.

6 “(2) SECURITY CLEARANCES.—Staff under this  
7 subsection shall possess security clearances appro-  
8 priate for their work under this section.

9 “(g) DETAIL OF PERSONNEL.—

10 “(1) IN GENERAL.—In order to assist the Of-  
11 fice in discharging responsibilities under this section,  
12 personnel of other Federal departments and agencies  
13 may be detailed to the Department for the perform-  
14 ance of analytic functions and related duties.

15 “(2) COOPERATIVE AGREEMENTS.—The Sec-  
16 retary and the head of the Federal department or  
17 agency concerned may enter into cooperative agree-  
18 ments for the purpose of detailing personnel under  
19 this subsection.

20 “(3) BASIS.—The detail of personnel under this  
21 subsection may be on a reimbursable or non-reim-  
22 bursable basis.

23 “(h) REPROGRAMMING AND TRANSFER OF FUNDS.—  
24 In reprogramming or transferring funds, the Secretary  
25 shall comply with any applicable provision of an annual

1 Homeland Security Appropriations Act relating to the re-  
 2 programming or transfer of funds.”.

3 (b) CLERICAL AMENDMENTS.—The items relating to  
 4 title V in the table of contents in section 1(b) of the Home-  
 5 land Security Act of 2002 are amended to read as follows:

“TITLE V—EMERGENCY MANAGEMENT

“Subtitle A—Directorate of Emergency Management

- “Sec. 501. Directorate of Emergency Management.
- “Sec. 502. Responsibilities of the Under Secretary.
- “Sec. 503. Principal advisor on emergency management.
- “Sec. 504. Regional offices.
- “Sec. 505. Chief Medical Officer.
- “Sec. 506. National Biosurveillance Integration System.
- “Sec. 507. Office of State, Local, and Tribal Government Coordination.
- “Sec. 508. National Operations Center.
- “Sec. 509. Office of National Capital Region Coordination.
- “Sec. 510. National Advisory Council on Emergency Management.
- “Sec. 511. Reorganization of Directorate.

“Subtitle B—Emergency Preparedness

- “Sec. 521. Office of Grants and Planning.
- “Sec. 522. Office of Training and Exercises.
- “Sec. 523. Essential capabilities.
- “Sec. 524. Catastrophic planning.
- “Sec. 525. System assessment and validation for emergency responders pro-  
gram.
- “Sec. 526. National Homeland Security Academy.
- “Sec. 527. Office of Public and Community Preparedness.
- “Sec. 528. Prescribed mission assignments and requests for assistance.

“Subtitle C—Emergency Response

- “Sec. 541. National incident management system and national response plan  
integration center.
- “Sec. 542. Use of national private sector networks in emergency response.
- “Sec. 543. Nuclear incident response.
- “Sec. 544. National urban search and rescue response system.
- “Sec. 545. Metropolitan Medical Response System.
- “Sec. 546. Emergency Management Assistance Compact authorization.

“Subtitle D—Emergency Communications

- “Sec. 561. Office of Emergency Communications.
- “Sec. 562. National emergency communications strategy.
- “Sec. 563. Assessments and reports.
- “Sec. 564. Coordination of Federal emergency communications grant programs.
- “Sec. 565. Regional emergency communications coordination.
- “Sec. 566. Emergency Communications Preparedness Center.

“Sec. 567. Urban and other high risk area communications capabilities.

“Sec. 568. Integrated national alert and warning system.

“Subtitle E—Logistics

“Sec. 580. Chief Logistics Officer.

“Sec. 581. Prepositioned equipment program.

“Sec. 582. 21st century logistics system.

“Sec. 583. Small business database for Federal contracting related to major disasters and emergency assistance activities.

“Sec. 584. Pre-negotiated contracts for delivery of goods and services after emergencies.

“Subtitle F—Infrastructure Protection and Cybersecurity

“Sec. 591. Office of Infrastructure Protection.

“Sec. 592. Office of Cybersecurity and Telecommunications.”.

**1 SEC. 102. DISASTER RESPONSE GROUP.**

2 (a) ESTABLISHMENT.—Not later than 60 days after  
3 the date of enactment of this Act, the Chairman of the  
4 Homeland Security Council shall establish within the  
5 Council a Disaster Response Group (referred to in this  
6 section as the “DRG”).

7 (b) RESPONSIBILITIES.—

8 (1) IN GENERAL.—The DRG shall be respon-  
9 sible for resolving interagency conflicts arising dur-  
10 ing incidents of national significance and any related  
11 strategic policy planning and interagency coordina-  
12 tion activities.

13 (2) CONFLICT RESOLUTION.—Decisions of the  
14 DRG relating to interagency conflicts shall be imple-  
15 mented through the Director of the National Oper-  
16 ations Center of the Department of Homeland Secu-  
17 rity. In the event a conflict cannot be resolved, the

1 DRG shall develop recommendations for deputies  
2 and principals.

3 (c) MEMBERSHIP.—The Chairman shall determine  
4 and appoint the members of the DRG. The structure of  
5 the DRG shall be similar to the structure of  
6 Counterterrorism Security Group. The Chairman shall  
7 consult with members of the Counterterrorism Security  
8 Group in the establishment of the DRG.

9 (d) MEETINGS.—The DRG shall conduct meetings on  
10 a regular basis, but more frequently during times of crisis.

11 **SEC. 103. STREAMLINED DEPUTATION OF QUALIFIED FED-**  
12 **ERAL LAW ENFORCEMENT OFFICERS.**

13 The Attorney General shall develop procedures for  
14 the streamlined deputation of qualified Federal law en-  
15 forcement officers to assist in areas affected by an emer-  
16 gency, major disaster, or catastrophic incident. The Attor-  
17 ney General should consult with the appropriate State offi-  
18 cials to develop agreements under which a State request-  
19 ing Federal law enforcement assistance agrees in advance  
20 to grant limited State law enforcement authority to Fed-  
21 eral agents for the duration of the emergency, major dis-  
22 aster, or catastrophic incident.



1 **SEC. 104. INTERNATIONAL ASSISTANCE FOR DOMESTIC**  
2 **CATASTROPHIC INCIDENTS.**

3 (a) PROCEDURES FOR REVIEW OF OFFERS OF  
4 INTERNATIONAL ASSISTANCE.—The Secretary of Home-  
5 land Security, acting jointly with the Secretary of State  
6 and in consultation with the heads of other appropriate  
7 Federal agencies, shall develop procedures for reviewing,  
8 accepting, or rejecting offers of international assistance  
9 for domestic catastrophic incidents.

10 (b) CONTENTS.—Procedures developed under sub-  
11 section (a) shall include—

12 (1) an appropriate mechanism, to be adminis-  
13 tered by the Secretary of Homeland Security and  
14 supported by the Secretary of State and the Sec-  
15 retary of Treasury, to receive, disburse, and audit  
16 any cash assistance received in support of victim  
17 needs;

18 (2) a coordination process among Federal agen-  
19 cies and non-governmental partners to solicit, ac-  
20 cept, receive, integrate, and distribute foreign assist-  
21 ance;

22 (3) an expedited review process for inter-  
23 national aid that addresses both critical needs and  
24 legitimate foreign policy objectives;

25 (4) a process to provide for the inclusion of a  
26 representative of the United States Agency for

1 International Development (referred to in this sec-  
2 tion as “USAID”) in the Joint Field Office;

3 (5) a process to provide for the inclusion of—

4 (A) a representative from USAID, includ-  
5 ing the Office of U.S. Foreign Disaster Assist-  
6 ance (referred to in this section as “OFDA”)  
7 on the State Department Task Force, and a  
8 representative of the Department of State on  
9 USAID/OFDA’s Response Management Team,  
10 to improve interagency coordination; and

11 (B) a representative of the Department of  
12 Homeland Security on the State Department  
13 Task Force and USAID/OFDA’s Response  
14 Management Team to provide more efficient in-  
15 formation sharing about assistance needs on the  
16 ground.

17 **SEC. 105. GULF COAST LONG-TERM RECOVERY OFFICE.**

18 (a) ESTABLISHMENT.—The Secretary of Homeland  
19 Security shall establish in the Department of Homeland  
20 Security a Gulf Coast Long-Term Recovery Office to ad-  
21 minister amounts available to the Department for pro-  
22 viding assistance to the residents of the Gulf Coast region  
23 for recovering from Hurricanes Katrina and Rita.

1 (b) DIRECTOR.—The Office shall be headed by a Di-  
2 rector, who shall be appointed by the Secretary of Home-  
3 land Security.

4 (c) RESPONSIBILITIES.—The Director of the Gulf  
5 Coast Long-Term Recovery Office shall work with State,  
6 local, and tribal governments, the private sector, and non-  
7 governmental organizations, including faith-based and  
8 other community humanitarian relief entities, to provide  
9 assistance to residents of the Gulf Coast region for recov-  
10 ering from Hurricanes Katrina and Rita, including the fol-  
11 lowing:

12 (1) To assess the social and economic con-  
13 sequences in the areas affected by Hurricanes  
14 Katrina and Rita and coordinate Federal efforts to  
15 address long-term community recovery issues.

16 (2) To advise the Secretary of Homeland Secu-  
17 rity on the long-term community recovery implica-  
18 tions of response activities.

19 (3) To conduct comprehensive market disrup-  
20 tion and loss analysis and develop a forward looking  
21 market-based comprehensive long-term recovery plan  
22 for the affected areas.

23 (4) To identify appropriate Federal programs  
24 and agencies to support the implementation of the  
25 long-term community recovery plan, to ensure co-

1 ordination across appropriate Federal departments  
2 and agencies, and to identify any gaps in the avail-  
3 able resources.

4 (5) To avoid duplication of assistance, to co-  
5 ordinate, to the extent possible, program application  
6 processes and planning requirements in order to  
7 streamline assistance, and to identify and coordinate  
8 the resolution of policy and program issues.

9 (6) To determine responsibilities for recovery  
10 activities, to provide a method of maintaining con-  
11 tinuity in the delivery of assistance under programs  
12 administered by various Federal departments and  
13 agencies, and to oversee coordination with State,  
14 local, and tribal governments and other involved par-  
15 ties, to ensure follow-through of recovery and hazard  
16 mitigation efforts.

17 (7) To encourage implementation of mitigation  
18 measures during recovery.

19 (8) To carry out such other activities as deter-  
20 mined appropriate by the Secretary of Homeland Se-  
21 curity.

22 (d) TERMINATION.—The Gulf Coast Long-Term Re-  
23 covery Office established under subsection (a) shall termi-  
24 nate at the discretion of the Secretary.

1 **SEC. 106. NATIONAL DISASTER MEDICAL SYSTEM.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
3 2811 of the Public Health Service Act (42 U.S.C. 300hh–  
4 11), as added by section 102 of the Public Health Security  
5 and Bioterrorism Preparedness and Response Act of 2002  
6 (116 Stat. 599), is amended in subsection (h) by striking  
7 “such sums” and all that follows and inserting  
8 “\$85,000,000 for each of the fiscal years 2007 through  
9 2010.”.

