

RESPOND ACT OF 2006

DECEMBER 8, 2006.—Ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5316]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5316) to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

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

(b) **TABLE OF CONTENTS.**—

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

**TITLE I—ESTABLISHMENT OF AN INDEPENDENT FEDERAL EMERGENCY MANAGEMENT AGENCY**

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Sec. 201. Catastrophic planning program.

- Sec. 202. Emergency response teams.
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- Sec. 204. Logistics.
- Sec. 205. Prepositioned equipment program.
- Sec. 206. Communications.
- Sec. 207. Emergency equipment assistance.
- Sec. 208. Oversight and accountability of Federal disaster expenditures.
- Sec. 209. Nondiscrimination in disaster assistance with respect to English proficiency.

#### TITLE III—COMPREHENSIVE EMERGENCY PREPAREDNESS SYSTEM

- Sec. 301. National emergency preparedness.
- Sec. 302. Emergency management assistance compact grants.

#### SEC. 2. FINDINGS.

Congress finds the following:

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

(2) Failures at all levels of government significantly undermined and detracted from the heroic efforts of emergency responders, private individuals and organizations, faith-based groups, and others who struggled to assist the people of the Gulf Coast.

(3) Hurricane Katrina revealed that the Nation, in general, and the Department of Homeland Security, in particular, are unprepared for a major natural disaster, accident, or terrorist attack.

(4) Multiple investigations, including those by the select committee to investigate the preparation for and response to Hurricane Katrina of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the General Accountability Office, the Inspector General of the Department of Homeland Security, and the Homeland Security Council established by the President, identified the magnitude of the storm, failures of leadership, and a flawed disaster management system at all levels of government as reasons for the inadequate government response.

(5) The creation of the Department of Homeland Security placed an additional layer of management and response authority between the President and the Federal Emergency Management Agency (in this section referred to as “FEMA”), marginalizing the authority of the Director of FEMA.

(6) During the response to Hurricane Katrina, the Department of Homeland Security executed important elements of the National Response Plan late, ineffectively, or not at all.

(7) The competing priorities of the terrorism prevention mission of the Department of Homeland Security and the disaster management mission of FEMA significantly contributed to the rapid decline of FEMA’s capability to coordinate the Federal response to Hurricane Katrina.

(8) The transfer of FEMA’s preparedness grants and functions to other entities of the Department of Homeland Security, FEMA’s tremendous loss of experienced professional personnel, and the reduction of FEMA’s funding for equipment, training, and exercises made FEMA’s inadequate performance in the face of a disaster the size of Hurricane Katrina all but inevitable.

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

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

(11) The Federal Government has spent more than \$15,000,000,000 on first responder grants since 2001, but the Nation’s core emergency management capabilities have improved little and even declined in some important respects. Federal homeland security grant programs inadvertently divided what was once a single, all-hazards preparedness system into 2 artificially separate preparedness categories of terrorism and other disasters.

(12) Comprehensive reform of the Nation’s emergency management system is necessary to address the dangers presented by major disasters and emergencies of all kinds.

(13) The Nation’s emergency management system is based on the following general principles:

(A) Incidents are best managed by the level of government closest to the incident.

(B) Federal assistance is provided in support of State governments.

(C) Military assistance is provided in support of civil authorities.

(14) Large disasters require presidential involvement to lead the Federal response and mobilize the assets of the entire Federal Government, particularly Department of Defense assistance, and the President needs solid professional advice in preparing for and responding to a disaster to make the right decisions.

(15) Preparing for and responding to disasters, regardless of the cause, must be the top priority of the organization responsible for disaster management.

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

(17) FEMA should be reestablished as an independent cabinet-level agency to coordinate the Federal response on behalf of the President and to lead the Nation's efforts to improve the Nation's all-hazards emergency management system.

(18) Establishing FEMA as an independent agency will enable the Department of Homeland Security to refocus efforts on preventing terrorism and free FEMA from internal competition with the terrorism prevention entities of the Department for resources and personnel.

(19) The 4 elements of comprehensive emergency management (preparedness, response, recovery, and mitigation) must be closely integrated and managed within FEMA.

(20) FEMA's assets and capabilities to coordinate the Federal response to a catastrophic disaster must be restored and enhanced. In particular, FEMA's professional workforce and its incident command, communications, and logistics capabilities must be improved.

(21) The tension between the Nation's all hazards emergency management system and terrorism preparedness must be resolved. An all-hazards approach fully addresses terrorism, but preparing for terrorism alone does not address all aspects of the other hazards.

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

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

- (A) ensure a consistent approach to domestic incident management;
- (B) establish target capabilities that each level of government should possess or to which it should have access;
- (C) direct resources to filling capability gaps and regularly assess the Nation's preparedness level; and
- (D) ensure that lessons learned and best practices are fully incorporated into the further development of the emergency preparedness system.

### SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act, the following definitions apply:

(1) AGENCY.—The term "Agency" means the Federal Emergency Management Agency established under section 101.

(2) DIRECTOR.—The term "Director" means the Director of the Federal Emergency Management Agency appointed under section 103.

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

(4) EMERGENCY PREPAREDNESS.—The term "emergency preparedness" has the meaning given that term in section 602(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)).

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

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

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

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

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

## **TITLE I—ESTABLISHMENT OF AN INDEPENDENT FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **Subtitle A—Federal Emergency Management Agency**

#### **SEC. 101. ESTABLISHMENT OF AGENCY.**

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

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

#### **SEC. 102. RESPONSIBILITIES.**

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

(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

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

(A) preparedness, by leading and coordinating the effort to build Federal, State, and local emergency management capabilities and readiness to effectively respond to, recover from, and mitigate against all hazards;

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

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

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

(E) increased efficiencies, by coordinating efforts relating to preparedness, response, recovery, and mitigation.

(3) Preparing and implementing the Federal Government’s plans and programs for—

(A) continuity of operations;

(B) continuity of Government; and

(C) continuity of plans.

(b) NATIONAL RESPONSE PLAN.—

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

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

#### **SEC. 103. DIRECTOR; DEPUTY DIRECTOR.**

(a) DIRECTOR.—

(1) IN GENERAL.—The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the President. The Director shall be compensated at the rate provided for at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who have extensive experience in emergency preparedness, response, recovery, and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies.

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

(4) CONFORMING AMENDMENT.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:  
“Director of the Federal Emergency Management Agency.”.

(b) DEPUTY DIRECTOR.—

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

(2) QUALIFICATIONS.—The Deputy Director shall be appointed from among individuals who have extensive experience in emergency preparedness, response, recovery, and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies.

(3) DUTIES.—The Deputy Director shall—

- (A) carry out duties and powers prescribed by the Director; and
- (B) act for the Director when the Director is absent or unable to serve or when the position of the Director is vacant.

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

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

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

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

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

(2) other functions of the Directorate for Preparedness of the Department (other than those functions relating to law enforcement efforts to prevent and deter acts of terrorism, protect critical infrastructure, and conduct intelligence activities); and

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

- (A) the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);
- (B) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);
- (C) the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.);
- (D) the National Dam Safety Program Act (33 U.S.C. 467 et seq.);
- (E) the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.); and
- (F) Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(b) TRANSITION PERIOD.—The transfers under this section shall be carried out later than February 1, 2007. During the transition period, the Secretary of Homeland Security shall provide to the Director such assistance, including the use of personnel and assets, as the Director may request in preparing for the transfer.

(c) TRANSITION.—The Director may use—

- (1) the services of such officers, employees, and other personnel of the Agency with respect to functions transferred by this section; and
- (2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(d) LIAISON OFFICE TO ENSURE COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY.—The Director shall establish a liaison office within the Agency to ensure adequate coordination with the Department of Homeland Security during an actual or potential terrorist incident.

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

(a) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Director may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under section 105. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Director may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) during which they are engaged in the actual performance of such services at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director may pay experts and consultants who are serving away from their homes or regular place of business,

travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(b) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director may delegate any of the functions transferred to the Director by section 105 and any function transferred or granted to the Director after the date of the transfers by section 105 to such officers and employees of the Agency as the Director may designate and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director under this subsection or under any other provision of this title shall relieve the Director of responsibility for the administration of such functions.

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

(d) RULES.—The Director may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Agency.

(e) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by section 105, subject to section 1531 of title 31, United States Code, shall be transferred to the Agency. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(f) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, in consultation with the Director, may make such determinations as may be necessary with regard to the functions transferred by section 105, and may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

(g) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the transfers of functions under section 105, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

#### SEC. 107. SAVINGS PROVISIONS.

(a) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under section 105; and

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

(2) **PROCEEDINGS NOT AFFECTED.**—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Agency on the date of the transfers of functions under section 105, with respect to functions transferred by section 105 but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(3) **SUITS NOT AFFECTED.**—The provisions of this title shall not affect suits commenced before the date of the transfers of functions under section 105, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(4) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Agency, or by or against any individual in the official capacity of such individual as an officer of the Agency, shall abate by reason of the enactment of this title.

(5) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Agency relating to a function transferred under section 105 may be continued by the Agency with the same effect as if this title had not been enacted.

(b) **REFERENCES.**—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by section 105—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

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

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

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

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

(b) **RECOMMENDED LEGISLATION.**—

(1) **IN GENERAL.**—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Director shall prepare recommended legislation containing technical and conforming amendments to reflect the changes made by this title.

(2) **SUBMISSION TO CONGRESS.**—Not later than 90 days after the last day of the transition period referred to in section 105(b), the Director shall submit to Congress a report containing the recommended legislation.

(c) **REPEALS.**—

(1) **IN GENERAL.**—The following provisions of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) are repealed:

(A) Section 503(1).

(B) Section 507.

(2) **TABLE OF CONTENTS.**—The table of contents contained in section 1(b) of such Act is amended by striking the item relating to section 507.

## **Subtitle B—Federal Emergency Management Agency Personnel**

### **SEC. 121. WORKFORCE DEVELOPMENT.**

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

#### **“CHAPTER 101—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL**

“Sec.

“10101. Definitions.

“10102. Human capital strategy.

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

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

“10105. Disaster workforce reserve cadre.

#### **“§ 10101. Definitions**

“For purposes of this chapter—

“(1) the term ‘Federal Emergency Management Agency’ or ‘Agency’ shall be considered to refer to the Federal Emergency Management Agency established under section 101 of the RESPOND Act of 2006; and

“(2) the term ‘Director of the Federal Emergency Management Agency’ or ‘Director’ shall be considered to refer to the Director of the Federal Emergency Management Agency appointed under section 103 of the RESPOND Act of 2006.