10 (b) REPORT.—Not later than 9 months after the date  
11 of the enactment of this Act, the Chief Medical Officer  
12 of the Department of Homeland Security, in consultation  
13 with the Under Secretary for Emergency Management,  
14 shall submit to Congress a report that provides—

15 (1) an assessment of the need to expand the  
16 National Disaster Medical System, including an ex-  
17 amination of the feasibility of maintaining a full  
18 time, non-volunteer operational unit or units;

19 (2) an evaluation of the relationship between  
20 the National Disaster Medical System and the Met-  
21 ropolitan Medical Response System;

22 (3) an assessment of the coordination between  
23 the Department and the Department of Health and  
24 Human Services during deployment; and

25 (4) an evaluation of whether the National Dis-  
26 aster Medical System should remain in the Depart-

1       ment and, if not, which Department should have re-  
2       sponsibility.

3 **SEC. 107. OFFICE OF INTEROPERABILITY AND COMPAT-**  
4                                   **IBILITY.**

5       (a) IN GENERAL.—Title III of the Homeland Secu-  
6 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
7 adding at the end the following:

8 **“SEC. 314. OFFICE OF INTEROPERABILITY AND COMPAT-**  
9                                   **IBILITY.**

10       “(a) CLARIFICATION OF RESPONSIBILITIES.—The  
11 Director of the Office of Interoperability and Compat-  
12 ibility shall—

13               “(1) assist the Secretary in developing and im-  
14 plementing the science and technology aspects of the  
15 program described in subparagraphs (D), (E), (F),  
16 and (G) of section 7303(a)(1) of the Intelligence Re-  
17 form and Terrorism Prevention Act of 2004 (6  
18 U.S.C. 194(a)(1));

19               “(2) support the creation of national voluntary  
20 consensus standards for interoperable emergency  
21 communications;

22               “(3) establish a comprehensive research, devel-  
23 opment, testing, and evaluation program for improv-  
24 ing interoperable emergency communications;

1           “(4) establish requirements for total and non-  
2           proprietary interoperable emergency communications  
3           capabilities for all public safety radio and data com-  
4           munications systems and equipment;

5           “(5) evaluate and validate new technology con-  
6           cepts in real-world environments to achieve inter-  
7           operable emergency communications capabilities;

8           “(6) encourage more efficient use of existing re-  
9           sources, including equipment and spectrum, to  
10          achieve interoperable emergency communications ca-  
11          pabilities;

12          “(7) test and deploy public safety communica-  
13          tions systems that are less prone to failure, support  
14          new nonvoice services, consume less spectrum, and  
15          cost less than existing systems; and

16          “(8) work with the private sector to develop so-  
17          lutions to improve emergency communications capa-  
18          bilities and achieve interoperable emergency commu-  
19          nications capabilities.

20          “(b) COORDINATION.—The Director shall coordinate  
21          with the Assistant Secretary for Emergency Communica-  
22          tions with respect to the SAFECOM program.

23          “(c) SUFFICIENCY OF RESOURCES.—The Secretary  
24          shall provide the Office for Interoperability and Compat-

1 ability the resources and staff necessary to carry out the  
2 responsibilities under this section.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of such Act is amended by inserting at the  
5 end of the items relating to title III the following:

“Sec. 314. Office of Interoperability and Compatibility.”.

6 **SEC. 108. INTELLIGENCE ANALYSTS.**

7 (a) IN GENERAL.—Financial assistance provided to  
8 State, local, and tribal governments by the Secretary of  
9 Homeland Security for prevention activities may be used  
10 by the State, local, or tribal government to hire new staff  
11 and contractors to serve as intelligence analysts to facili-  
12 tate information and intelligence sharing activities.

13 (b) QUALIFICATIONS.—An individual shall success-  
14 fully complete training to ensure baseline proficiency in  
15 intelligence analysis and production before the individual  
16 may serve as an intelligence analyst or as a staff intel-  
17 ligence employee or contractor.

18 (c) EFFECTIVE DATE.—The requirements under sub-  
19 section (b) shall apply with respect to an individual hired  
20 after the date of the enactment of this Act.

21 **SEC. 109. REDESIGNATION OF DIRECTORATE FOR INFOR-**  
22 **MATION ANALYSIS AND INFRASTRUCTURE**  
23 **PROTECTION.**

24 (a) REDESIGNATION OF DIRECTORATE FOR INFOR-  
25 MATION ANALYSIS AND INFRASTRUCTURE PROTEC-



1 TION.—Section 201 of the Homeland Security Act of 2002  
2 (6 U.S.C. 121) is amended—

3 (1) in subsection (a)(1)—

4 (A) by striking “a Directorate for Informa-  
5 tion Analysis and Infrastructure Protection”  
6 and inserting “an Office of Intelligence and  
7 Analysis”; and

8 (B) by striking “an Under Secretary for  
9 Information Analysis and Infrastructure Pro-  
10 tection” and inserting “an Under Secretary for  
11 Intelligence and Analysis”;

12 (2) by striking subsection (b) and redesignating  
13 subsections (c) through (g) as subsections (b)  
14 through (f), respectively;

15 (3) in subsection (b), as so redesignated—

16 (A) by striking “and infrastructure protec-  
17 tion” and inserting “and intelligence”; and

18 (B) by striking “the Under Secretary for  
19 Information Analysis and Infrastructure Pro-  
20 tection” and inserting “the Under Secretary for  
21 Intelligence and Analysis”;

22 (4) in subsection (c), as so redesignated—

23 (A) by striking “the Under Secretary for  
24 Information Analysis and Infrastructure Pro-

1           tection” and inserting “the Under Secretary for  
2           Intelligence Analysis”;

3           (B) by striking paragraphs (2), (5), and  
4           (6), and redesignating paragraphs (3) through  
5           (19) as paragraphs (2) through (16), respec-  
6           tively;

7           (C) in paragraph (2), as so redesignated,  
8           by striking “To integrate” and inserting “To  
9           participate in the integration of”; and

10          (D) in paragraph (14), as so redesignated,  
11          by inserting “the Assistant Secretary for Infra-  
12          structure Protection and” after “coordinate  
13          with”;

14          (5) in subsections (d) and (e), as redesignated  
15          by subsection (a)(2), by striking “Directorate” each  
16          place it appears and inserting “Office”; and

17          (6) in subsection (f), as redesignated by sub-  
18          section (a)(2), by striking “, for assignment to the  
19          Under Secretary for Information Analysis and Infra-  
20          structure Protection under this section,”.

21          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22                  (1) HOMELAND SECURITY ACT OF 2002.—The  
23          Homeland Security Act of 2002 is amended—

24                  (A) in section 103(a)(2) (6 U.S.C.  
25          113(a)(2)), by striking “Information Analysis

1 and Infrastructure Protection” and inserting  
2 “Intelligence and Analysis”;

3 (B) in section 223 (6 U.S.C. 123), by  
4 striking “Under Secretary for Information  
5 Analysis and Infrastructure Protection” and in-  
6 serting “Assistant Secretary for Infrastructure  
7 Protection”;

8 (C) in section 224 (6 U.S.C. 144), by  
9 striking “Under Secretary for Information  
10 Analysis and Infrastructure Protection” and in-  
11 serting “Assistant Secretary for Cybersecurity  
12 and Telecommunications”; and

13 (D) in section 302(3) (6 U.S.C. 182(3)),  
14 by striking “Under Secretary for Information  
15 Analysis and Infrastructure Protection” and in-  
16 serting “Under Secretary for Intelligence and  
17 Analysis and the Assistant Secretary for Infra-  
18 structure Protection”.

19 (2) SECTION 201.—

20 (A) The heading for section 201 of the  
21 Homeland Security Act of 2002 (6 U.S.C. 121)  
22 is amended to read as follows:

1 **“SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.”.**

2 (B) The table of contents in section 1(b) of  
3 such Act is amended by striking the item relat-  
4 ing to section 201 and inserting the following:

“Sec. 201. Office of Intelligence and Analysis.”.

5 (C) The heading for subsection (a) of sec-  
6 tion 201 of such Act (6 U.S.C. 121) is amended  
7 to read as follows: “UNDER SECRETARY OF  
8 HOMELAND SECURITY FOR INTELLIGENCE AND  
9 ANALYSIS.—”.

10 (D) The heading for subsection (b) of sec-  
11 tion 201 of such Act (6 U.S.C. 121), as reded-  
12 icated by subsection (a)(2) of this section, is  
13 amended to read as follows: “DISCHARGE OF  
14 INTELLIGENCE AND ANALYSIS.—”.

15 (3) SECTION 507.—Section 507(b) of the Home-  
16 land Security Act of 2002 (6 U.S.C. 317(b)) is re-  
17 pealed.

18 (4) NATIONAL SECURITY ACT OF 1947.—Section  
19 106(b)(2)(I) of the National Security Act of 1947  
20 (50 U.S.C. 403-6(b)(2)(I)) is amended to read as  
21 follows:

22 “(I) the Under Secretary of Homeland Security  
23 for Intelligence and Analysis.”.

24 (5) INTELLIGENCE REFORM AND TERRORISM  
25 PREVENTION ACT OF 2004.—Section 7306(a)(1) of

1 the Intelligence Reform and Terrorism Prevention  
2 Act of 2004 (Public Law 108-458; 118 Stat. 3848)  
3 is amended by striking “Under Secretary for Infor-  
4 mation Analysis and Infrastructure Protection” and  
5 inserting “Under Secretary for Intelligence and  
6 Analysis”.

7 **SEC. 110. NATIONAL ACADEMY OF PUBLIC ADMINISTRA-**  
8 **TION STUDY ON IMPLEMENTATION OF ORGA-**  
9 **NIZATIONAL REFORMS.**

10 (a) **STUDY REQUIRED.**—Subject to the availability of  
11 appropriations, the Secretary of Homeland Security shall  
12 enter into an arrangement with the National Academy of  
13 Public Administration to conduct a study of the implemen-  
14 tation of the organizational changes to the Department  
15 of Homeland Security made by this Act and the amend-  
16 ments made by this Act. Under the arrangement, the  
17 Academy shall provide assistance in the creation and im-  
18 plementation of the Directorate of Emergency Manage-  
19 ment.

20 (b) **DEADLINE FOR BEGINNING OF STUDY.**—The  
21 study required under this section shall begin not later than  
22 two months after the date of the enactment of this Act.

23 (c) **TERMINATION.**—The study required under this  
24 section shall end not later than the date that is one year  
25 after the date of the enactment of this Act.

1 **SEC. 111. GAO REPORTS ON AN INVENTORY AND STATUS OF**  
2 **HOMELAND SECURITY TRAINING.**

3 (a) INITIAL REPORT REQUIRED.—Not later than 60  
4 days after the date of the enactment of this Act, the  
5 Comptroller General shall submit to Congress an initial  
6 report on the overall inventory and status of training pro-  
7 grams for emergency response providers in the Depart-  
8 ment of Homeland Security and other Federal depart-  
9 ments and agencies and the extent to which such pro-  
10 grams are coordinated.

11 (b) FINAL REPORT REQUIRED.—Not later than 120  
12 days after the date of the enactment of this Act, the  
13 Comptroller General shall submit to Congress a final re-  
14 port on homeland security training that includes the fol-  
15 lowing:

16 (1) An assessment of the effectiveness of the  
17 structure and organization of training programs for  
18 emergency response providers in the Department of  
19 Homeland Security and other Federal departments  
20 and agencies.

21 (2) Recommendations to—

22 (A) improve the coordination, structure,  
23 and organization of such training programs;  
24 and

1 (B) increase the availability of training to  
2 emergency response providers who are not able  
3 to attend centralized training programs;

4 (3) A description of the structure and organiza-  
5 tional effectiveness of such programs for emergency  
6 response providers in rural communities.

7 (4) An identification of any duplication or re-  
8 dundancy among such programs.