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

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

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

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

“(2) an assessment of the workforce characteristics and future needs of the Agency;

“(3) an analysis of how the Agency’s human resources policies and programs align with the Agency’s mission, strategic goals, and performance outcomes; and

“(4) any other elements that the Director determines necessary to develop and maintain a human capital strategy, including elements described in section 1402.

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

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

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

#### **“§ 10103. Recruitment bonuses for the Federal Emergency Management Agency**

“(a) IN GENERAL.—The Director of the Federal Emergency Management Agency may pay a bonus to an individual in order to recruit the individual for a position within the Agency that would otherwise be difficult to fill in the absence of such a bonus.

“(b) BONUS AMOUNT.—

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

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

“(c) SERVICE AGREEMENTS.—Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement with the Federal Emergency Management Agency. The agreement shall include—

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

“(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

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



“(1) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

“(2) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or

“(3) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(e) TERMINATION.—The authority to pay bonuses under this section shall terminate 5 years after the date of enactment of this chapter.

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

“(a) AUTHORITY.—The Director of the Federal Emergency Management Agency may pay, on a case-by-case basis, a bonus under this section to an employee of the Agency if—

“(1) the unusually high or unique qualifications of the employee or a special need of the Agency for the employee’s services makes it essential to retain the employee; and

“(2) the Director determines that, in the absence of such a bonus, the employee would be likely to leave—

“(A) the Federal service; or

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

“(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Agency to complete a period of service with the Agency. Such agreement shall include—

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

“(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

“(c) BONUS AMOUNT.—

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

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

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

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

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

“(a) ESTABLISHMENT.—There is established within the Federal Emergency Management Agency a disaster workforce reserve cadre to meet the Agency’s surge requirements during periods of emergency, as determined by the Director of the Federal Emergency Management Agency.

“(b) REVIEW.—Not later than 90 days after the date of enactment of this chapter, the Director shall conduct a comprehensive review of the current disaster workforce reserves for the purpose of identifying areas for redevelopment. As part of the review, the Director shall review and redevelop the disaster workforce to create a capable cadre by—

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

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

“(3) establishing standards to meet mission requirements;

“(4) establishing a robust credentialing system for the disaster workforce to integrate capabilities and skill sets into job descriptions for a more effective and faster response capability;

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

“(6) establishing a streamlined deployment system.

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

“(d) EXPENSES.—The Director may provide members of the disaster workforce reserve cadre transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the disaster workforce reserve cadre.”.

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

“101. Federal Emergency Management Agency Personnel ..... 10101”.

## **TITLE II—STRENGTHENING THE FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **SEC. 201. CATASTROPHIC PLANNING PROGRAM.**

Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

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

“(a) ESTABLISHMENT.—The Director shall establish a program to assist States and local governments representing areas at substantial risk for a catastrophic incident, and other Federal agencies as appropriate, in developing a comprehensive program to prepare for a catastrophic incident.

“(b) ACTIVITIES.—The program may include planning, training, exercises, and such other activities as the Director considers necessary.

“(c) SITE SELECTION.—In conducting the program, the Director, in coordination with a State or local government, shall select sites within the jurisdiction of such State or local government that are at substantial risk for a catastrophic incident and require additional preparedness activities to ensure an effective response and recovery.

“(d) CATASTROPHIC INCIDENT.—In this section, the term ‘catastrophic incident’ means any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions.

“(e) REPORT.—The Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the preparedness levels of participating jurisdictions.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2007, \$32,000,000 for fiscal year 2008, and \$34,000,000 for fiscal year 2009. Such sums shall remain available until expended.”.

### **SEC. 202. EMERGENCY RESPONSE TEAMS.**

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

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

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

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

(2) by adding at the end the following:

“(b) EMERGENCY RESPONSE TEAMS.—

“(1) ESTABLISHMENT.—In carrying out subsection (a), the President, acting through the Director of the Federal Emergency Management Agency, shall establish at a minimum 3 national response teams and sufficient regional and other response teams as may be necessary to meet the incident management responsibilities of the Federal Government.

“(2) TARGET CAPABILITY LEVEL.—The Director shall ensure that specific target capability levels, as defined pursuant to the guidelines established under section 703(b)(2)(A), are established for Federal emergency response teams.

“(3) PERSONNEL.—The President, acting through the Director, shall ensure that the Federal emergency response teams consist of adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the established target capability levels. Each emergency response team shall work in coordination with State and local officials and onsite emergency personnel associated with a particular incident.

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

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

(a) NATIONAL.—The Director shall maintain and operate within the Federal Emergency Management Agency a national emergency operations center to support Federal emergency operations.

(b) REGIONAL.—The Director shall ensure that each region of the Agency maintains and operates an emergency operations center to support Federal emergency operations.

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

(d) PERSONNEL.—The Director shall ensure that the national and regional emergency operations centers consist of adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the established target capability levels.

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

**SEC. 204. LOGISTICS.**

(a) IN GENERAL.—The Director shall develop an efficient, transparent, and flexible logistics system for procurement and delivery of goods and services necessary for an effective and timely response to major disasters and other emergencies and for real-time visibility of items at each point throughout the logistics system.

(b) SYSTEM DEVELOPMENT.—The Director shall ensure that the logistics system is developed through the use of in-house, private sector, and other Federal agency logistics capabilities (or a combination thereof).

(c) STATE AND LOCAL CONTRACTS.—The Director shall encourage State and local governments to establish contracts with vendors for disaster relief supplies in advance of major disasters and other emergencies.

**SEC. 205. PREPOSITIONED EQUIPMENT PROGRAM.**

(a) NOTICE.—The Director shall notify State and local officials in an area in which a location for the prepositioned equipment program will be closed at least 60 days before the date of such closure.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the pre-positioned equipment program is an important all-hazard disaster relief tool, which is strongly supported by the Nation's first responder communities, should be continued in at least 11 locations, and should be funded at the level required to effectively carry out the program.

**SEC. 206. COMMUNICATIONS.**

(a) COMMUNICATIONS CAPABILITY.—The Director shall establish and maintain a durable, deployable, operable, and interoperable communications capability within the Agency in order to gain and retain incident management communications in areas that have lost regular communications systems during major disasters and other emergencies.

(b) RECONNAISSANCE TEAMS.—The Director shall establish self-sustaining reconnaissance teams to relay information back to Agency headquarters to improve situational awareness and incident management coordination.

**SEC. 207. EMERGENCY EQUIPMENT ASSISTANCE.**

Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) is amended by adding at the end the following:

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

“(a) GRANTS.—The Director shall carry out a program to make grants to States and local governments to improve the response capabilities of the States and local governments in the event of a major disaster or other emergency.

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

“(1) to purchase or improve commercially available interoperable communications equipment that—

“(A) complies with, where applicable, national voluntary consensus standards;

“(B) facilitates operability, interoperability, coordination, and integration between and among emergency communications systems (including satellite phone and satellite communications equipment); and

“(C) ensures that first responders, government officials, and emergency personnel are able to adequately and effectively communicate with each other in the event of a major disaster or other emergency;

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

“(3) to train first responders and emergency personnel on how best to use effectively such equipment.

“(c) APPLICATIONS.—A State or local government seeking a grant under this section shall submit to the Director an application at such time, in such manner, and accompanied by such information as the Director may require.

“(d) TECHNICAL ASSISTANCE.—The Director shall provide to States and local governments technical assistance with respect to the procurement, installation, and use of equipment under subsection (b)(1).

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

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2007, 2008, and 2009. Such sums shall remain available until expended.”.

**SEC. 208. OVERSIGHT AND ACCOUNTABILITY OF FEDERAL DISASTER EXPENDITURES.**

(a) PURPOSE.—The purposes of this section is to ensure that Federal agencies exercise sufficient stewardship over the funds provided to the agencies through Agency mission assignments for disaster response, relief, and recovery activities by requiring and funding management oversight activities to prevent fraud, waste, and abuse and to detect and pursue prosecution of fraud so that taxpayers’ interests are fully protected.

(b) AUTHORITY OF DIRECTOR TO DESIGNATE FUNDS FOR OVERSIGHT ACTIVITIES.—The Director may designate up to one percent of the total amount provided to a Federal agency for a mission assignment as oversight funds to be used by the recipient agency for performing oversight of activities carried out under the Agency reimbursable mission assignment process. Such funds shall remain available until expended.

(c) USE OF FUNDS.—

(1) TYPES OF OVERSIGHT ACTIVITIES.—Oversight funds may be used for the following types of oversight activities related to Agency mission assignments:

(A) Monitoring, tracking, and auditing expenditures of funds.

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

(C) Reviewing selected contracts and other activities.

(D) Investigating allegations of fraud involving Agency funds.

(E) Conducting and participating in fraud prevention activities with other Federal, State, and local government personnel and contractors.

(2) PLANS AND REPORTS.—Oversight funds may be used to issue the plans required under subsection (f) and the reports required under subsection (g).

(d) RESTRICTION ON USE OF FUNDS.—Oversight funds may not be used to finance existing agency oversight responsibilities related to direct agency appropriations used for disaster response, relief, and recovery activities.

(e) METHODS OF OVERSIGHT ACTIVITIES.—

(1) IN GENERAL.—Oversight activities may be carried out by an agency under this section either directly or by contract. Such activities may include evaluations and financial and performance audits.

(2) COORDINATION OF OVERSIGHT ACTIVITIES.—Before entering into a contract for a financial or performance audit to be performed under this section, the head of an agency shall coordinate with the Inspector General of the agency or, if the agency does not have an Inspector General, with the Inspector General of the Federal Emergency Management Agency.

(f) DEVELOPMENT OF OVERSIGHT PLANS.—

(1) IN GENERAL.—If an agency receives oversight funds for a fiscal year, the head of the agency shall prepare a plan describing the oversight activities for disaster response, relief, and recovery anticipated to be undertaken during the subsequent fiscal year.

(2) SELECTION OF OVERSIGHT ACTIVITIES.—In preparing the plan, the head of the agency shall select oversight activities based upon a risk assessment of those areas that present the greatest risk of fraud, waste, and abuse.

(3) SCHEDULE.—The plan shall include a schedule for conducting oversight activities, including anticipated dates of completion.

(g) FEDERAL DISASTER ASSISTANCE ACCOUNTABILITY REPORTS.—A Federal agency receiving oversight funds under this section shall submit annually to the Director and the appropriate committees of Congress a consolidated report regarding the use

of such funds, including information summarizing oversight activities and the results achieved.

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

**SEC. 209. NONDISCRIMINATION IN DISASTER ASSISTANCE WITH RESPECT TO ENGLISH PROFICIENCY.**

(a) IN GENERAL.—Section 308(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5151(a)) is amended by inserting “English proficiency,” after “age,”.

(b) NONDISCRIMINATION IN DISASTER ASSISTANCE WITH RESPECT TO ENGLISH PROFICIENCY.—Consistent with section 308(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5151(a)), as amended by this section, the Director shall—

(1) identify, in coordination with State and local governments, population groups with limited English proficiency and take into account such groups in disaster preparedness planning;

(2) ensure that information made available to individuals affected by a major disaster or emergency is translated and made available to the population groups identified in paragraph (1); and

(3) develop and maintain an informational clearinghouse of model language assistance programs and best practices for State and local governments in providing disaster and emergency related services.

(c) GROUP SIZE.—For purposes of subsection (b), the Director shall define the size of a population group.

## **TITLE III—COMPREHENSIVE EMERGENCY PREPAREDNESS SYSTEM**

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

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

(1) by redesignating title VII as title VIII;

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

(3) by inserting after title VI the following:

## **“TITLE VII—COMPREHENSIVE EMERGENCY PREPAREDNESS SYSTEM**

**“SEC. 701. DEFINITIONS.**

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

“(1) CAPABILITY.—The term ‘capability’ means the ability to provide the means to accomplish one or more tasks under specific conditions and to specific performance standards. A capability may be delivered with any combination of properly planned, organized, equipped, trained, and exercised personnel that achieves the intended outcome.

“(2) COVERED GRANT.—The term ‘covered grant’ means a grant referred to in section 709 and any other emergency preparedness grant administered by the Federal Emergency Management Agency.

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

“(4) OPERATIONAL READINESS.—The term ‘operational readiness’ means the capability of an organization, an asset, a system, or equipment to perform the missions or functions for which it is organized or designed.

“(5) PERFORMANCE MEASURE.—The term ‘performance measure’ means a quantitative or qualitative characteristic used to gauge the results of an outcome compared to its intended purpose.

“(6) PERFORMANCE METRIC.—The term ‘performance metric’ means a particular value or characteristic used to measure the outcome that is generally expressed in terms of a baseline and a target.

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

“(a) ESTABLISHMENT.—The President, acting through the Director, shall establish and revise as necessary a national emergency preparedness goal that defines the target level of emergency preparedness to ensure the Nation’s ability to respond to, recover from, and mitigate against all hazards, including major disasters and other emergencies.

“(b) NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN.—The national emergency preparedness goal, to the greatest extent practicable, shall be consistent with the national incident management system and national response plan.

**“SEC. 703. ESTABLISHMENT OF THE NATIONAL EMERGENCY PREPAREDNESS SYSTEM.**

“(a) ESTABLISHMENT.—The President, acting through the Director, shall establish a national emergency preparedness system to enable the Nation to meet the national emergency preparedness goal.

“(b) COMPONENTS.—The national emergency preparedness system includes the following components:

**“(1) NATIONAL PLANNING SCENARIOS.—**

“(A) IN GENERAL.—The Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), may develop planning scenarios to reflect the relative risk requirements presented by all hazards in order to provide the foundation for the flexible and adaptive development of target capabilities and the identification of target capability levels to meet the national emergency preparedness goal.

“(B) DEVELOPMENT.—In developing national planning scenarios, the Director shall ensure that the scenarios—

“(i) reflect the relative risk of all hazards and illustrate the potential scope, magnitude, and complexity of a broad range of representative hazards; and

“(ii) provide the minimum number of representative scenarios necessary to identify and define the tasks and target capabilities required to respond to all hazards.

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

“(A) ESTABLISHMENT OF GUIDELINES ON TARGET CAPABILITIES.—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director, in coordination with the heads of other appropriate Federal agencies, including the National Council on Disability, and the Task Force established under section 707(a), shall update and revise as necessary guidelines to define the risk-based target capabilities for Federal, State, and local government emergency preparedness that enables the Nation to respond to, recover from, and mitigate against all hazards, including major disasters and other emergencies.

“(B) DISTRIBUTION OF GUIDELINES.—The Director shall ensure that the guidelines are provided promptly to Congress and the States. The States are encouraged to make the guidelines available to local governments within their jurisdictions.

“(C) OBJECTIVES.—The Director shall ensure that the guidelines established under subparagraph (A) meet the following objectives:

“(i) SPECIFICITY.—The guidelines specifically describe the training, planning, personnel, and equipment that Federal, State, and local governments need to possess, or to which they need to have access, in order to meet the national emergency preparedness goal.

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

“(iii) MEASURABILITY.—The guidelines are designed to enable measurement of progress toward specific emergency preparedness levels.

“(D) EMERGENCY PREPAREDNESS PRIORITIES.—In establishing the guidelines under subparagraph (A), the Director shall establish emergency preparedness priorities that appropriately balance the risk of all hazards, including major disasters and other emergencies with the resources required to respond to, recover from, and mitigate against them.

“(E) MUTUAL AID AGREEMENTS.—The Director may provide support for the development of mutual aid agreements within States.

**“(3) EQUIPMENT.—**

“(A) EQUIPMENT STANDARDS.—

“(i) IN GENERAL.—The Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), shall develop, promulgate, and update as necessary national voluntary consensus standards for first responder equipment for use in the field. In developing such standards, the Director shall—

“(I) ensure that the standards encourage and support nationwide interoperability and operability of equipment and other capabilities consistent with the national emergency preparedness goal, including the safety and health of first responders;

“(II) to the maximum extent practicable, ensure that the standards are consistent with any existing voluntary consensus standards;

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

“(IV) take into account, as appropriate, threats that may not have been contemplated when such existing standards were developed; and

“(V) focus on maximizing interoperability, operability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety of equipment.

“(ii) DEADLINE.—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director shall promulgate standards under this subparagraph.

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

“(4) TRAINING AND EXERCISES.—

“(A) PROGRAM.—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director, in coordination with the heads of other appropriate Federal agencies, including the National Council on Disability, and the Task Force established under section 707(a), shall establish and maintain a comprehensive training program for all levels of government to implement the national emergency preparedness goal, national incident management system, and national response plan.

“(B) TRAINING STANDARDS.—The Director shall develop and update as necessary, national voluntary consensus standards for the training program established under subparagraph (A).

“(C) EXERCISES.—The Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), shall establish and maintain a program, including risk-based scenarios that stress the emergency management system, to conduct emergency preparedness-related exercises that reinforce identified training standards, provide for evaluation of emergency preparedness, and support the national emergency preparedness goal, national incident management system, and national response plan.

“(5) COMPREHENSIVE ASSESSMENT SYSTEM.—

“(A) ESTABLISHMENT.—The Director, in coordination with the National Council on Disability and the Task Force established under section 707(a), shall establish a comprehensive system to assess on an ongoing basis, the Nation’s overall emergency preparedness, including operational readiness.

“(B) PERFORMANCE METRICS AND MEASURES.—The Director shall ensure that each component of the national emergency preparedness system, national incident management system, and national response plan is developed with clear and quantifiable performance metrics, measures, and outcomes.

“(C) CONTENTS.—The assessment system established under subparagraph (A) shall assess—

“(i) compliance with the national emergency preparedness system, national incident management system, and national response plan to achieve a consistent approach to national emergency preparedness and response;

“(ii) capability levels at the time of assessment against target capability levels defined pursuant to the guidelines established under paragraph (2)(A);

“(iii) resource needs to meet the desired target capability levels defined pursuant to the guidelines established under paragraph (2)(A); and

“(iv) performance of training, exercises, and operations.

“(6) BEST PRACTICES, AFTER ACTION REVIEWS, AND REMEDIAL ACTION PROGRAM.—

“(A) IN GENERAL.—The Director, in coordination with the National Council on Disability and the Task Force established under section 707(a), shall establish a system for identifying best practices and conducting after action reviews of incidents and exercises.

“(B) REMEDIAL ACTION.—The Director, in coordination with the National Council on Disability and the Task Force established under section 707(a), shall ensure through a remedial action program that the best practices and after action reviews identified under subparagraph (A) are used to revise and update the national emergency preparedness system, national incident management system, and national response plan on a continual basis.

“(7) FEDERAL RESPONSE CAPABILITY INVENTORY.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director, in coordination with the heads of other appropriate Federal agencies, shall develop and maintain a Federal response capability inventory that includes the performance parameters of the capability, the timeframe within which the capability can be brought to bear on an incident, and the readiness of such capability to respond to all hazards, including major disasters and other emergencies.

“(B) DEPARTMENT OF DEFENSE.—The Director, in coordination with the Secretary of Defense, shall develop a list of organizations and functions within the Department of Defense that may be used, pursuant to the authority provided under sections 402, 403, and 502 of this Act, to provide support to civil authorities during major disasters and other emergencies.

“(8) REPORTING REQUIREMENTS.—

“(A) FEDERAL EMERGENCY PREPAREDNESS REPORT.—

“(i) IN GENERAL.—Not later than 12 months after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, and annually thereafter, the Director, in coordination with the heads of other appropriate Federal agencies, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Nation’s level of emergency preparedness.

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

“(I) an assessment of how Federal emergency preparedness assistance supports the national emergency preparedness system;

“(II) an assessment of compliance with the national emergency preparedness system, national incident management system, and national response plan;

“(III) an assessment of current Federal and State capability levels and a description of target capability levels defined pursuant to the guidelines established under paragraph (2)(A);

“(IV) an assessment of performance of training, exercises, and operations;

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

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

“(VII) an assessment of resource needs to meet target capability levels defined pursuant to the guidelines established under paragraph (2)(A), including—

“(aa) an estimate of the amount of Federal, State, and local expenditures required to attain the target capability levels; and

“(bb) the extent to which target capability levels were created or enhanced as the result of using covered grant funds during the preceding fiscal year.