9 (5) A description of the use of State and local  
10 training institutions, universities, centers, the Na-  
11 tional Domestic Preparedness Consortium, and other  
12 national training programs funded by the Depart-  
13 ment of Homeland Security, in designing and pro-  
14 viding training.

15 (6) A cost-benefit analysis of the costs and time  
16 required for emergency response providers to partici-  
17 pate in training courses at Federal institutions.

18 (7) An assessment of the approval process for  
19 certifying training courses that are not administered  
20 by the Department of Homeland Security and that  
21 are useful for anti-terrorism purposes and eligible  
22 for grants awarded by the Department.

23 (8) A description of the use of Department of  
24 Homeland Security grant funds by State, local, and  
25 tribal governments to acquire training.

1           (9) An analysis of the feasibility of Federal,  
2           State, local, and tribal government personnel receiv-  
3           ing the training that is necessary to adopt the Na-  
4           tional Response Plan and the National Incident  
5           Management System of the Department of Home-  
6           land Security.

7           (10) A description of the role of each training  
8           institution within the Department of Homeland Se-  
9           curity in the design and implementation of emer-  
10          gency preparedness and related training courses for  
11          emergency response providers.

12 **SEC. 112. GRANTS FOR TRAINING AND EXERCISES TO AS-**  
13                           **SIST PUBLIC ELEMENTARY AND SECONDARY**  
14                           **SCHOOLS.**

15          (a) IN GENERAL.—Financial assistance provided by  
16          the Secretary of Homeland Security to a State, local, or  
17          tribal government under a program described in sub-  
18          section (b) may be used by the State, local, or tribal gov-  
19          ernment to provide training or exercises to assist public  
20          elementary and secondary schools in developing and imple-  
21          menting programs to instruct students with respect to  
22          age-appropriate skills to prevent, prepare for, respond to,  
23          mitigate against, or recover from acts of terrorism, nat-  
24          ural disasters, and other emergencies.



1 (b) PROGRAMS DESCRIBED.—The programs referred  
2 to in subsection (a) are the following:

3 (1) The State Homeland Security Grant pro-  
4 gram.

5 (2) The Urban Area Security Initiative.

6 (3) The Law Enforcement Terrorism Preven-  
7 tion Program.

8 **SEC. 113. SENSE OF CONGRESS ON THE PROJECT 25 CON-**  
9 **FORMITY ASSESSMENT PROJECT.**

10 It is the sense of Congress that in carrying out the  
11 responsibilities and authorities of the Department of  
12 Homeland Security relating to the SAFECOM Program,  
13 the Assistant Secretary of Homeland Security for Emer-  
14 gency Communications should work with the National In-  
15 stitute of Standards and Technology for the purpose of  
16 implementing, as soon as possible, the Project 25 Compli-  
17 ance Assessment Program.

18 **SEC. 114. NATIONAL PANDEMIC INFLUENZA EXERCISE.**

19 (a) IN GENERAL.—Not later than 270 days after the  
20 date of the enactment of this Act, the Secretary of Home-  
21 land Security, acting through the Assistant Secretary of  
22 Homeland Security for Training and Exercises, in coordi-  
23 nation with the Chief Medical Officer of the Department  
24 of Homeland Security, and in cooperation with the Sec-  
25 retary of Health and Human Services, the Secretary of

1 Defense, the Secretary of Agriculture, and the heads of  
2 all other Federal, State, and local government agencies re-  
3 sponsible for pandemic influenza preparedness and re-  
4 sponse shall conduct a full-scale, national exercise to test  
5 the effectiveness and implementation of the National  
6 Strategy for Pandemic Influenza.

7 (b) SCENARIOS.—In carrying out the national exer-  
8 cise under subsection (a), the Secretary of Homeland Se-  
9 curity shall use the following scenarios:

10 (1) The introduction of highly pathogenic  
11 H5N1 influenza into the domestic poultry supply by  
12 transmission from migratory wild birds. The same  
13 transmission and mortality/morbidity characteristics  
14 as the strain existing as of May 2006 shall be as-  
15 sumed. No human-to-human transmission may be  
16 assumed, but bird-to-human transmission shall be  
17 assumed possible with the same level of probability  
18 as the existing strain.

19 (2) The introduction of a strain of virus mu-  
20 tated from H5N1 that is transmissible from human  
21 to human with the same efficiency as seasonal influ-  
22 enza and the morbidity/mortality characteristics of  
23 the 1918 outbreak of influenza commonly referred to  
24 as the Spanish flu.

1 (c) NATURE OF EXERCISE.—The national exercise  
2 under subsection (a) shall be as realistic as possible, as  
3 provided in subsection (e), and may not be conducted as  
4 a table-top exercise.

5 (d) PARTICIPATION.—The national exercise under  
6 subsection (a) shall involve all 50 States, and all counties  
7 and cities within the States.

8 (e) PLANNING ASSUMPTIONS.—In carrying out the  
9 national exercise under subsection (a), the Secretary shall  
10 make the following assumptions:

11 (1) Only medical supplies that are available or  
12 could be manufactured at the time of the exercise  
13 may be used. The Secretary may not assume that  
14 the Federal Government possesses more vaccine,  
15 medicine, or medical supplies than is held in the  
16 stockpile under section 319F–2 of the Public Health  
17 Service Act at such time, and may not assume that  
18 the Federal Government can make more vaccine,  
19 medicine, or medical supplies than the production  
20 capacity that exists as of such time.

21 (2) Medical facilities may only provide the  
22 amount of space, personnel, and medical supplies  
23 identified at the time the exercise is conducted, but  
24 the Secretary may use facilities other than medical  
25 facilities for medical purposes.

1 **SEC. 115. PUBLIC-PRIVATE SECTOR PLANNING AND RE-**  
2 **SPONSE PILOT PROGRAM.**

3 (a) IN GENERAL.—Under Secretary of Homeland Se-  
4 curity for Emergency Management shall direct the Re-  
5 gional Director for Emergency Management for a region  
6 having significant risk of both terrorism and catastrophic  
7 national disaster to establish a public-private sector plan-  
8 ning and response pilot program, under which the Re-  
9 gional Director shall designate emergency managers and  
10 private sector individuals to identify for the region a net-  
11 work of critical resources and key individuals in accord-  
12 ance with subsection (b).

13 (b) NETWORK FEATURES.—The network shall con-  
14 sist of—

15 (1) critical resources that can be activated im-  
16 mediately for emergency response in the region, in-  
17 cluding preparation of a specific list of items, their  
18 locations, and logistics managers to provide them;  
19 and

20 (2) key individuals who know how to reach each  
21 other in a crisis, and have backup communications  
22 plans if primary communications systems fail.

23 (c) INCLUDED CRITICAL RESOURCES.—The critical  
24 resources identified under subsection (b) shall include the  
25 following:

1           (1) Communications experts and equipment, in-  
2           cluding a corps of technology experts who can surge  
3           when and where needed to provide both equipment  
4           and expertise to fix and build communications sys-  
5           tems.

6           (2) Food and water, including both at sta-  
7           tionery locations and mobile capabilities.

8           (3) Construction equipment and personnel.

9           (4) Medical care facilities and medical corps to  
10          treat non-life threatening injuries.

11          (5) Transportation resources, including buses,  
12          trains, trucks, helicopters, and amphibious vehicles.

13          (d) PROGRAM FEATURES.—Under Secretary for  
14          Emergency Management shall ensure that the pilot pro-  
15          gram—

16               (1) has built-in flexibility to ensure the utiliza-  
17               tion of additional private sector offers of assistance  
18               and identification of new vital resources that were  
19               not anticipated in advance; and

20               (2) is implemented in accordance with a con-  
21               cise, user-friendly plan under which the Regional Di-  
22               rector can expeditiously and efficiently activate the  
23               network identified under subsection (b) at the time  
24               the Under Secretary for Emergency Management  
25               declares an incident of national significance.

1 (e) PROTOCOLS.—Under Secretary for Emergency  
2 Management shall establish protocols for the pilot pro-  
3 gram by not later than 180 days after the establishment  
4 of the program under subsection (a).

5 (f) INTENT OF CONGRESS.—The Congress—

6 (1) does not intend in this section that the Di-  
7 rectorate of Emergency Management of the Depart-  
8 ment of Homeland Security rely on the private sec-  
9 tor to the extent of minimizing the procurement of  
10 emergency supplies and personnel and other activi-  
11 ties under this Act or any other law; and

12 (2) intends in this section that a public-private  
13 partnership network be identified and treated as a  
14 possible resource in the event of a catastrophic act  
15 of terrorism, natural disaster, or other emergency.

16 **SEC. 116. EMERGENCY MANAGEMENT PERFORMANCE**  
17 **GRANTS.**

18 For the Emergency Management Performance  
19 Grants Program formerly conducted by the Directorate  
20 for Preparedness, there is authorized to be appropriated  
21 \$360,000,000 for fiscal year 2007.

22 **SEC. 117. HURRICANE EXERCISE.**

23 (a) IN GENERAL.—Not later than December 31,  
24 2008, the Secretary of Homeland Security, in cooperation  
25 with the heads of Federal, State, and local departments

1 and agencies, representatives of volunteer organizations,  
2 and other appropriate experts, shall conduct an exercise  
3 to simulate a hurricane hitting New York City for pur-  
4 poses of the preparation for, response to, and recovery  
5 from such an event.

6 (b) REPORT.—Not later than 90 days after the last  
7 day of the exercise, the Secretary shall submit to Congress  
8 a report on the results of the exercise, including informa-  
9 tion concerning how the exercise was developed and con-  
10 ducted, who participated in the exercise, the findings of  
11 participants, and recommendations for future actions.

12 **SEC. 118. DEFINITIONS.**

13 (a) EXPANSION OF DEFINITION OF EMERGENCY RE-  
14 SPONSE PROVIDER.—Paragraph (6) of section 2 of the  
15 Homeland Security Act of 2002 (6 U.S.C. 101(6)) is  
16 amended by striking “includes” and all that follows and  
17 inserting “includes Federal, State, and local governmental  
18 and nongovernmental emergency public safety, law en-  
19 forcement, fire, emergency response, emergency medical  
20 (including hospital emergency facilities), and related per-  
21 sonnel, organizations, agencies, and authorities.”.

22 (b) NEW DEFINITIONS.—Such section is further  
23 amended by adding at the end the following new para-  
24 graphs:

1           “(17) The term ‘emergency management’ refers  
2           to the governmental function that coordinates and  
3           integrates all activities necessary to build, sustain,  
4           and improve the capability to prepare for, respond  
5           to, mitigate against, or recover from a threatened or  
6           actual act of terrorism, emergency, natural disaster,  
7           or catastrophic incident.

8           “(18) The term ‘prevention’ means any activity  
9           undertaken to avoid, prevent, or stop a threatened  
10          or actual act of terrorism.

11          “(19) The term ‘emergency support providers’  
12          includes Federal, State, and local governmental and  
13          nongovernmental utilities, public works, transpor-  
14          tation, and public health and related personnel, or-  
15          ganizations, agencies, and authorities.”.

16 **SEC. 119. CONFORMING AMENDMENTS.**

17          (a) **REPEALS.**—The following provisions of the  
18 Homeland Security Act of 2002 are repealed:

19               (1) Section 430.

20               (2) Subtitle A of title VIII.

21               (3) Section 882.

22          (b) **OTHER CONFORMING AMENDMENTS.**—

23               (1) **UNDER SECRETARY.**—Section 103(a) is  
24 amended—



1 (A) in paragraph (5), by striking “Pre-  
2 paredness and Response” and inserting “Man-  
3 agement”; and

4 (B) by striking paragraph (7) and redesi-  
5 gnating paragraphs (8) through (10) as para-  
6 graphs (7) through (9), respectively.

7 (2) INCREASE IN NUMBER OF ASSISTANT SEC-  
8 RETARIES.—Section 103(a)(9) of such Act, as redesi-  
9 gnated by paragraph (1)(B), is amended by striking  
10 “12” and inserting “17”.

## 11 **TITLE II—FRAUD, WASTE, AND** 12 **ABUSE PREVENTION**

### 13 **SEC. 201. FRAUD, WASTE, AND ABUSE CONTROLS; FRAUD** 14 **PREVENTION TRAINING PROGRAM.**

15 (a) IN GENERAL.—Title VII of the Homeland Secu-  
16 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by  
17 adding at the end the following:

#### 18 **“SEC. 707. FRAUD, WASTE, AND ABUSE CONTROLS.**

19 “(a) IN GENERAL.—The Secretary, acting through  
20 the Under Secretary for Emergency Management, shall  
21 ensure that—

22 “(1) all programs within the Directorate admin-  
23 istering Federal assistance develop and maintain  
24 proper internal management controls to prevent and  
25 detect fraud, waste, and abuse;

1           “(2) application databases used by the Direc-  
2           torate to collect information on eligible recipients  
3           must record disbursements;

4           “(3) such tracking is designed to highlight and  
5           identify ineligible applications; and

6           “(4) the databases used to collect information  
7           from applications for such assistance must be inte-  
8           grated with the disbursements and payment records.

9           “(b) AUDITS AND REVIEWS REQUIRED.—The Sec-  
10          retary shall ensure that any existing database or similar  
11          application processing system in effect on the date of the  
12          enactment of this section for Federal assistance programs  
13          administered by the Department undergo a review by the  
14          Inspector General of the Department to determine the ex-  
15          istence and implementation of such internal controls re-  
16          quired under this section, before such database application  
17          may be used to determine eligibility and disbursement of  
18          Federal assistance.

19          “(c) CERTIFICATION REQUIRED.—The Secretary,  
20          acting through the Under Secretary for Emergency Man-  
21          agement, shall certify to the Congress on an annual basis  
22          that proper internal controls required under this section  
23          are in place and operational before a database or similar  
24          application processing system may be utilized for the pur-  
25          pose of the dispensing of Federal assistance.

1       “(d) REPORT TO CONGRESS.—Recommendations or  
2 findings that remain unresolved between program admin-  
3 istrators and the Department Inspector General for 30  
4 days must be immediately reported to Congress by the De-  
5 partment Inspector General.

6       **“SEC. 708. FRAUD PREVENTION TRAINING PROGRAM.**

7       “(a) TRAINING PROGRAM REQUIRED.—The Sec-  
8 retary, acting through the Under Secretary for Emergency  
9 Management, shall develop and implement a program to  
10 provide training on the prevention of waste, fraud, and  
11 abuse of Federal assistance funds and services during the  
12 response to or recovery from acts of terrorism, natural dis-  
13 asters, or other emergencies and ways to identify such po-  
14 tential waste, fraud, and abuse.

15       “(b) INDIVIDUALS ELIGIBLE FOR TRAINING.—Under  
16 the training program required under subsection (a), the  
17 Secretary may provide training to—

18               “(1) employees, contractors, and volunteers of  
19 the Federal Government;

20               “(2) employees and volunteers of any State,  
21 local, or tribal government entity; and

22               “(3) employees and volunteers of nonprofit or-  
23 ganizations that assist in the administration of Fed-  
24 eral assistance funds and services provided in re-

1 sponse to acts of terrorism, natural disasters, or  
2 other national emergencies.

3 “(c) INFORMATION SHARING.—Any State, local, or  
4 tribal government entity or nonprofit entity that provides  
5 Federal assistance funds or services to individuals affected  
6 by acts of terrorism, natural disasters, or other emer-  
7 gencies may share information with the Federal Govern-  
8 ment, in a manner consistent with Federal Privacy Act  
9 protections, about any recipient of such assistance, at the  
10 request of the head of a Federal department or agency,  
11 for the purpose of preventing fraud and abuse of Federal  
12 assistance.”.

13 (b) CLERICAL AMENDMENT.—The table of contents  
14 in section 1(b) of such Act is amended by inserting after  
15 the item related to section 706 the following:

“Sec. 707. Fraud, waste, and abuse controls.  
“Sec. 708. Fraud prevention training program.”.

16 **SEC. 202. ASSESSMENT AND REPORT REGARDING UTILIZA-**  
17 **TION OF INDEPENDENT PRIVATE SECTOR IN-**  
18 **SPECTORS GENERAL.**

19 (a) IN GENERAL.—The Under Secretary for Emer-  
20 gency Management of the Department of Homeland Secu-  
21 rity, in consultation with the Under Secretary for Manage-  
22 ment, shall—

23 (1) assess the role that Independent Private  
24 Sector Inspectors General (popularly known as

1 “IPSIGs”) played in preventing waste, fraud, and  
2 abuse, in contracts for goods or services purchased  
3 or commissioned after the terrorist attacks on the  
4 World Trade Center in New York City on September  
5 11, 2001; and

6 (2) report the findings of such assessment to  
7 Congress by not later than one year after the date  
8 of enactment of this Act and post the report on the  
9 primary agency public access website.

10 (b) UTILIZATION OF IPSIGS TO MONITOR AND PRO-  
11 VIDE GREATER ACCOUNTABILITY.—Such assessment  
12 shall include examination of how IPSIGs may be utilized  
13 to monitor and provide greater accountability for contracts  
14 using Federal funding provided in response to a terrorist  
15 attack, natural disaster, or other national emergency, in-  
16 cluding contracts for debris removal and the repair or re-  
17 construction of damaged infrastructure.

18 **SEC. 203. ENHANCED ACCOUNTABILITY FOR FEDERAL AS-**  
19 **SISTANCE.**

20 (a) IN GENERAL.—The Homeland Security Act of  
21 2002 is amended by inserting after section 856 (6 U.S.C.  
22 426) the following:

23 **“SEC. 856a. ENHANCED ACCOUNTABILITY FOR FEDERAL AS-**  
24 **SISTANCE.**

25 “(a) RECIPIENTS OF FEDERAL ASSISTANCE.—

1           “(1) IN GENERAL.—Each State, local, tribal,  
2           and nonprofit entity that receives Federal assistance  
3           funds in response to acts of terrorism, natural disas-  
4           ters, or other emergencies shall report to the perti-  
5           nent Federal agency six months after the initial dis-  
6           bursement of resources regarding the expenditure of  
7           such funds.

8           “(2) CONTENTS.—The report shall include a  
9           description of—

10                   “(A) the projects or programs that re-  
11                   ceived Federal assistance;

12                   “(B) the entity administering the program  
13                   or project; and

14                   “(C) the dates and amounts disbursed, al-  
15                   located, and expended.

16           “(3) MINIMIZING REPORTING BURDEN.—The  
17           Under Secretary for Emergency Management shall  
18           determine whether the requirement to report under  
19           this section is duplicative of or can be combined with  
20           other reporting requirements and, if so, the Under  
21           Secretary shall combine such requirements and  
22           eliminate such duplication.

23           “(b) FEDERAL ASSISTANCE DISBURSING AGEN-  
24           CIES.—

1           “(1) IN GENERAL.—Each Federal agency that  
2           disburses Federal assistance funds in response to an  
3           act of terrorism, a natural disaster, or another emer-  
4           gency shall submit to the Inspector General of the  
5           Department, acting in the Inspector General’s role  
6           as chairman of the President’s Council on Integrity  
7           and Efficiency Homeland Security Roundtable, a re-  
8           port on the expenditure of such funds.

9           “(2) CONTENTS.—Each report required under  
10          paragraph (1) shall include—

11                 “(A) names and addresses of recipient  
12                 agencies;

13                 “(B) the purpose for which resources were  
14                 provided;

15                 “(C) the amounts disbursed, allocated, and  
16                 expended; and

17                 “(D) the status of reporting by agencies  
18                 that received disbursements (as set forth under  
19                 subparagraph (A)).

20          “(3) DEADLINE.—Each report submitted under  
21          paragraph (1) shall be submitted not later than one  
22          year after the date of the enactment of the appro-  
23          priations Act that makes available the Federal as-  
24          sistance funds covered by the report, and on a recur-  
25          rent basis every six months thereafter until such

1 time as all such funds are expended or the Inspector  
2 General and such Council determine that such re-  
3 ports are no longer required.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
5 in section 1(b) of such Act is amended by inserting after  
6 the item related to section 856 the following:

“Sec. 856a. Enhanced accountability for Federal assistance.”.

7 **SEC. 204. ENHANCED INFORMATION SHARING AMONG FED-**  
8 **ERAL AGENCIES TO PREVENT FRAUD, WASTE,**  
9 **AND ABUSE.**

10 (a) IN GENERAL.—The Homeland Security Act of  
11 2002 is further amended by inserting after section 856a  
12 the following:

13 **“SEC. 856b. ENHANCED INFORMATION SHARING AMONG**  
14 **FEDERAL AGENCIES TO PREVENT FRAUD,**  
15 **WASTE, AND ABUSE.**

16 “(a) CONFIRMATION OF IDENTITY AND ELIGIBILITY  
17 OF APPLICANTS.—Any Federal, State, local, or tribal  
18 agency that disburses Federal grants, loans, services, and  
19 other assistance in response to or for the recovery from  
20 acts of terrorism, natural disasters, or other emergencies,  
21 shall make reasonable efforts to confirm the identity and  
22 eligibility of the applicant for such assistance without plac-  
23 ing undue burden on the applicant.

24 “(b) CONSENT TO ACCESS.—



1           “(1) INCLUSION ON APPLICATION MATE-  
2           RIALS.—The Federal, State, local, or tribal agency  
3           may include provisions on application materials for  
4           grants, loans, services, and other assistance that  
5           would allow access to Internal Revenue Service in-  
6           formation (IRS Form 8821 Tax Information Au-  
7           thorization) and other relevant Federal databases, to  
8           allow government agencies to share information and  
9           enhance the accuracy and expedite the delivery of  
10          assistance to applicants.

11          “(2) CONSENT NOT REQUIRED.—Any applicant  
12          who declines to consent to the sharing of such infor-  
13          mation shall not be denied assistance or otherwise  
14          penalized for that reason.”.

15          (b) CLERICAL AMENDMENT.—The table of contents  
16          in section 1(b) of such Act is further amended by inserting  
17          after the item related to section 856a the following:

          “Sec. 856b. Enhanced information sharing among Federal agencies to prevent  
          fraud, waste, and abuse.”.

18       **SEC. 205. DEPUTY INSPECTOR GENERAL FOR RESPONSE**  
19                               **AND RECOVERY.**

20          (a) IN GENERAL.—Subtitle B of title VIII of the  
21          Homeland Security Act of 2002 (6 U.S.C. 371) is amend-  
22          ed by adding at the end the following:

1 **“SEC. 813. DEPUTY INSPECTOR GENERAL FOR RESPONSE**  
2 **AND RECOVERY.**

3 “(a) ESTABLISHMENT.—There is established the po-  
4 sition of Deputy Inspector General for Response and Re-  
5 covery within the Office of the Inspector General of the  
6 Department.