“(B) STATE EMERGENCY PREPAREDNESS REPORT.—

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

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



“(I) an assessment of State compliance with the national emergency preparedness system, national incident management system, and national response plan;

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

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

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

“(V) information on the distribution by the State of the guidelines established by paragraph (2)(A) to local governments within its jurisdiction; and

“(VI) an assessment of resource needs to meet target capability levels defined pursuant to the guidelines established under paragraph (2)(A), including—

“(aa) an estimate of the amount of expenditures required to attain the target capability levels; and

“(bb) the extent to which target capability levels were created or enhanced as the result of using covered grant funds during the preceding fiscal year.

“(C) USE OF QUANTIFIABLE PERFORMANCE MEASUREMENTS.—To the extent practicable, each report shall be based on quantifiable performance measurements.

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

“(a) NATIONAL INCIDENT MANAGEMENT SYSTEM.—There is hereby established a national incident management system that encompasses a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together by using a consistent approach to domestic incident management for all hazards, including major disasters and other emergencies.

“(b) RESPONSIBILITIES OF DIRECTOR.—

“(1) RESPONSIBILITY FOR SYSTEM.—The Director shall be responsible for all aspects of the national incident management system, including completing, implementing, maintaining, and revising the system.

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

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

“(a) RESPONSIBILITIES OF DIRECTOR.—

“(1) RESPONSIBILITY FOR PLAN.—The Director shall be responsible for all aspects of the national response plan, including completing, implementing, maintaining, and revising the plan.

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

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

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

“(2) REVIEW AND REVISE.—As part of the review, the Director shall review and revise the national response plan—

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

“(B) to establish a protocol for a proactive Federal response in support of a State to a catastrophic disaster with or without warning; and

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

“(c) MISSION ASSIGNMENTS.—To expedite the provision of assistance under the national response plan, the Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), shall develop prescribed mission assignments for logistics, communications, mass care, health services, and public safety.

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

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

“(1) have the operational capability, including the personnel to make and communicate decisions, organizational structures that are assigned, trained, and exercised for their missions, sufficient physical resources, and the command, control, and communication channels to make, monitor, and communicate decisions to meet the national emergency preparedness goal;

“(2) have the operational command and control structures that comply with the national incident management system;

“(3) develop, in support of crisis operational capability, a deliberate planning capability, including plans, personnel, and training; and

“(4) develop, train, and exercise rosters of disaster response personnel to be deployed when the organization is called upon to support a Federal response.

“(b) CONSTRUCTION.—Nothing in this section shall limit the authority of the Secretary of Defense with regard to the command and control, training, planning, equipment, exercises, or employment of Department of Defense forces, or the allocation of Department of Defense resources.

**“SEC. 707. NATIONAL EMERGENCY PREPAREDNESS TASK FORCE.**

“(a) ESTABLISHMENT.—The Director shall establish a National Emergency Preparedness Task Force (referred to in this section as the “Task Force”) to ensure effective and ongoing coordination of Federal emergency preparedness, response, recovery, and mitigation efforts for all hazards that incorporates State and local government and private sector input in the development and revision of the national emergency preparedness goal, the national emergency preparedness system, national incident management system, and national response plan.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of members appointed by the Director from among representatives of—

“(A) national organizations representing State and local governments;

“(B) national, State, and local emergency management organizations; and

“(C) national, State, and local emergency response organizations, including governmental and nongovernmental organizations.

“(2) REPRESENTATION.—To the extent practicable, Task Force members shall represent—

“(A) geographically diverse areas (including urban and rural);

“(B) State and local elected officials;

“(C) national, State, and local emergency management professional organizations; and

“(D) individuals involved in a cross section of emergency response disciplines and professions, including as appropriate fire service and law enforcement, hazardous materials response, emergency medical services, public works personnel routinely engaged in emergency response, health professionals, and organizations with expertise in accrediting and establishing standards for emergency management services.

“(3) CONSULTATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Director shall consult with the Secretary of Health and Human Services.

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

**“SEC. 708. NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN INTEGRATION CENTER.**

“(a) IN GENERAL.—In order to carry out the duties of the Director related to the National Incident Management System and National Response Plan, there is established a National Incident Management System and National Response Plan Integration Center.

“(b) RESPONSIBILITIES.—The head of the Center shall establish a system to ensure completion, implementation, maintenance, and revision of the National Incident Management System and the National Response Plan and perform such other duties as the Director may require.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2007, \$32,000,000 for fiscal year 2008, and \$34,000,000 for fiscal year 2009. Such sums shall remain available until expended.

**“SEC. 709. AUTHORIZATION.**

“(a) IN GENERAL.—The Director is authorized to make grants to any State or local government for the purpose of carrying out this title.

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

(b) CONFORMING AMENDMENT.—The first sentence of section 601 of such Act (42 U.S.C. 5195) is amended by inserting “and title VII” after “this title”.

**SEC. 302. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.**

(a) IN GENERAL.—The Director may make grants to administer the Emergency Management Assistance Compact authorized by Public Law 104–321.

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

(1) to carry out recommendations identified in the emergency management assistance compact after-action reports for the 2004 and 2005 hurricane season;

(2) to administer compact operations on behalf of all member States and territories;

(3) to continue coordination with the Agency and other appropriate Federal agencies; and

(4) to continue coordination with State and local government entities and their respective national organizations.

(c) AUTHORIZATION.—There is authorized to be appropriated to carry out this section \$4,000,000 for each of fiscal years 2007, 2008, and 2009. Such sums shall remain available until expended.

**PURPOSE OF THE LEGISLATION**

The purpose of H.R. 5316 is to reestablish the Federal Emergency Management Agency (FEMA) as a cabinet-level independent establishment in the executive branch that is responsible for the nation’s preparedness for, response to, recovery from, and mitigation against all hazards. H.R. 5316 also strengthens FEMA’s capabilities and creates a comprehensive national emergency preparedness system.

**BACKGROUND AND NEED FOR THE LEGISLATION**

Prior to the creation of the Federal Emergency Management Agency (FEMA), disaster preparedness, response, recovery, and mitigation responsibilities were fragmented and dispersed among over 15 different agencies and departments. Reacting to significant problems with the federal response to the Three Mile Island Nuclear Power Plant accident, President Carter established FEMA by Executive Order 12148 in 1979. The order created FEMA as an independent federal agency and for the first time aligned the responsibility for disaster management with the authorities necessary to accomplish that mission. To carry out this mission, FEMA trained first responders and emergency managers, provided grants to support emergency planning, supervised mitigation projects funded by the federal government, developed best practices in the area of preparedness, response, recovery, and mitigation, coordinated the federal response to disasters and emergencies, as well as many other activities in support of its mission.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et. seq., as amended) (Stafford Act) integrates previous disaster acts and authorizes the president to direct federal agencies to save lives and protect property in support of state and local response efforts. FEMA has been delegated the responsibility for carrying out many of the authorities in the Stafford Act.

Under a Stafford Act emergency or major disaster declaration, the president has broad authority to direct any federal agency to protect life and property or assist states in responding to a disaster. Additionally, the Stafford Act requires the president to designate a Federal Coordinating Officer (FCO) to coordinate response

efforts in the field. Because the law provides the FCO directive authority, but not “command authority”, over other federal agencies, the FCO is not in a position to order personnel or command the operations of other departments, including the Department of Defense (DOD). Only the president has the command authority to promptly engage active duty military forces and achieve a unity of effort among the many federal agencies responding to a catastrophic disaster.

The roles and responsibilities of each federal agency are defined in the National Response Plan (NRP), an all-discipline, all hazards plan that establishes a single, comprehensive framework for the management of domestic incidents. The NRP assigns federal responsibilities by Emergency Support Functions (ESFs). ESFs are groups of capabilities and resources that are most likely to be needed during an incident (e.g., firefighting, transportation, logistics, mass care, etc.). Under each ESF, there is one designated lead federal agency and several supporting agencies. The purpose of the NRP is to avoid confusion over the chain of command and roles and responsibilities during an incident.

In practice, FEMA performs its coordination mission by detailing disaster management teams to state and local emergency operations centers where they establish a unified command structure with the various state agencies present. Under a unified command structure, FEMA personnel sit side-by-side with their state counterparts, assist in the coordination of response activities, and task missions to various federal agencies upon the request of state officials, or during catastrophic disasters, in anticipation of state and local needs.

FEMA does not have, and has never had, its own response assets. Rather, it directs the assets and personnel of other federal agencies to perform response missions. For example, while FEMA does not own helicopters or search and rescue teams, FEMA will task the Coast Guard or the military to perform water rescue missions. Further, FEMA does not have the authority to dictate how federal agencies perform their mission tasks; those operational decisions are made by the responding federal agency in accordance with the NRP and their own internal policies.

In 1996, President Clinton designated FEMA as an agency in his cabinet. With this designation, not only did the director of FEMA report directly to the president, but he was also a cabinet member along with the heads of all other federal departments. FEMA remained a cabinet-level agency until 2001.

The Homeland Security Act of 2002 (P.L. 107–296) (HSA) established the Emergency Preparedness and Response (EP&R) Directorate within the Department of Homeland Security (DHS) with FEMA comprising the bulk of the directorate. To lead EP&R, the HSA created an Under Secretary for Emergency Preparedness and Response with a direct reporting relationship to the Secretary of Homeland Security. The director of FEMA was named the Under Secretary for EP&R.

With the creation of the department, FEMA no longer had a direct reporting relationship with the president. The Secretary of Homeland Security became the president’s principal disaster advisor with the responsibility for utilizing his authority under the

Stafford Act to direct all federal agencies, particularly DOD, to respond in a coordinated and expeditious fashion.

The president's original proposal to create DHS consolidated all terrorism preparedness functions into FEMA's Office of National Preparedness. The intention was to provide one location for grants within DHS for state and local governments and achieve a unified approach to disaster response. Instead, the final bill split preparedness functions in DHS between FEMA and the Office of Domestic Preparedness (ODP), an organization with a strong law enforcement background and relationship with that community. Instead of consolidating preparedness functions, the HSA created two separate preparedness functions—one for terrorism and one for all other hazards. The emergency management community, including the National Emergency Management Association in a memorandum to its members, cautioned that the separation of the preparedness function from the other components of emergency management would impair response capabilities over time.