7 “(b) APPOINTMENT.—The Deputy Inspector General  
8 shall be appointed—

9 “(1) by the Inspector General of the Depart-  
10 ment; and

11 “(2) solely on the basis of integrity and dem-  
12 onstrated ability in accounting, auditing, financial  
13 analysis, law, management analysis, public adminis-  
14 tration, or investigations.

15 “(c) REPORTING AND STATUS AS SES POSITION.—  
16 The Deputy Inspector General shall—

17 “(1) report to, and be under the direct author-  
18 ity and supervision of, the Inspector General; and

19 “(2) serve as a career member of the Senior  
20 Executive Service.

21 “(d) DUTIES.—

22 “(1) AUDITS AND INVESTIGATIONS.—The Dep-  
23 uty Inspector General shall, in coordination with In-  
24 spectors General of other departments, as appro-  
25 priate, conduct, supervise, and coordinate audits and  
26 investigations of the treatment, handling, and ex-

1       penditure of amounts appropriated or otherwise  
2       made available for response to and recovery from an  
3       act of terrorism, natural disaster, or other emer-  
4       gency by the Federal Government, and of the pro-  
5       grams, operations, and contracts carried out uti-  
6       lizing such funds, including—

7               “(A) the oversight and accounting of the  
8               obligation and expenditure of such funds;

9               “(B) the monitoring and review of recon-  
10              struction activities funded by such funds;

11              “(C) the monitoring and review of con-  
12              tracts by such funds;

13              “(D) the monitoring and review of the  
14              transfer of such funds and associated informa-  
15              tion between and among departments, agencies,  
16              and entities of the United States, and private  
17              nongovernmental entities; and

18              “(E) the maintenance of records on the  
19              use of such funds to facilitate future audits and  
20              investigations of such funds.

21              “(2) FRAUD TIP LINE.—The Deputy Inspector  
22              General shall ensure that not more than 48 hours  
23              after a terrorist attack, natural disaster, or other  
24              national emergency, the Office of the Inspector Gen-  
25              eral institutes and publicizes a Fraud Tip Line to

1 facilitate the collection of allegations of waste, fraud,  
2 and abuse of Federal assistance funds.

3 “(3) AVOIDANCE OF DUPLICATION.—The Dep-  
4 uty Inspector General shall ensure, to the greatest  
5 extent possible, that the activities of the Deputy In-  
6 spector General do not duplicate audits and inves-  
7 tigations of Inspectors General and other auditors of  
8 Federal departments and agencies, and State and  
9 local government entities.

10 “(4) COORDINATION WITH FBI.—The Deputy  
11 Inspector General shall ensure that investigative ac-  
12 tivities under this section are coordinated with the  
13 Federal Bureau of Investigation.

14 “(e) FINANCIAL MANAGEMENT MATTERS.—In order  
15 to assist the Deputy Inspector General for the purposes  
16 of carrying out this section, all agencies receiving or dis-  
17 tributing Federal funds to respond to acts of terrorism,  
18 natural disasters, or other emergencies shall establish and  
19 maintain budgetary procedures to distinguish funds re-  
20 lated to response and relief efforts from other agency  
21 funds.

22 “(f) FUNDING.—There is authorized to be appro-  
23 priated for operations of the Office of the Deputy Inspec-  
24 tor General \$11,000,000 for each fiscal year.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of such Act is further amended by inserting  
3 after the item related to section 812 the following:

“Sec. 813. Deputy Inspector General for Response and Recovery.”.

4 (c) DEADLINE FOR APPOINTMENT.—The Inspector  
5 General of the Department of Homeland Security shall ap-  
6 point the Deputy Inspector General under this section not  
7 later than 60 days after the date of enactment of this Act.

8 **SEC. 206. PROTECTION OF DEPARTMENT OF HOMELAND**  
9 **SECURITY OFFICIAL SEAL AND INSIGNIA.**

10 Section 875 of the Homeland Security Act of 2002  
11 (6 U.S.C. 455) is amended by adding at the end the fol-  
12 lowing new subsection:

13 “(d) PROTECTION OF NAME, INITIALS, INSIGNIA,  
14 AND SEAL.—

15 “(1) IN GENERAL.—Except with the written  
16 permission of the Secretary, no person may know-  
17 ingly use, in connection with any advertisement,  
18 commercial activity, audiovisual production (includ-  
19 ing film or television production), impersonation,  
20 Internet domain name, Internet e-mail address, or  
21 Internet web site, merchandise, retail product, or so-  
22 licitation in a manner reasonably calculated to con-  
23 vey the impression that the Department or any orga-  
24 nizational element of the Department has approved,

1 endorsed, or authorized such use, any of the fol-  
2 lowing (or any colorable imitation thereof):

3 “(A) The words ‘Department of Homeland  
4 Security’, the initials ‘DHS’, the insignia or  
5 seal of the Department, or the title ‘Secretary  
6 of Homeland Security’.

7 “(B) The name, initials, insignia, or seal of  
8 any organizational element (including any  
9 former such element) of the Department, or the  
10 title of any other officer or employee of the De-  
11 partment, notice of which has been published by  
12 the Secretary of Homeland Security in accord-  
13 ance with paragraph (3).

14 “(2) CIVIL ACTION.—Whenever it appears to  
15 the Attorney General that any person is engaged or  
16 is about to engage in an act or practice that con-  
17 stitutes or will constitute conduct prohibited by sub-  
18 section (d)(1), the Attorney General may initiate a  
19 civil proceeding in a district court of the United  
20 States to enjoin such act or practice. Such court  
21 shall proceed as soon as practicable to the hearing  
22 and determination of such action and may, at any  
23 time before final determination, enter such restrain-  
24 ing orders or prohibitions, or take such other actions  
25 as is warranted, to prevent injury to the United

1 States or to any person or class of persons for whose  
2 protection the action is brought.

3 “(3) NOTICE AND PUBLICATION.—The notice  
4 and publication to which paragraph (1)(B) refers is  
5 a notice published in the Federal Register including  
6 the name, initials, seal, or class of titles protected  
7 under paragraph (1)(B) and a statement that they  
8 are protected under that provision. The Secretary  
9 may amend such notices from time to time as the  
10 Secretary determines appropriate in the public inter-  
11 est and shall publish such amendments in the Fed-  
12 eral Register.

13 “(4) AUDIOVISUAL PRODUCTION.—For the pur-  
14 pose of this subsection, the term ‘audiovisual pro-  
15 duction’ means the production of a work that con-  
16 sists of a series of related images that are intrinsi-  
17 cally intended to be shown by the use of machines  
18 or devices such as projectors, viewers, or electronic  
19 equipment, together with accompanying sounds, if  
20 any, regardless of the nature of the material objects,  
21 such as films or tapes, in which the work is em-  
22 bodied.”.

1 **TITLE III—AMENDMENTS TO DIS-**  
2 **ASTER RELIEF AND EMER-**  
3 **GENCY ASSISTANCE PRO-**  
4 **GRAM**

5 **SEC. 301. DEFINITIONS.**

6 (a) MAJOR DISASTER.—Section 102(2) of the Robert  
7 T. Stafford Disaster Relief and Emergency Assistance Act  
8 (42 U.S.C. 5122(2)) is amended to read as follows:

9 “(2) MAJOR DISASTER.—The term ‘major dis-  
10 aster’ means any natural or manmade disaster (in-  
11 cluding any hurricane, tornado, storm, high water,  
12 winddriven water, tidal wave, tsunami, earthquake,  
13 volcanic eruption, landslide, mudslide, snowstorm,  
14 drought, terrorist attack, fire, flood, explosion, or  
15 other similar incident), in any part of the United  
16 States, which in the determination of the President  
17 causes damage of sufficient severity and magnitude  
18 to warrant major disaster assistance under this Act  
19 to supplement the efforts and available resources of  
20 States, local governments, and disaster relief organi-  
21 zations in alleviating the damage, loss, hardship, or  
22 suffering caused thereby.”.

23 (b) CATASTROPHIC INCIDENT.—Section 102 of such  
24 Act (42 U.S.C. 5122) is amended by adding at the end  
25 the following:



1           “(10) CATASTROPHIC INCIDENT.—The term  
2           ‘catastrophic incident’ means any major disaster  
3           that results in extraordinary levels of mass casual-  
4           ties, damage, or disruption severely affecting the  
5           population, infrastructure, environment, economy,  
6           national morale, or government functions. A cata-  
7           strophic incident could result in sustained national  
8           impacts over a prolonged period of time; almost im-  
9           mediately exceeds resources normally available to  
10          State, local, tribal, and private-sector authorities in  
11          the impacted area; and significantly interrupts gov-  
12          ernmental operations and emergency services to such  
13          an extent that national security could be threat-  
14          ened.”.

15 **SEC. 302. STATE DISASTER PREPAREDNESS PROGRAMS.**

16          Section 201(c)(1) of the Robert T. Stafford Disaster  
17          Relief and Emergency Assistance Act (42 U.S.C. 5131)  
18          is amended by striking “emergencies and major disasters”  
19          and inserting “emergencies, major disasters, and cata-  
20          strophic incidents”.

21 **SEC. 303. STANDARDS AND REVIEWS.**

22          Section 313 of the Robert T. Stafford Disaster Relief  
23          and Emergency Assistance Act (42 U.S.C. 5156) is  
24          amended by striking the second sentence and inserting the  
25          following: “The President shall conduct annual reviews of

1 Federal agencies, States, and local governments in pre-  
2 paring for emergencies, major disasters, and catastrophic  
3 incidents and in providing major disaster and emergency  
4 assistance in order to ensure maximum coordination and  
5 effectiveness of such programs and consistency in policies  
6 for reimbursement of States under this Act.”.

7 **SEC. 304. PENALTY FOR MISUSE OF FUNDS.**

8 Section 314(a) of the Robert T. Stafford Disaster Re-  
9 lief and Emergency Assistance Act (42 U.S.C. 5157(a))  
10 is amended to read as follows:

11 “(a) MISUSE OF FUNDS.—Any person who knowingly  
12 and willfully misapplies the proceeds of a loan or other  
13 cash benefit obtained under this Act shall be fined an  
14 amount equal to 3 times the misapplied amount of the  
15 proceeds or cash benefit.”.

16 **SEC. 305. ADVANCE OF NON-FEDERAL SHARE.**

17 Section 319(a) of the Robert T. Stafford Disaster Re-  
18 lief and Emergency Assistance Act (42 U.S.C. 5162(a))  
19 is amended to read as follows:

20 “(a) IN GENERAL.—The President may lend or ad-  
21 vance to an eligible applicant or a State the portion of  
22 assistance for which the State is responsible under the  
23 cost-sharing provisions of this Act in any case in which  
24 a catastrophic incident occurs.”.

1 **SEC. 306. MITIGATION PLANNING.**

2 Section 322(a) of the Robert T. Stafford Disaster Re-  
3 lief and Emergency Assistance Act (42 U.S.C. 5165(a))  
4 is amended by inserting “, including any critical infra-  
5 structure,” after “vulnerabilities”.