The Full Committee's markup of the HSA, H.R. 5005, on July 11, 2002, struck the provision from the underlying bill that included FEMA in DHS, thus keeping the agency independent. However, the rule accompanying H.R. 5005 reinstated the provision transferring FEMA to DHS into the base bill. Amendments to keep FEMA independent offered during consideration of H.R. 5005 on the House Floor were defeated.

During the Floor debate on H.R. 5005, the Homeland Security Act of 2002, members of the Committee offered an amendment that would have kept the Federal Emergency Management Agency (FEMA) an independent agency, outside of the new Department of Homeland Security.

During the debate the proponents of the amendment made it clear that they recognized the important role that FEMA would play in responding to terrorist attacks, yet they believed that the nation would be better served if FEMA remained independent. Thus, FEMA would continue to effectively serve the nation in times of a natural disaster, unencumbered by a new department whose sole focus is security related activities. It was clear that maintaining FEMA's independence will ensure that our nation's increased focus on terrorism preparedness, which is clearly important, will be in addition to, and not at the expense of FEMA's natural disaster program.

The amendment failed. FEMA was merged into a larger DHS. Soon after, vacancies were left unfilled, programs suffered and FEMA began a series of reorganizations.

Since the creation of DHS in 2002, FEMA has been reorganized three times. Each reorganization has resulted in a loss of programs and staff, resulting in the diminished FEMA that exists today.

In the 2003 reorganization of DHS, FEMA's preparedness grants were transferred to ODP. This reorganization created the new Office for State and Local Government Coordination and Preparedness (SLGCP) and transferred ODP over to the new SLGCP. As part of this consolidation, the funding, personnel, and responsibility for administering the following programs were transferred out of FEMA to SLGCP:

- Assistance to Firefighters program
- Emergency Management Performance Grant program

- First responder counter-terrorism training assistance
- State and local all hazards emergency operations planning
- Citizens Corps
- Interoperable communications equipment
- Community Emergency Response Teams
- Metropolitan Medical Response System (MMRS)

Until this reorganization, FEMA's Preparedness Division assisted state and local governments in preparing for disasters through training programs, exercises, emergency planning, technical assistance, and grants. Emergency managers were concerned that this transfer would further distance preparedness from response, resulting in an ineffective and uncoordinated response and low agency morale.

In December 2004, the National Response Plan (NRP) was released, establishing additional response coordinating structures outside of FEMA. The emergency management community expressed concerns about most of these newly created structures, finding them confusing and contradictory to previously established protocols. Ultimately, these new structures proved problematic or experienced difficulties achieving their intended purposes during the response to Hurricane Katrina. These concerns were also evident in an internal memorandum by emergency management professionals within FEMA.

In July 2005, the reorganization component of DHS's second stage review (2SR) was announced. As part of 2SR, which became effective October 1, 2005, significant changes to DHS's structure, including extensive changes to the EP&R Directorate and FEMA were announced.

Specifically, the EP&R Directorate was dismantled. The Director of FEMA continued to report to the Secretary of Homeland Security for response, recovery, and mitigation. FEMA's remaining preparedness functions were transferred to the newly created Preparedness Directorate. The FEMA components transferred included:

- U.S. Fire Administration (USFA)
- Hazardous Materials Training and Assistance Program (HMTAP)
- Chemical Stockpile Emergency Preparedness Program (CSEP)
- Radiological Emergency Preparedness Program (REPP)
- BioShield Program

The transfer of the remaining preparedness authorities out of FEMA arguably was the final step in the elimination of FEMA's preparedness mission. Again, the emergency management community cautioned that the proposed transfer of functions from FEMA would undermine its ability to respond to future disasters. The president of the National Emergency Management Association, the professional association of state emergency management officials, testified before the Transportation and Infrastructure Committee that separating preparedness from response and recovery would break emergency management's cycle of continuous improvement and result in a disjointed and ineffective response operation. Additionally, DHS's acting inspector general voiced reservations about segregating FEMA's preparedness function from its response and recovery responsibilities, noting that disaster preparedness, re-

sponse, and recovery are integrally related, each relying on the other for success.

#### HURRICANE KATRINA

It had long been known for years within the emergency management community, FEMA, the National Hurricane Center (NHC), and the state of Louisiana that a category 3 or larger hurricane would likely exceed the design of the New Orleans levee system and cause catastrophic flooding of the city and surrounding parishes. Because of the area's high risk and extreme vulnerability to a major storm, FEMA and Louisiana began a catastrophic hurricane planning project for Southeast Louisiana in 2003. As part of this effort, a planning exercise involving a fictitious category 3 storm called Hurricane Pam was developed to project the likely consequences of such a storm and develop contingency plans to address them. The exercise scenario was prescient, envisioning a storm with sustained winds of 120 mph, up to 20 inches of rain in parts of Southeast Louisiana, and storm surges that topped levees in the New Orleans area. Under the scenario, more than one million residents were evacuated and 500,000 to 600,000 buildings were destroyed.

In July 2004, emergency officials from 50 parish, state, federal, and volunteer organizations faced this scenario during a five-day exercise held at the Louisiana State Emergency Operations Center (EOC) in Baton Rouge. One of the stated goals of the exercise was to help officials develop joint response plans for a catastrophic hurricane in Louisiana. Numerous action plans ranging from debris removal, sheltering and search and rescue were developed. FEMA, due to a lack of funding, was unable to participate in follow-up planning meetings.

On August 23, 2005, the National Weather Service began tracking a tropical depression, which would become Hurricane Katrina. On August 25, Katrina made landfall in South Florida as a Category 1 storm, with sustained winds over 75 mph. It took seven hours for the storm to cross Florida, dropping as much as 15 inches of rain in some parts of South Florida, causing some home damage and extensive power outages.

Once the storm reached the Gulf of Mexico, it intensified and sped up, achieving Category 3 status with sustained wind speeds exceeding 111 mph on August 26. The NHC accurately predicted the course and strength of Hurricane Katrina as early as 56 hours prior to landfall. On August 28, one day before its second landfall, Katrina became a Category 5 hurricane, with wind speeds in excess of 150 mph. However, as the storm moved into shallower waters closer to land, wind speeds decreased such that Katrina was downgraded to a Category 4 hurricane.

Katrina eventually made landfall in Southeastern Louisiana with sustained winds over 125 mph at the eye of the storm, and wind gusts over 100 mph in the City of New Orleans, just west of the eye of the storm. Katrina also brought with it rainfall exceeding 8–10 inches over much of the storm's path. Damage directly from the storm was felt in Louisiana, Mississippi, Alabama, Georgia, Florida, and Tennessee, though Louisiana and Mississippi received the brunt of the storm. It left in its wake devastation never before seen in either size or type in the United States. Covering an area esti-

mated to be near 90,000 square miles, the storm ravaged four states, caused damage in several others, and impacted the entire country.

While neither the most powerful, nor most deadly storm to hit the United States, its combined wind speed, storm surge, flooding effect, and deadliness make it one of the worst natural disasters in American history. Katrina exacted enormous human suffering, leaving more than 1,300 people dead and resulting in billions of dollars in property damage.

There have been multiple investigations, including those by the Select Committee to Investigate the Preparation for and Response to Hurricane Katrina of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the General Accountability Office, the Inspector General of DHS, and the Homeland Security Council established by the president, into the response to Hurricane Katrina. These investigations identified the magnitude of the storm, failures of leadership, and a flawed disaster management system at all levels of government as reasons for the inadequate government response. In general, these reviews include the following findings:

- In particular, failures at all levels of government significantly undermined and detracted from the heroic efforts of emergency responders, private individuals and organizations, faith-based groups, and others who struggled to assist the people of the Gulf Coast.

- Hurricane Katrina revealed that the nation, in general, and DHS, in particular, is unprepared for a major natural disaster, accident, or terrorist attack.

- The creation of DHS placed an additional layer of management and response authority between the president and FEMA, marginalizing the authority of the Director of FEMA.

- During the response to Hurricane Katrina, DHS executed important elements of the National Response Plan late, ineffectively, or not at all.

- The competing priorities of the terrorism prevention mission of DHS and the disaster management mission of FEMA significantly contributed to the rapid decline of FEMA's capability to coordinate the federal response to Hurricane Katrina.

- The transfer of FEMA's preparedness grants and functions to other entities of DHS, FEMA's tremendous loss of experienced professional personnel, and the reduction of FEMA's funding for equipment, training, and exercises made FEMA's inadequate performance in the face of a disaster the size of Hurricane Katrina all but inevitable.

- While some federal departments and agencies, such as the Coast Guard, performed admirably, others were inadequately prepared for Hurricane Katrina and executed their responsibilities under the National Response Plan poorly.

- The preparedness level and capabilities of state and local governments to respond to Hurricane Katrina varied tremendously. Some responded effectively while others struggled to evacuate their populations or conduct effective response operations.

- The federal government has spent more than \$15,000,000,000 on first responder grants since 2001, but the nation's core emergency management capabilities have improved little and even declined in some important respects. Federal homeland security grant



programs inadvertently divided what was once a single, all hazards preparedness system into artificially separate preparedness categories of terrorism and other disasters.

The Committee on Transportation and Infrastructure has concluded that comprehensive reform of the nation's emergency management system is necessary to address the dangers presented by major disasters and emergencies of all kinds. The nation's emergency management system is based on the following general principles: (1) incidents are best managed by the level of government closest to the incident; (2) federal assistance is provided in support of state governments; and (3) military assistance is provided in support of civil authorities.

Large disasters require presidential involvement to lead the federal response and mobilize the assets of the entire federal government, particularly DOD assistance, and the president needs solid professional advice in preparing for and responding to a disaster to make the right decisions. Preparing for and responding to disasters, regardless of the cause, must be the top priority of the organization responsible for disaster management. The coordination of preparedness and planning to reduce the consequences of all hazards, including terrorism, is and has always been part of FEMA's primary mission. FEMA should be reestablished as an independent cabinet-level agency to coordinate the federal response on behalf of the president and to lead the nation's efforts to improve the nation's all hazards emergency management system. Establishing FEMA as an independent agency will enable DHS to refocus efforts on preventing terrorism and free FEMA from internal competition with the terrorism prevention entities of DHS for resources and personnel. The four elements of comprehensive emergency management (preparedness, response, recovery, and mitigation) must be closely integrated and managed within FEMA.

FEMA's assets and capabilities to coordinate the federal response to a catastrophic disaster must be restored and enhanced. In particular, FEMA's professional workforce and its incident command, communications, and logistics capabilities must be improved.

The tension between the nation's all hazards emergency management system and terrorism preparedness must be resolved. An all hazards approach fully addresses terrorism, but preparing for terrorism alone does not address all aspects of the other hazards. Governments at all levels have historically analyzed past disaster responses by participating in lessons-learned exercises, yet too often have failed to act upon recommendations necessary to produce a more effective and efficient response to future disasters. Congress should ensure that the federal government, in coordination with professional stakeholders and state and local governments, establish an all hazards, comprehensive national emergency preparedness goal and system that will—(1) ensure a consistent approach to domestic incident management; (2) establish target capabilities that each level of government should possess or to which it should have access; (3) direct resources to filling capability gaps and regularly assess the nation's preparedness level; and (4) ensure that lessons learned and best practices are fully incorporated into the further development of the emergency preparedness system.

## SUMMARY OF THE LEGISLATION

*Section 1. Short title; table of contents*

This section provides that the short title for the legislation is the “Restoring Emergency Services to Protect Our Nation from Disasters Act of 2006” or the “RESPOND Act of 2006” and provides a table of contents.

*Section 2. Findings*

This section contains a number of congressional findings.

*Section 3. Definitions*

This section defines terms applicable to the Act. This section adopts the definition of emergency preparedness set forth in section 602 of the Stafford Act. Further, the definition of mission assignment in this section is consistent with FEMA regulations at 44 CFR 206.5, 206.7 and 206.8.

## TITLE I—ESTABLISHMENT OF AN INDEPENDENT FEMA

## Subtitle A—Federal Emergency Management Agency

*Sec. 101. Establishment of agency*

This section establishes the Federal Emergency Management Agency (FEMA) as a cabinet-level independent agency in the executive branch. This section also states the primary mission of FEMA is to reduce the loss of life and property from all hazards by leading the nation in a risk-based, comprehensive emergency management system of preparedness, response, recovery, and mitigation. This mission would restore comprehensive emergency management within FEMA by reuniting emergency preparedness with response, recovery and mitigation.

*Sec. 102. Responsibilities*

This section describes FEMA’s responsibilities, including the responsibility for all functions and authorities of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and functions related to carrying out its mission, and leading the federal government’s programs for continuity of government, plans, and operations. Section 102 also provides that FEMA is the lead agency for the National Response Plan (NRP) and directs FEMA to revise the NRP.

In carrying out the preparedness responsibilities under this section, the Committee calls on FEMA to meet annually with state and local officials of the State of New York to address concerns regarding emergency planning and preparation for the Indian Point Energy Center, a nuclear power facility in Buchanan, New York, and report to Congress on the results of such meetings. FEMA should also report annually to Congress on the Agency’s justification for the emergency plans for the region surrounding the Indian Point Energy Center, and incorporate into those reports how the Agency has addressed concerns regarding the emergency plans raised by state and local officials of the State of New York.

*Sec. 103. Director; deputy director*

This section describes the qualifications for the director and deputy director of the agency. The director is appointed to a five year term by the president, by and with the advice and consent of the Senate, and must have extensive experience in emergency management. Section 103 also provides that the deputy director will be appointed by the director from the competitive service and must have extensive experience in emergency management.

*Sec. 104. Office of the Inspector General*

This section ensures that the agency will have an Office of the Inspector General.

*Sec. 105. Transfer of functions*

This section describes functions transferred from the Department of Homeland Security to the agency. The transfer of functions is based upon the purpose and mission of existing DHS functions. Emergency management functions related to preparing for, responding to, recovering from, and mitigating against all hazards are transferred to FEMA. This transfer includes the functions of the Preparedness Directorate, other than those functions relating to law enforcement efforts to prevent and deter acts of terrorism, protect critical infrastructure, and conduct intelligence activities. The functions transferred in this section include some grant programs. However, this bill does not alter the purpose, allocation schemes, recipient eligibility or uses of funds under existing grant programs. The following list is illustrative of the types of grants transferred under this section: Emergency Management Performance Grant Program, Assistance to Firefighters Grant Program, Citizen Corps Program, and Metropolitan Medical Response System. Section 105 requires the transfer be completed no later than February 1, 2007, well before the start of 2007 hurricane season. The section also establishes a liaison office to ensure coordination with DHS. The liaison office will also work with the Department of Justice and other federal agencies as appropriate.

*Sec. 106. Personnel and other transfers*

This section provides the FEMA director with the authority to appoint officers and employees, use experts and consultants, and delegate functions to officers and employees of the agency. Section 106 also provides the director reorganization authority, authority to prescribe rules and regulations, and authority to transfer allocations of appropriations, personnel, and other incidentals.

*Sec. 107. Savings provisions*

This section guarantees the continuation of legal documents associated with functions transferred from DHS to FEMA. Section 107 also ensures that proceedings and suits are not affected by the transfer of functions.

*Sec. 108. Conforming and technical amendments*

This section contains technical and conforming amendments. It also establishes a Chief Financial Officer for the agency. Section 108 also requires the agency to submit recommendations to Con-

gress containing technical and conforming amendments to reflect changes made by this title.

#### Subtitle B—Federal Emergency Management Agency Personnel

##### *Sec. 121. Workforce development*

This section requires the director to develop a workforce strategy and a stronger reserve workforce. The reserve workforce is a valued part of the emergency management system—providing FEMA with a readied and skilled pool of personnel who work whenever and wherever an emergency strikes. The Committee does not want their knowledge and experience or willingness to serve to be underutilized. The Committee believes, therefore, that the director should study the reserve force of the military as an example of a highly skilled and trained ready reserve workforce and should consider as part of building a stronger reserve workforce, exploring reserve workforce employment and reemployment rights. This section also authorizes recruitment and retention bonuses to ensure FEMA has the personnel with the expertise and experience to carry out its day-to-day activities as well as the ability to surge during a disaster.

### TITLE II—STRENGTHENING FEMA

##### *Sec. 201. Catastrophic planning program*

This section amends the Stafford Act to establish a program to assist federal agencies, states, and local governments in the development of a comprehensive catastrophic planning program. Sites are to be selected based on the substantial risk for a catastrophic incident and the need to perform additional preparedness activities to ensure an effective response and recovery.

##### *Sec. 202. Emergency response teams*

This section amends the Stafford Act to require the establishment of a minimum of three national response teams and sufficient regional and other response teams as necessary for FEMA to fulfill its incident coordination functions. Teams are tied to Target Capability Levels and require dedicated communications equipment, training, exercise, and readiness drills and reporting requirements.

##### *Sec. 203. Emergency operations centers*

This section requires FEMA to maintain and operate a national emergency operations center and regional emergency operations centers to support response operations. Section 203 also requires the establishment of target capabilities for the emergency operations centers, sufficient numbers of qualified staff, and reporting on the readiness of the emergency operations centers.

##### *Sec. 204. Logistics*

This section requires development of a 21st Century FEMA logistics system to ensure efficient, transparent, and flexible procurement and delivery of goods necessary for an effective and timely response to major disasters and other emergencies. Section 204 also requires development of the logistics system through the assistance of other federal agencies and encourages states and local govern-

ments to establish contracts for disaster relief supplies in advance of major disasters and other emergencies.

*Sec. 205. Pre-positioned equipment program*

This section requires the director to notify state and local officials at least 60-days prior to the closing of any pre-positioned equipment program location. Section 205 also provides a sense of Congress that the pre-positioned equipment program is an important tool and should be fully funded for a minimum of 11 locations.

*Sec. 206. Communications*

This section requires the director to establish the communications capability necessary to gain and retain incident management communications during major disasters and emergencies. Section 206 also requires the director to establish self-sustaining reconnaissance teams to improve situational awareness.

*Sec. 207. Emergency equipment assistance*

This section amends the Stafford Act by adding Section 630. Section 630 creates an emergency equipment grant program under the direction of the FEMA director to improve response capabilities of states and local governments in the event of a major disaster or other emergency. The grant program is intended to provide grants to state and local governments for the purchase or improvement of emergency communications systems to facilitate operability, interoperability, and better coordination between emergency communication systems, including satellite phones and satellite communication equipment. Grants through this program are also available to purchase mobile equipment to generate emergency power and train first responders and emergency personnel on the communication and mobile power equipment. Technical assistance related to the procurement, installation and use of this equipment is also allowable as needed by the states and local governments. The program is authorized to be appropriated \$200,000,000 for fiscal years 2007, 2008, and 2009.

*Sec. 208. Oversight and accountability of Federal disaster expenditures*

This section ensures that federal agencies exercise sufficient stewardship over the funds provided to them through mission assignments for disaster response, relief, and recovery activities by allowing the FEMA director to designate up to one percent of the final cost of mission assignments provided to federal agencies to be used to perform oversight activities to prevent fraud, waste, and abuse and to detect and pursue prosecution of fraud so that taxpayers' interests are fully protected. Oversight activities may include financial or performance audits. For purposes of this section, financial audits are those audits which provide information about internal control, compliance with laws and regulations, and provisions of contracts and grant agreements as they relate to financial transactions, systems, and processes. Performance audits are those audits which provide an independent assessment of the performance and management of government programs against objective criteria or an assessment of best practices and other information intended to improve program operations, facilitate decision-making

by parties with responsibility to oversee or initiate corrective actions, and contribute to public accountability. The term performance audit also includes work sometimes classified by audit organizations as program evaluations, program effectiveness and results audits, economy and efficiency audits, operational audits, and value-for-money audits. The section also requires agencies to develop oversight plans and to report to the appropriate committees of Congress on their use of oversight funds, the activities conducted, and the results achieved.

*Sec. 209. Nondiscrimination in disaster assistance with respect to English proficiency*

This section ensures that persons with limited English proficiency are not discriminated against in the receipt of disaster assistance by adding “English proficiency” to section 308(a) of the Stafford Act. Section 209 requires the director of FEMA to identify, in coordination with state and local governments, population groups with limited English proficiency. The director shall take into account such groups in disaster planning; ensure major disaster or emergency related materials are translated and made available; and develop and maintain a clearinghouse of model language assistance programs and best practices for state and local governments.