6 **SEC. 307. PROCEDURE FOR DECLARATION OF MAJOR DIS-**  
7 **ASTERS.**

8 Section 401 of the Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act (42 U.S.C. 5170) is  
10 amended—

11 (1) by inserting “(a) REQUEST AND DECLARA-  
12 TION.—” before “All requests”; and

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

14 “(b) MAJOR DISASTERS INVOLVING FEDERAL PRI-  
15 MARY RESPONSIBILITY.—The President may declare that  
16 a major disaster exists without a request from an affected  
17 State in the event of a catastrophic incident or if the  
18 President determines that the primary responsibility for  
19 the response rests with the Federal Government because  
20 the major disaster involves a subject area for which, under  
21 the Constitution or laws of the United States, the Federal  
22 Government exercises exclusive or preeminent responsi-  
23 bility and authority. In determining whether or not such  
24 a major disaster exists, the President should consult with  
25 the Governor of any affected State, if practicable.”.

1 **SEC. 308. ESSENTIAL ASSISTANCE.**

2 Section 403(b) of the Robert T. Stafford Disaster Re-  
3 lief and Emergency Assistance Act (42 U.S.C. 5170b(b))  
4 is amended to read as follows:

5 “(b) FEDERAL SHARE.—

6 “(1) IN GENERAL.—Subject to paragraph (2),  
7 the Federal share of assistance under this section  
8 shall be not less than 75 percent of the eligible cost  
9 of such assistance.

10 “(2) CATASTROPHIC INCIDENTS.—In the case  
11 of a catastrophic incident, the Federal share of as-  
12 sistance under this section shall be—

13 “(A) 100 percent of the eligible cost of  
14 such assistance for 72 hours after the incident;  
15 and

16 “(B) not be less than 75 percent of the eli-  
17 gible cost of such assistance thereafter.”.

18 **SEC. 309. TEMPORARY HOUSING ASSISTANCE.**

19 Section 408(c)(1)(B)(ii) of the Robert T. Stafford  
20 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
21 5174(c)(1)(B)(ii)) is amended by striking “18-month”  
22 and inserting “10-month”.

1 **SEC. 310. PROCEDURE FOR DECLARATION OF EMER-**  
2 **GENCIES.**

3 Section 501(b) of the Robert T. Stafford Disaster Re-  
4 lief and Emergency Assistance Act (42 U.S.C. 5191(b))  
5 is amended to read as follows:

6 “(b) EMERGENCIES INVOLVING FEDERAL PRIMARY  
7 RESPONSIBILITY.—The President may declare that an  
8 emergency exists without a request from an affected State  
9 in the event of a catastrophic incident or if the President  
10 determines the primary responsibility for the response  
11 rests with the Federal Government because the emergency  
12 involves a subject area for which, under the Constitution  
13 or laws of the United States, the Federal Government ex-  
14 ercises exclusive or preeminent responsibility and author-  
15 ity. In determining whether or not such an emergency ex-  
16 ists, the President should consult the Governor of any af-  
17 fected State, if practicable.”.

18 **TITLE IV—GOOD SAMARITAN LI-**  
19 **ABILITY IMPROVEMENT AND**  
20 **VOLUNTEER ENCOURAGE-**  
21 **MENT**

22 **SEC. 401. SHORT TITLE.**

23 This title may be cited as the “Good Samaritan Li-  
24 ability Improvement and Volunteer Encouragement Act of  
25 2006” or the “GIVE Act of 2006”.

1 **SEC. 402. FINDINGS.**

2 Congress finds the following:

3 (1) It is in the national interest to encourage  
4 individuals to volunteer, and particularly to assist  
5 victims of national disasters.

6 (2) The willingness of volunteers to offer their  
7 services is deterred by the potential for liability ac-  
8 tions against them.

9 (3) The contribution of programs that use vol-  
10 unteers to their communities is thereby diminished,  
11 resulting in fewer and higher cost programs than  
12 would be obtainable if volunteers were participating.

13 (4) The exposure of potential volunteers, their  
14 employers, and those who would use the services of  
15 volunteers under existing law to compensatory and  
16 punitive damages for negligent acts discourages the  
17 provision of these services.

18 (5) The availability of damages for actions that  
19 constitute gross negligence creates uncertainty con-  
20 cerning the actual conduct that might cause liability  
21 to be imposed on volunteers.

22 (6) Potential liability for acts of volunteers dis-  
23 courages the employers or business partners of po-  
24 tential volunteers from permitting those potential  
25 volunteers to provide disaster relief services.

1           (7) Potential liability for acts of volunteers dis-  
2 discourages entities that might use the services pro-  
3 vided by volunteers from doing so.

4           (8) Well-founded fear of liability under existing  
5 law for providing goods, equipment, access to facili-  
6 ties, and other in-kind contributions discourages  
7 those who would donate them from doing so.

8           (9) Well-founded fear of liability under existing  
9 law for providing goods discourages governmental  
10 and intergovernmental entities from providing need-  
11 ed disaster relief goods.

12           (10) Well-founded fear of liability for punitive  
13 damages under existing law discourages govern-  
14 mental and intergovernmental entities from pro-  
15 viding needed disaster relief goods and discourages  
16 potential volunteers from providing volunteer serv-  
17 ices to disaster victims.

18           (11) Fear of compensatory and punitive dam-  
19 ages for providing volunteer services deters potential  
20 volunteers from States located outside the national  
21 disaster area from providing volunteer services.

22           (12) Fear of compensatory and punitive dam-  
23 ages for providing volunteer services deters potential  
24 foreign volunteers from providing disaster relief  
25 services.

1           (13) Any lessening of liability for volunteers  
2           providing disaster relief services, their employers and  
3           business partners, and entities utilizing their serv-  
4           ices should maintain adequate incentives for each of  
5           these classes of persons or entities to avoid causing  
6           harm.

7           (14) Unwillingness to provide volunteer services  
8           in the face of uncertain liability substantially affects,  
9           burdens, and deters interstate commerce and travel.

10          (15) Unwillingness of employers and business  
11          partners to allow their employees and business part-  
12          ners to provide volunteer and disaster relief services  
13          in the face of uncertain liability substantially affects,  
14          burdens, and deters interstate commerce and travel.

15          (16) Unwillingness of persons, entities, or orga-  
16          nizations to accept volunteer and disaster relief serv-  
17          ices from volunteers in the face of uncertain liability  
18          substantially affects, burdens, and deters interstate  
19          commerce and travel.

20          (17) Unwillingness by foreigners to provide vol-  
21          unteer and disaster relief services in the face of un-  
22          certain liability substantially affects, burdens, and  
23          deters foreign commerce and travel.

24          (18) Because Federal funds are expended on  
25          useful and cost-effective social service programs,



1 many of which are national in scope, depend heavily  
2 on volunteer participation, and represent some of the  
3 most successful public-private partnerships, protec-  
4 tion of volunteerism through clarification and limita-  
5 tion of the personal liability risks assumed by the  
6 volunteer in connection with such participation is an  
7 appropriate subject for Federal legislation.

8 (19) Services and goods provided by volunteers  
9 and nonprofit organizations would often otherwise be  
10 provided by private entities that operate in interstate  
11 commerce.

12 (20) Due to high liability costs and unwar-  
13 ranted litigation costs, volunteers and nonprofit or-  
14 ganizations face higher costs in purchasing insur-  
15 ance, through interstate insurance markets, to cover  
16 their activities.

17 (21) Clarifying and limiting the liability risk as-  
18 sumed by volunteers is an appropriate subject for  
19 Federal legislation because—

20 (A) of the national scope of the problems  
21 created by the legitimate fears of volunteers  
22 about frivolous, arbitrary, or capricious law-  
23 suits;

24 (B) the citizens of the United States de-  
25 pend on, and the Federal Government expends

1 funds on and provides tax exemptions and other  
2 consideration to, numerous social programs that  
3 depend on the services of volunteers;

4 (C) it is in the interest of the Federal Gov-  
5 ernment to encourage the continued operation  
6 of volunteer service organizations and contribu-  
7 tions of volunteers, as the Federal Government  
8 lacks the capacity to carry out all of the serv-  
9 ices provided by such organizations and volun-  
10 teers; and

11 (D)(i) liability reform for volunteers, will  
12 promote the free flow of goods and services,  
13 lessen burdens on interstate commerce and up-  
14 hold constitutionally protected due process  
15 rights; and

16 (ii) therefore, liability reform is an appro-  
17 priate use of the powers contained in article 1,  
18 section 8, clause 3 of the Constitution of the  
19 United States, and the fourteenth amendment  
20 to the Constitution of the United States.

21 (22) Unless Congress provides uniform stand-  
22 ards to address disasters that could occur in any  
23 State or combination of States, potential volunteers  
24 and others will not be certain which laws would gov-  
25 ern their providing disaster relief services, which

1 would substantially affect, burden, and deter inter-  
2 state and foreign commerce and travel in the event  
3 of a national disaster.

## 4 **Subtitle A—Disaster Relief** 5 **Volunteer Protection**

### 6 **SEC. 411. DEFINITIONS.**

7 In this subtitle—

8 (1) the term “compensation”—

9 (A) means monetary or other compensation  
10 of any kind provided in exchange for an individ-  
11 ual’s services; and

12 (B) does not include—

13 (i) reasonable reimbursement or allow-  
14 ance for expenses actually incurred by such  
15 individual;

16 (ii) provision of reasonable supplies,  
17 lodging, or transportation to such an indi-  
18 vidual; or

19 (iii) the ordinary salary or compensa-  
20 tion paid to such an individual by the em-  
21 ployer of the individual while the individual  
22 is on leave from performing ordinary du-  
23 ties for the employer of the individual in  
24 order to provide disaster relief services;

25 (2) the term “declared disaster” means—

1 (A) a public health emergency declared by  
2 the Secretary of Health and Human Services  
3 under section 319 of the Public Health Services  
4 Act (42 U.S.C. 247d);

5 (B) a public health emergency, or a risk of  
6 such emergency, as determined by the Secretary  
7 of Homeland Security in accordance with clause  
8 (i) or (ii) of section 2811(b)(3)(A) of the Public  
9 Health Services Act (42 U.S.C. 300hh-  
10 11(b)(3)(A)), as transferred by section 503(5)  
11 of the Homeland Security Act of 2002 (6  
12 U.S.C. 313(5)); or

13 (C) an emergency or major disaster de-  
14 clared by the President under section 401 or  
15 501 of the Robert T. Stafford Disaster Relief  
16 and Emergency Assistance Act (42 U.S.C.  
17 5170, 5191);

18 (3) the term “disaster relief goods” means ei-  
19 ther—

20 (A) those goods provided in preparation  
21 for, response to, or recovery from a declared  
22 disaster and reasonably necessary to such prep-  
23 aration, response, or recovery; or

24 (B) those goods defined by a supplemental  
25 declaration under this subtitle;

1           (4) the term “disaster relief services” means  
2 services or assistance provided in preparation for, re-  
3 sponse to, or recovery from a declared disaster, in-  
4 cluding health, medical, firefighting, rescue, recon-  
5 struction, and any other services or assistance speci-  
6 fied by a supplemental declaration under this sub-  
7 title as necessary or desirable to prepare for, re-  
8 spond to, or recover from such declared disaster;

9           (5) the term “disaster relief volunteer” means  
10 an individual—

11           (A) who provides disaster relief services or  
12 assistance in connection with a declared dis-  
13 aster without expectation or receipt of com-  
14 pensation in exchange for providing such serv-  
15 ices or assistance; and

16           (B) who, to the extent required by the ap-  
17 propriate authorities of a State (even if such  
18 State is not the State in which the volunteer  
19 provides services or assistance) or, if, and to  
20 the extent, specified in a supplemental declara-  
21 tion under this subtitle, a foreign country, is li-  
22 censed, certified, or authorized to provide the  
23 relevant services or assistance;

24           (6) the term “non-economic loss” means losses  
25 for physical and emotional pain, suffering, inconven-

1       ience, physical impairment, mental anguish, dis-  
2       figurement, loss of enjoyment of life, loss of society  
3       and companionship, loss of consortium (other than  
4       loss of domestic service), hedonic damages, injury to  
5       reputation, and all other non-pecuniary losses of any  
6       kind or nature;

7               (7) the term “supplemental declaration” means  
8       a declaration under section 418 regarding the scope  
9       of a declared disaster; and

10              (8) the term “State” means each of the several  
11       States of the United States, the District of Colum-  
12       bia, the Commonwealth of Puerto Rico, the Virgin  
13       Islands, Guam, American Samoa, the Common-  
14       wealth of the Northern Mariana Islands, any other  
15       territory or possession of the United States, and any  
16       political subdivision of any such State, territory, or  
17       possession.

18 **SEC. 412. LIABILITY OF DISASTER RELIEF VOLUNTEERS.**

19       Except as provided in section 419, a disaster relief  
20       volunteer shall not be liable for harm caused by an act  
21       or omission of the volunteer that is within the scope of  
22       the activities of the volunteer to provide or facilitate the  
23       provision of disaster relief services in connection with a  
24       declared disaster if—

1           (1) the harm was not caused by willful, know-  
2           ing, or reckless misconduct by the volunteer; and

3           (2) the harm was not caused by the volunteer  
4           operating a motor vehicle, vessel, aircraft, or other  
5           vehicle for which the State requires the operator or  
6           the owner of the vehicle, craft, or vessel to—

7                   (A) possess an operator’s license; or

8                   (B) maintain insurance.

9   **SEC. 413. LIABILITY OF EMPLOYER OR PARTNER OF DIS-**  
10                   **ASTER RELIEF VOLUNTEER.**

11           Except as provided in section 419, an employer or  
12           business partner of a disaster relief volunteer shall not be  
13           liable for any act or omission of such volunteer within the  
14           scope of the activities of the volunteer to provide or facili-  
15           tate the provision of disaster relief services in connection  
16           with a declared disaster.

17   **SEC. 414. LIABILITY OF HOST OR ENABLING PERSON, ENTI-**  
18                   **TY, OR ORGANIZATION.**

19           Except as provided in section 419, a person, entity,  
20           or organization, including a governmental or intergovern-  
21           mental entity, that works with, accepts services from, or  
22           opens its facilities to a disaster relief volunteer to enable  
23           the volunteer to render disaster relief services in connec-  
24           tion with a declared disaster shall not be liable for any  
25           act or omission of a disaster relief volunteer.

1 **SEC. 415. LIABILITY OF GOVERNMENTAL AND INTERGOV-**  
2 **ERNMENTAL ENTITIES FOR DONATIONS OF**  
3 **DISASTER RELIEF GOODS.**

4 Except as provided in section 419, a governmental  
5 or intergovernmental entity that donates disaster relief  
6 goods to an agency or instrumentality of the United States  
7 in connection with a declared disaster shall not be liable  
8 for harm caused by such donated goods if the harm was  
9 not caused by willful, knowing, or reckless misconduct by  
10 the governmental or intergovernmental entity.

11 **SEC. 416. LIMITATION ON PUNITIVE AND NON-ECONOMIC**  
12 **DAMAGES BASED ON ACTIONS OF DISASTER**  
13 **RELIEF VOLUNTEERS AND GOVERNMENTAL**  
14 **OR INTERGOVERNMENTAL DONORS.**

15 (a) PUNITIVE DAMAGES.—Except as provided in sec-  
16 tion 419, punitive damages may not be awarded in any  
17 civil action against a disaster relief volunteer or govern-  
18 mental or intergovernmental entity unless a claimant es-  
19 tablishes by clear and convincing evidence that the dam-  
20 ages to the claimant were proximately caused by willful,  
21 knowing, or reckless misconduct by either—

22 (1) a disaster relief volunteer in an action  
23 brought for harm caused by the activities of the vol-  
24 unteer to provide or facilitate the provision of dis-  
25 aster relief services in connection with a declared  
26 disaster; or



1           (2) a governmental or intergovernmental entity  
2           for harm caused by disaster relief goods donated by  
3           such governmental or intergovernmental entity in  
4           connection with a declared disaster.

5           (b) NON-ECONOMIC DAMAGES.—

6           (1) IN GENERAL.—Except as provided in sec-  
7           tion 419, liability for non-economic loss in any civil  
8           action brought against either a disaster relief volun-  
9           teer for harm caused the activities of the volunteer  
10          to provide or facilitate the provision of disaster relief  
11          services in connection with a declared disaster, or a  
12          governmental or intergovernmental entity for harm  
13          caused by disaster relief goods donated by such gov-  
14          ernmental or intergovernmental entity in connection  
15          with a declared disaster, if permitted under section  
16          412 or section 415, shall be determined in accord-  
17          ance with paragraph (2).

18          (2) AMOUNT OF LIABILITY.—

19                (A) IN GENERAL.—The amount of dam-  
20                ages for non-economic loss allocated to a dis-  
21                aster relief volunteer or governmental or inter-  
22                governmental entity defendant shall be in direct  
23                proportion to the percentage of responsibility of  
24                that defendant, determined in accordance with

1           subparagraph (B), for the harm to the claimant  
2           with respect to which that defendant is liable.

3           (B) PERCENTAGE.—In a civil action de-  
4           scribed in paragraph (1), for purposes of deter-  
5           mining the amount of non-economic loss, the  
6           trier of fact shall determine the percentage of  
7           responsibility of each defendant found liable for  
8           harm to the claimant.

9           (C) SEPARATE JUDGMENTS.—The court  
10          shall render a separate judgment against each  
11          defendant for any non-economic loss.

12 **SEC. 417. JUDICIAL REVIEW OF ALLEGATIONS.**

13          (a) IN GENERAL.—A claimant in a civil action for  
14          an act or omission subject to the limitations of liability  
15          under this subtitle shall attach 1 or more sworn affidavits  
16          or documents containing admissible evidence of an act or  
17          omission outside the limitations of section 412, 413, 414,  
18          or 415.

19          (b) INITIAL REVIEW.—Before allowing a civil action  
20          described in subsection (a) to proceed into discovery, the  
21          trial judge shall determine whether, as a matter of law,  
22          the evidence submitted is sufficient to raise a genuine  
23          issue of material fact.

1 **SEC. 418. SUPPLEMENTAL DECLARATION.**

2 (a) IN GENERAL.—In the event of a declared dis-  
3 aster, the President, the Secretary of Health and Human  
4 Services, or the Secretary of Homeland Security may issue  
5 a supplemental declaration.

6 (b) TEMPORAL EFFECT.—A supplemental declara-  
7 tion may provide that, for purposes of this subtitle, such  
8 declared disaster shall have such temporal effect as the  
9 President or the Secretary may deem necessary or appro-  
10 priate to further the public interest, including providing  
11 that such declared disaster shall have an effective date  
12 earlier than the date of the declaration or determination  
13 of such declared disaster.

14 (c) GEOGRAPHIC AND OTHER CONDITIONS.—A sup-  
15 plemental declaration may provide that, for purposes of  
16 this subtitle, such declared disaster shall have such geo-  
17 graphic or other conditions as the President or the rel-  
18 evant Secretary may deem necessary or appropriate to fur-  
19 ther the public interest.

20 **SEC. 419. ELECTION OF STATE REGARDING NONAPPLICA-**  
21 **BILITY.**

22 A provision of this subtitle shall not apply to any civil  
23 action in a State court against a person in which all par-  
24 ties are citizens of the State if such State enacts a stat-  
25 ute—

26 (1) citing the authority of this subtitle;



1           (3) the term “facility” means any real property,  
2 including any building, improvement, or appur-  
3 tenance;

4           (4) the term “motor vehicle” has the meaning  
5 given that term in section 30102 of title 49, United  
6 States Code;

7           (5) the term “nonprofit organization” means—

8               (A) any organization described in section  
9 501(c)(3) of the Internal Revenue Code of 1986  
10 and exempt from tax under section 501(a) of  
11 such Code; or

12               (B) any not-for-profit organization orga-  
13 nized and conducted for public benefit and op-  
14 erated primarily for charitable, civic, edu-  
15 cational, religious, welfare, or health purposes;

16           (6) the term “person” includes any govern-  
17 mental or other entity; and

18           (7) the term “State” means each of the several  
19 States, the District of Columbia, the Commonwealth  
20 of Puerto Rico, the Virgin Islands, Guam, American  
21 Samoa, the Commonwealth of the Northern Mariana  
22 Islands, any other territory or possession of the  
23 United States, or any political subdivision of any  
24 such State, territory, or possession.

1 **SEC. 442. LIABILITY PROTECTION FOR ACTIONS OF VOLUN-**  
2 **TEERS GENERALLY.**

3 Section 4 of the Volunteer Protection Act of 1997  
4 (42 U.S.C. 14503) is amended—

5 (1) in subsection (a)(3) by striking “willful or  
6 criminal misconduct, gross negligence, reckless mis-  
7 conduct” and inserting the following: “willful, know-  
8 ing, or reckless misconduct”;

9 (2) by striking subsection (c) and inserting the  
10 following:

11 “(c) **EFFECT ON LIABILITY OF NONPROFIT ORGANI-**  
12 **ZATIONS.**—No nonprofit organization shall be liable for  
13 the acts or omissions of a volunteer with respect to harm  
14 caused to any person unless—

15 “(1) the acts or omissions of the volunteer are  
16 not subject to the limitations on liability under sub-  
17 section (a); and

18 “(2) the nonprofit organization has willfully dis-  
19 regarded or been recklessly indifferent to the reason-  
20 able expectations or safety of the individual harmed  
21 by the volunteer.”; and

22 (3) by adding at the end the following:

23 “(g) **JUDICIAL REVIEW OF ALLEGATIONS.**—

24 “(1) **IN GENERAL.**—A claimant in a civil action  
25 for an act or omission subject to the limitations of  
26 liability under this Act shall attach 1 or more sworn

1 affidavits or documents containing admissible evi-  
2 dence of an act or omission outside the limitations  
3 of subsection (a), (c), (e)(1), or (f)(1).

4 “(2) INITIAL REVIEW.—Before allowing a civil  
5 action described in paragraph (1) to proceed into  
6 discovery, the trial judge shall determine whether, as  
7 a matter of law, the evidence submitted is sufficient  
8 to raise a genuine issue of material fact.”.

9 **SEC. 443. CHARITABLE DONATIONS LIABILITY REFORM**  
10 **FOR IN-KIND CONTRIBUTIONS.**

11 (a) IN GENERAL.—

12 (1) LIABILITY FOR DONATIONS OF EQUIPMENT  
13 TO NONPROFIT ORGANIZATIONS.—

14 (A) IN GENERAL.—Except as provided in  
15 subsection (b), a person shall not be subject to  
16 civil liability relating to any injury or death that  
17 results from the use of equipment donated by  
18 such person to a nonprofit organization.

19 (B) APPLICATION.—This paragraph shall  
20 apply with respect to civil liability under Fed-  
21 eral and State law.