TITLE III—COMPREHENSIVE EMERGENCY PREPAREDNESS SYSTEM

*Sec. 301. National emergency preparedness*

This section amends the Stafford Act to include a new Title VII entitled “Comprehensive Emergency Preparedness System.” This new title establishes in law the major elements of the National Emergency Preparedness System (NEPS) as part of an all-hazards, comprehensive emergency management system. Although this title is focused on ensuring preparedness of federal, state and local governments, the Committee believes that FEMA should continue its work in helping individuals prepare for disasters. FEMA should continue helping individuals by providing information about hazards and emergencies, personal emergency plans, and personal preparedness kits. FEMA should continue to provide recommendations on the contents of personal preparedness kits, such as first aid supplies, food, water, self-powered radios (whether powered by battery or crank), and flashlights.

Under this section, the president is responsible for establishing the NEPS; the FEMA director would lead the preparedness efforts related to response, recovery, and mitigation. This section codifies HSPD-8 with some modifications. Nothing in this section precludes the president from including a prevention component in the NEPS and designating an official as the lead for that component. The NEPS will ensure a consistent approach to domestic incident management; establish target capabilities for each level of government; identify resource needs to fill existing capability gaps and regularly assess the nation’s preparedness level; and ensure lessons learned and best practices are fully incorporated into the further development of the NEPS. More specifically, section 301 adds the following sections to the Stafford Act:

TITLE VII—COMPREHENSIVE EMERGENCY PREPAREDNESS  
SYSTEM

*Sec. 701. Definitions*

This section clarifies that the definitions contained in section 602 of the Stafford Act apply to this Title and defines additional key terms and phrases used in this title.

*Sec. 702. National emergency preparedness goal*

This section requires the president, acting through the FEMA director, to develop an all-hazards, national emergency preparedness goal. The goal will define the target level of emergency preparedness to ensure the nation's ability to respond to, recover from, and mitigate against the effects of all hazards, including major disasters and other emergencies. The goal should be consistent with both the NIMS and the NRP.

*Sec. 703. National emergency preparedness system*

This section requires the president, acting through the FEMA director, to establish the NEPS and its major components to ensure the nation is prepared to respond to, recover from, and mitigate against the effects of all hazards, including major disasters and other emergencies.

*Sec. 703(b)(1). National planning scenarios*

This section authorizes the director to develop planning scenarios. If the director chooses to develop planning scenarios, section 703(b)(1) requires planning scenarios to reflect the relative risk and requirements presented by all hazards.

*Sec. 703(b)(2). Target capabilities and emergency preparedness priorities*

This section requires the director to lead the effort to update and revise guidelines that define the risk-based target capabilities for federal, state, and local government emergency preparedness for all hazards, including major disasters and other emergencies. These guidelines are to be provided promptly to Congress and the states, and the states are encouraged to make the guidelines available to local governments within their jurisdiction. The guidelines must meet three main objectives—specificity, flexibility, and measurability—that will ensure they are usable by their recipients. In establishing the guidelines, the director must establish priorities that appropriately balance the risk of all hazards with the resources required to respond to, recover from and mitigate against them. Additionally, this section authorizes the director to provide support for the development of mutual aid agreements within states.

*Sec. 703(b)(3). Equipment*

This section requires the director to develop, promulgate, and update national voluntary consensus standards for first responder equipment. The standards must encourage and support nationwide interoperability and operability, protect the safety and health of first responders, be consistent with existing standards, utilize where possible existing federal certifications, be updated to meet new threats, and focus on maximizing usability. Initial standards

are required to be promulgated not later than 180 days after enactment of the RESPOND Act. In developing these standards, the director is required to consult with relevant public and private sector groups.

*Sec. 703(b)(4). Training and exercises*

This section requires the director to establish a comprehensive training program and training standards for all levels of government. The training program is required to be established not later than 180 days after enactment of the RESPOND Act.

Additionally, this section requires the director to establish a coordinated multi-year exercise program for achieving capabilities and objectives. The program is to include risk-based scenarios that push the emergency management system to its limit, reinforce training standards, evaluate emergency preparedness, and support the national emergency preparedness goal, NIMS and NRP.

*Sec. 703(b)(5). Comprehensive assessment system*

This section requires the director to establish a system of performance metrics and measures to assess the nation's overall emergency preparedness. The director is required to develop each component of the NEPS, NIMS, and NRP with clear and quantifiable performance metrics and measures. The system is required to assess compliance with the NEPS, NIMS, and NRP; current capability levels against their target levels; the resources needed to reach target capability levels; and the performance of training, exercises, and operations.

*Sec. 703(b)(6). Best practices, after-action reviews, and remedial action program*

This section requires the director to establish a system for identifying best practices and conducting after action reviews of incidents and exercises and for taking remedial actions to ensure the components of the NEPS are refined on a continual basis.

*Sec. 703(b)(7). Federal response capability inventory*

This section requires the director to work with other federal agencies to develop a federal response capability inventory. The inventory will include performance parameters, the timeframe for activation, and readiness level of the capability. Section 703(b)(7) also requires the director to coordinate with DOD to develop a list of available emergency assistance related organizations and functions available to assist civil authorities during a major disaster or emergency.

*Sec. 703(b)(8). Report requirements*

This section establishes NEPS reporting requirements for both federal and state governments. Section 703(b)(8) requires annual reports on the nation's level of preparedness, including state capabilities, the readiness of federal civil response assets, and the utilization of mutual aid. Annual reports are required from any state receiving assistance through section 709.



*Sec. 704. National incident management system*

This section establishes in law the National Incident Management System (NIMS) as the nation's consistent approach to domestic incident management for all hazards, ensuring that all levels of government across the nation have the capability to work efficiently and effectively together. Section 704 also designates the FEMA director as responsible for all aspects of NIMS, including NIMS completion and coordination, implementation, maintenance, and revision.

*Sec. 705. National response plan*

This section designates the FEMA director as responsible for all aspects of the NRP and requires the director to lead an effort to revise the NRP to provide clarity, establish a protocol for a proactive federal response in support of a state to a catastrophic disaster, and ensure integration with NIMS. Section 705 also requires the director to develop pre-scripted NRP mission assignments with major federal agencies, particularly DOD, for important areas such as communications, logistical support, and mass care to expedite interagency requests.

*Sec. 706. Federal emergency preparedness*

This section requires the president to ensure federal agencies comply with NIMS and the NRP and establish and maintain their target levels of emergency management capabilities. Section 706 does not apply to DOD to avoid conflict with existing DOD chain of command structures.

*Sec. 707. National emergency preparedness task force*

This section establishes a task force that ensures effective and ongoing coordination of federal emergency management with state and local governments and private sector entities. The task force members are selected from elected officials and from national, state, and local emergency management and first responder organizations, and should include the Emergency Management Accreditation Program and state Adjutant Generals. Section 707 will assist in the incorporation of professional state and local input at all stages of the NEPS development, particularly during the early stages.

*Sec. 708. National incident management system and national response plan integration center*

This section authorizes the NIMS and NRP Integration Center. Section 708 will ensure completion, implementation, maintenance, and revision of NIMS and the NRP.

*Sec. 709. Authorization*

This section authorizes a new grant program to assist state and local governments in implementation of the NEPS.

*Sec. 302. Emergency management assistance compact grants*

This section authorizes the director to provide assistance to the Emergency Management Assistance Compact (EMAC). These grants shall be used to carry out recommendations from past

EMAC After-Action Hurricane Reports and assist continued coordination between federal agencies and the states.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

Since DHS was created in 2002, the Committee has held a number of hearings to assess how FEMA was being integrated into DHS and determine whether its disaster response mission was diminished in the new Department.

On March 18, 2004 the Subcommittee on Economic Development, Public Buildings and Emergency Management (the Subcommittee) held a hearing on the FY 2005 Budget Request for the Department of Homeland Security's Emergency Preparedness and Response Directorate (EP&R), the Office of Domestic Preparedness (ODP), and First Responder Funding. The hearing also explored how the Administration's budget request interacts with its policy directives as well as how these policy directives serve to prepare the nation for all the hazards that it faces. The Subcommittee heard from Michael Brown, then-Undersecretary for Emergency Preparedness and Response at the Department of Homeland Security. This hearing explored whether the budget request by the Administration accurately reflected its stated policy to pursue an all-hazards preparedness plan at the federal level. Mr. Brown assured the Subcommittee that the Department was pursuing an all-hazards strategy, and testified that the budget request furthers that policy by providing funding to terrorism preparedness in a manner that supports the all-hazards principle.

On May 13, 2004, the Subcommittee held a hearing entitled, "How to Best Prepare for Acts of Terror: National Preparedness and Funding for First Responders." At this hearing, the Subcommittee heard from William Jenkins, Director of the Homeland Security and Justice Division at the General Accounting Office; Andrew Mitchell, Deputy Director of the Office of Domestic Preparedness at DHS; and George Foresman, Assistant to the Governor for Commonwealth Preparedness for the Commonwealth of Virginia. At this hearing, the Subcommittee discussed the delay in funding for first responders and further information on the choice between an all-hazard or terrorism specific preparedness and response system. Andrew Mitchell and George Foresman both supported the implementation of an all-hazards system as being the preferred means of protecting America.

On April 14, 2005, the Subcommittee held a hearing on "The National Preparedness System: What Are We Preparing For?" At this hearing, the Subcommittee heard from Corey D. Gruber, Associate Director of the Office of Domestic Preparedness at DHS, Gil Jamison, Director of the National Incident Management System Integration Center of DHS, David E. Liebersbach, President of the National Emergency Management Association and Director of the Division of Homeland Security & Emergency Management for the State of Alaska, Chief John Buckman, Past President for the International Association of Fire Chiefs, Captain John P. Salle, International Association of Chiefs of Police, Armond Mascelli, Vice President of Emergency Response for the American Red Cross, and Dwayne West, Vice Chairman, Emergency Management Accreditation Program Commission, President of the International Asso-

ciation of Emergency Managers, and Director of Emergency Management for Johnson County, North Carolina.

In October and November of 2005, the Subcommittee held a series of hearings in connection with Hurricane Katrina. These hearings focused on the many different aspects of the response and recovery of the Gulf region. On October 6, 2005, the Subcommittee held an oversight hearing to examine FEMA's ability to manage a successful recovery of the region. On October 18, the Subcommittee held a joint hearing with the Subcommittee on Water Resources and Environment on options for and the feasibility of rebuilding New Orleans. On November 3, 2005, the Subcommittee held a hearing to consider legislative proposals relating to Hurricane Katrina recovery operations.