22 (2) LIABILITY FOR PROVIDING USE OF FACILI-  
23 TIES TO NONPROFIT ORGANIZATIONS.—

24 (A) IN GENERAL.—Except as provided in  
25 subsection (b), a person shall not be subject to

1 civil liability relating to any injury or death oc-  
2 ccurring at a facility owned or operated by the  
3 person in connection with a use of such facility  
4 by a nonprofit organization, if—

5 (i) the use occurs outside of the nor-  
6 mal use of the facility by the person;

7 (ii) such injury or death occurs during  
8 a period that such facility is used by the  
9 nonprofit organization; and

10 (iii) the person authorized the use of  
11 such facility by the nonprofit organization.

12 (B) APPLICATION.—This paragraph shall  
13 apply—

14 (i) with respect to civil liability under  
15 Federal and State law; and

16 (ii) regardless of whether a nonprofit  
17 organization pays for the use of a facility.

18 (3) LIABILITY FOR PROVIDING USE OF A  
19 MOTOR VEHICLE OR AIRCRAFT.—

20 (A) IN GENERAL.—Except as provided in  
21 subsection (b), a person shall not be subject to  
22 civil liability relating to any injury or death oc-  
23 ccurring as a result of the operation of an air-  
24 craft or a motor vehicle the person loaned to a  
25 nonprofit organization, if—



1 (i) the use occurs outside of the nor-  
2 mal use of the aircraft or motor vehicle by  
3 the person;

4 (ii) such injury or death occurs during  
5 a period that such motor vehicle or aircraft  
6 is used by a nonprofit organization; and

7 (iii) the person authorized the use by  
8 the nonprofit organization of motor vehicle  
9 or aircraft that resulted in the injury or  
10 death.

11 (B) APPLICATION.—This paragraph shall  
12 apply—

13 (i) with respect to civil liability under  
14 Federal and State law; and

15 (ii) regardless of whether a nonprofit  
16 organization pays for the use of the air-  
17 craft or motor vehicle.

18 (b) EXCEPTIONS.—Subsection (a) shall not apply to  
19 an injury or death that results from an act or omission  
20 of a person that constitutes willful, knowing, or reckless  
21 misconduct.

22 (c) JUDICIAL REVIEW OF ALLEGATIONS.—

23 (1) IN GENERAL.—A claimant in a civil action  
24 for an act or omission subject to the limitations of  
25 liability under this section shall attach 1 or more

1 sworn affidavits or documents containing admissible  
2 evidence of an act or omission outside the limitations  
3 of subsection (a).

4 (2) INITIAL REVIEW.—Before allowing a civil  
5 action described in paragraph (1) to proceed into  
6 discovery, the trial judge shall determine whether, as  
7 a matter of law, the evidence submitted is sufficient  
8 to raise a genuine issue of material fact.

9 (d) SUPERSEDING PROVISION.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2) and subsection (e), this section preempts  
12 the laws of any State to the extent that such laws  
13 are inconsistent with this section, except that this  
14 section shall not preempt any State law that pro-  
15 vides additional protection for a person for an injury  
16 or death described in paragraph (1), (2), or (3) of  
17 subsection (a) with respect to which the conditions  
18 specified in such paragraph apply.

19 (2) LIMITATION.—Nothing in this section shall  
20 be construed to supersede any Federal or State  
21 health or safety law.

22 (e) ELECTION OF STATE REGARDING NONAPPLICA-  
23 BILITY.—A provision of this section shall not apply to any  
24 civil action in a State court against a person in which all

1 parties are citizens of the State if such State enacts a stat-  
2 ute—

3 (1) citing the authority of this section;

4 (2) declaring the election of such State that  
5 such provision shall not apply to such civil action in  
6 the State; and

7 (3) containing no other provisions.

8 (f) **EFFECTIVE DATE.**—This section shall apply to li-  
9 ability for injury or death caused by equipment donated,  
10 facilities used, or aircraft or motor vehicles loaned on or  
11 after the date of the enactment of this Act.

## 12 **TITLE V—DISASTER RECOVERY** 13 **PERSONAL PROTECTION**

### 14 **SEC. 501. SHORT TITLE.**

15 This title may be cited as the “Disaster Recovery  
16 Personal Protection Act of 2006”.

### 17 **SEC. 502. FINDINGS.**

18 Congress finds the following:

19 (1) The Second Amendment to the Constitution  
20 states, “A well regulated militia being necessary to  
21 the security of a free State, the right of the people  
22 to keep and bear arms, shall not be infringed,” and  
23 Congress has repeatedly recognized this language as  
24 protecting an individual right.

1           (2) In the wake of Hurricane Katrina, State  
2           and local law enforcement and public safety service  
3           organizations were overwhelmed and could not fulfill  
4           the safety needs of the citizens of the State of Lou-  
5           isiana.

6           (3) In the wake of Hurricane Katrina, the safe-  
7           ty of these citizens, and of their homes and property,  
8           was threatened by instances of criminal activity.

9           (4) Many of these citizens lawfully kept fire-  
10          arms for the safety of themselves, their loved ones,  
11          their businesses, and their property, as guaranteed  
12          by the Second Amendment, and used their firearms,  
13          individually or in concert with their neighbors, for  
14          protection against crime.

15          (5) In the wake of Hurricane Katrina, certain  
16          agencies confiscated the firearms of these citizens, in  
17          contravention of the Second Amendment, depriving  
18          these citizens of the right to keep and bear arms and  
19          rendering them helpless against criminal activity.

20          (6) These confiscations were carried out at gun-  
21          point, by nonconsensual entries into private homes,  
22          by traffic checkpoints, by stoppage of boats, and  
23          otherwise by force.

24          (7) The citizens from whom firearms were con-  
25          fiscated were either in their own homes or attempt-

1       ing to flee the flooding and devastation by means of  
2       motor vehicle or boat, and were accosted, stopped,  
3       and arbitrarily deprived of their private property and  
4       means of protection.

5           (8) The means by which the confiscations were  
6       carried out, which included intrusion into the home,  
7       temporary detention of persons, and seizures of  
8       property, constituted unreasonable searches and sei-  
9       zures and deprived these citizens of liberty and prop-  
10      erty without due process of law in violation of funda-  
11      mental rights under the Constitution.

12          (9) Many citizens who took temporary refuge in  
13      emergency housing were prohibited from storing fire-  
14      arms on the premises, and were thus treated as sec-  
15      ond-class citizens who had forfeited their constitu-  
16      tional right to keep and bear arms.

17          (10) At least one highly-qualified search and  
18      rescue team was prevented from joining in relief ef-  
19      forts because the team included individuals with fire-  
20      arms, although these individuals had been deputized  
21      as Federal law enforcement officers.

22          (11) These confiscations and prohibitions, and  
23      the means by which they were carried out, deprived  
24      the citizens of Louisiana not only of their right to  
25      keep and bear arms, but also of their rights to per-

1       sonal security, personal liberty, and private property,  
2       all in violation of the Constitution and laws of the  
3       United States.

4 **SEC. 503. PROHIBITION ON CONFISCATION OF FIREARMS**  
5                   **DURING CERTAIN NATIONAL EMERGENCIES.**

6       Title VII of the Robert T. Stafford Disaster Relief  
7       and Emergency Assistance Act (42 U.S.C. 5201) is  
8       amended by adding at the end the following:

9 **“SEC. 706. FIREARMS POLICIES.**

10       “(a) PROHIBITION ON CONFISCATION OF FIRE-  
11       ARMS.—No officer or employee of the United States (in-  
12       cluding any member of the uniformed services), or person  
13       operating pursuant to or under color of Federal law, or  
14       receiving Federal funds, or under control of any Federal  
15       official, or providing services to such an officer, employee,  
16       or other person, while acting in support of relief from a  
17       major disaster or emergency, may—

18               “(1) temporarily or permanently seize, or au-  
19       thorize seizure of, any firearm the possession of  
20       which is not prohibited under Federal or State law,  
21       other than for forfeiture in compliance with Federal  
22       law or as evidence in a criminal investigation;

23               “(2) require registration of any firearm for  
24       which registration is not required by Federal or  
25       State law;

1           “(3) prohibit possession of any firearm, or pro-  
2 mulgate any rule, regulation, or order prohibiting  
3 possession of any firearm, in any place or by any  
4 person where such possession is not otherwise pro-  
5 hibited by Federal or State law; or

6           “(4) prohibit the carrying of firearms by any  
7 person otherwise authorized to carry firearms under  
8 Federal or State law, solely because such person is  
9 operating under the direction, control, or supervision  
10 of a Federal agency in support of relief from a  
11 major disaster or emergency.

12           “(b) PRIVATE RIGHTS OF ACTION.—

13           “(1) IN GENERAL.—Any individual aggrieved  
14 by a violation of this section may seek relief in an  
15 action at law, suit in equity, or other proper pro-  
16 ceeding for redress against any person who subjects  
17 such individual, or causes such individual to be sub-  
18 jected, to the deprivation of any of the rights, privi-  
19 leges, or immunities secured by this section.

20           “(2) REMEDIES.—In addition to any existing  
21 remedy in law or equity, under any law, an indi-  
22 vidual aggrieved by the seizure or confiscation of a  
23 firearm in violation of this section may bring an ac-  
24 tion for return of such firearm in the United States

1 district court in the district in which that individual  
2 resides or in which such firearm may be found.

3 “(3) ATTORNEY FEES.—In any action or pro-  
4 ceeding to enforce this section, the court shall award  
5 the prevailing party, other than the United States,  
6 a reasonable attorney’s fee as part of the costs.”

## 7 **TITLE VI—HURRICANE** 8 **ELECTION RELIEF**

### 9 **SEC. 601. SHORT TITLE.**

10 This title may be cited as the “Hurricane Election  
11 Relief Act of 2006”.

### 12 **SEC. 602. GRANTS TO STATES FOR RESTORING AND RE-** 13 **PLACING ELECTION ADMINISTRATION SUP-** 14 **PLIES, MATERIALS, RECORDS, EQUIPMENT,** 15 **AND TECHNOLOGY WHICH WERE DAMAGED,** 16 **DESTROYED, OR DISLOCATED BY HURRI-** 17 **CANES KATRINA OR RITA.**

18 (a) AUTHORITY TO MAKE GRANTS.—The Election  
19 Assistance Commission shall make a grant to each eligible  
20 State, in such amount as the Commission considers appro-  
21 priate, for purposes of restoring and replacing supplies,  
22 materials, records, equipment, and technology used in the  
23 administration of Federal elections in the State which  
24 were damaged, destroyed, or dislocated as a result of Hur-  
25 ricane Katrina or Hurricane Rita and ensuring the full



1 participation in such elections by individuals who were dis-  
2 placed as a result of Hurricane Katrina or Hurricane Rita.

3 (b) USE OF GRANT FUNDS.—Funds received under  
4 a grant under subsection (a) shall be used in a manner  
5 that is consistent with the requirements of title III of the  
6 Help America Vote Act of 2002.

7 (c) ELIGIBILITY.—A State is eligible to receive a  
8 grant under this section if the State submits to the Com-  
9 mission (at such time and in such form as the Commission  
10 may require) a certification that—

11 (1) supplies, materials, records, equipment, and  
12 technology used in the administration of Federal  
13 elections in the State were damaged, destroyed, or  
14 dislocated as a result of Hurricane Katrina or Hur-  
15 ricane Rita; or

16 (2) the system of such State for conducting  
17 Federal elections has been significantly impacted by  
18 the displacement of individuals as a result of Hurri-  
19 cane Katrina or Hurricane Rita.

20 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated for grants  
22 under this title \$50,000,000 for fiscal year 2007. Such  
23 sums shall remain available until expended.

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