On February 16, 2006, the Full Committee held a hearing entitled "Disasters and the Department of Homeland Security: Where Do We Go From Here?" At this hearing the Committee heard from DHS Secretary Michael Chertoff. At this hearing, the Committee discussed the key findings of the federal government's inadequate response to Hurricane Katrina and DHS's perspective on improving emergency management capabilities and readiness at the federal, state, and local levels. Shortly after this hearing, both Republicans and Democrats on the Committee submitted written Questions for the Record to Secretary Chertoff. However, despite establishing deadlines in April 2006 for the written responses to those questions to be submitted to the Committee, and despite repeated requests that the responses be submitted, the Committee has yet to receive the responses from Secretary Chertoff.

In February 2006, the Subcommittee held a series of field hearings to seek state and local government input for improving the federal government's capability and readiness in responding to catastrophic disasters and to discuss how to enhance state and local response capabilities. On February 23, 2006, the Subcommittee held a field hearing in Whittier, California entitled "The Big One . . . How Do We Ensure A Robust Federal Response To A Catastrophic Earthquake In The Los Angeles Region?" At this hearing, the Subcommittee heard from Dr. Lucy Jones, U.S. Geological Survey, Ellis M. Stanley, Sr., CEM, City of Los Angeles Emergency Preparedness Department, Ann-Marie Hayashi, City of Whittier Emergency Services, and Henry Renteria, Director, California Office of Emergency Services. On February 24, 2006, the Subcommittee held a field hearing in St. Louis, Missouri entitled "How Do We Ensure a Robust Federal Response to a Catastrophic Earthquake in the New Madrid Region?" At this hearing, the Subcommittee heard from Jim Wilkinson, Central United States Earthquake Consortium, Dr. Eugene "Buddy" Schweig, U.S. Geological Survey, Michael S. Pawlowski, Federal Emergency Management Agency, Ronald Reynolds, Director, Missouri State Emergency Management Agency, William C. Burke, Director, Illinois Emergency Management Agency, and the Honorable James Talent, U.S. Senator, Missouri.

On May 9, 2006, Mr. Young of Alaska, Mr. Oberstar, Mr. Davis of Virginia, Mr. Shuster and Ms. Norton introduced H.R. 5316, which was referred to the Committee on Transportation and Infrastructure. The legislation was also referred to the Committees on Homeland Security and Government Reform for a period to be sub-

sequently determined by the Speaker and for consideration of the provisions within each committee's respective jurisdiction.

On May 17, 2006, the Full Committee met in open session to consider H.R. 5316. A manager's amendment offered by Mr. Shuster was adopted by voice vote, with a quorum present. A motion by Mr. Shuster to order H.R. 5316, as amended, favorably reported to the House was unanimously agreed to by the Full Committee by voice vote with a quorum present. There were no recorded votes taken during Committee consideration of H.R. 5316.

#### ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 5316.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to establish FEMA as an independent cabinet level agency, greatly strengthen FEMA, and create a national system to improve emergency preparedness at all levels of government to resolve issues brought to light by Hurricane Katrina and the subsequent investigations into the preparedness and response to Hurricane Katrina to ensure successful response to future disasters.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 5316 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 2, 2006.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure, House  
of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 5316, the Restoring Emergency Services to Protect Our Nation from Disasters Act of 2006. This estimate supersedes the initial cost estimate transmitted on May 24, 2006. The new estimate corrects an error that CBO made in its previous estimate for H.R. 5316.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middletown.

Sincerely,

DONALD B. MARRON,  
*Acting Director.*

Enclosure.

*H.R. 5316—Restoring Emergency Services to Protect Our Nation  
from Disasters Act of 2006*

Summary: H.R. 5316 would remove the Federal Emergency Management Agency (FEMA) from the Department of Homeland Security (DHS) and make it a cabinet-level agency reporting directly to the President of the United States. FEMA had a similar status prior to the formation of DHS in 2003. Under the bill, DHS's responsibilities for ensuring the nation is prepared to respond to man-made and natural disasters would be transferred to FEMA. The bill also would authorize FEMA to coordinate an all-hazards emergency management system that includes federal government activities related to preparedness, response, recovery, and mitigation for terrorism, natural disasters, and other emergencies.

The bill would authorize the appropriation of \$804 million over the 2007–2009 period for a catastrophe planning program, emergency equipment grants for states, grants to administer an existing emergency assistance compact among states, and management funds for the National Incident Management System (NIMS), which is managed by FEMA. In addition, the bill would authorize the appropriation of such sums as necessary for a new grant program for state and local governments to help them meet planning requirements under the National Emergency Preparedness System (NEPS).

Assuming appropriation of the necessary and specified amounts, CBO estimates that implementing H.R. 5316 would cost about \$1.1 billion over the 2007–2011 period. Enacting this legislation would not affect direct spending or revenues.

H.R. 5316 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Assuming the appropriation of authorized amounts, state and local governments would benefit from more than \$1 billion in grants to improve emergency preparedness, plan for catastrophic incidents, and purchase emergency equipment. Any costs incurred by those governments would be conditions of receiving federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5316 is shown in the following table. The costs of this legislation fall within budget functions 450 (community and regional development) and 550 (health).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
FEMA Consolidation Costs and Ongoing Administration:					
Estimated Authorization Level .....	17	17	17	17	17
Estimated Outlays .....	15	17	17	17	17
Grants for NEPS Implementation:					
Estimated Authorization Level .....	100	102	104	106	107
Estimated Outlays .....	10	47	79	102	104
Emergency Equipment Assistance Grants:					
Authorization Level .....	200	200	200	0	0
Estimated Outlays .....	20	94	156	156	82
Emergency Management Assistance Compact Grants:					
Authorization Level .....	4	4	4	0	0
Estimated Outlays .....	0	2	3	3	2
Catastrophe Planning Program:					
Authorization Level .....	30	32	34	0	0
Estimated Outlays .....	14	23	29	18	8
National Incident Management System:					
Authorization Level .....	30	32	34	0	0
Estimated Outlays .....	14	23	29	18	8
Total Changes:					
Estimated Authorization Level .....	381	387	393	123	124
Estimated Outlays .....	73	206	313	314	221

Basis of estimate: For this estimate, CBO assumes that H.R. 5316 will be enacted near the start of fiscal year 2007 and that the necessary amounts will be appropriated over the 2007–2011 period. CBO estimates that implementing this bill would cost about \$1.1 billion over the 2007–2011 period, assuming appropriation of the necessary funds. Those costs represent estimated expenditures for activities that H.R. 5316 would authorize but do not include continuing costs for other FEMA programs, such as disaster relief—with outlays that fluctuate significantly from year-to-year, depending on the need to respond to disasters.

#### *FEMA programs and current spending*

H.R. 5316 would establish FEMA as a separate agency from the Department of Homeland Security and would add to its responsibilities most of the functions currently assigned to the Preparedness Directorate of DHS. Under current law, FEMA's primary responsibilities are to respond to all types of disasters, mitigate the damage of future disasters, and help communities recover after a disaster. Most of the spending for these activities comes out of the Disaster Relief Fund. To help the Gulf Coast recover from the 2005 hurricanes, for example, over \$60 billion was initially appropriated to the fund, though over \$20 billion was eventually reallocated to other federal programs that were engaging in disaster recovery efforts related to the hurricanes. On balance, CBO estimates that disaster relief spending will total well over \$20 billion in fiscal year 2006. (In contrast, such spending totaled about \$12 billion in fiscal year 2005 but averaged much less than those amounts prior to 2005.) In addition, FEMA manages the National Flood Insurance Program. CBO estimates that spending for flood insurance claims

will exceed \$20 billion in fiscal year 2006. The bill would not change FEMA's responsibilities for providing such disaster assistance or for paying flood insurance claims.

Under H.R. 5316, FEMA would add "preparedness" to its list of authorized activities. Under current law, the Preparedness Directorate of the DHS administers most of the grant and training programs that benefit state and local governments by helping them prepare for future terrorist attacks, natural disasters, or other emergencies. In 2006, the Congress appropriated more than \$3 billion for those purposes. H.R. 5316 would not reauthorize appropriations for those existing state and local grant programs; however, it would authorize the appropriation of funds for a few new grant programs. This bill would not transfer to FEMA any DHS programs concerned with law enforcement activities to prevent terrorism, the protection of critical infrastructure, or intelligence analysis.

#### *FEMA consolidation costs and ongoing administration*

CBO estimates that a few new senior positions would be needed to manage the new independent FEMA and that some current employees would see salary increases with their new responsibilities. In 2006, the agency's appropriation for administrative costs was \$236 million. CBO estimates that staff and salary increases under the bill would cost about \$2 million a year. The bill also would authorize FEMA to establish an Inspector General (IG) office. We assume that the new IG office would be somewhat larger in size and scope than the office operated by FEMA prior to the formation of DHS because of its increased responsibilities. (In 2002, FEMA's IG office had a budget of \$10 million.) Assuming appropriation of the necessary funds, CBO estimates that the new IG office would add about \$15 million annually to the agency's administrative costs.

Under this bill, CBO estimates that about 500 full-time equivalent employees would be transferred from DHS to FEMA to administer FEMA's new preparedness responsibilities. Currently, FEMA has over 2,200 permanent full-time employees, many in the Washington Metropolitan area. The Congress established the DHS in 2003, and the agency is still in the process of consolidating its operations and employees. CBO expects that any significant consolidation of FEMA employees would be unlikely to occur under H.R. 5316 over the next five years. If the agency were to consolidate its employees into one location, however, we estimate that it could cost between \$25 million to \$35 million in one-time costs to move, house, and equip the employees of this larger agency. If the agency were to acquire a new headquarters building, the costs would be significantly higher, though this bill does not include a specific authorization for that purpose.

#### *Grants for NEPS implementation*

H.R. 5116 would authorize the appropriation of such sums as are necessary for a new grant program for state and local governments to meet planning requirements under the National Emergency Preparedness System, an existing framework for achieving effective emergency preparedness at all levels of government. Under current law, most of the money for disaster preparedness planning is provided to states through the Emergency Management Performance

Grants. In 2006, the Congress appropriated \$185 million for these grants. H.R. 5316 would place new requirements on states, such as developing a new emergency preparedness report that assesses the states' current level of preparedness under the NEPS. Based on information from state and local entities about their needs for additional resources for planning and historical spending patterns for similar grants, CBO estimates that implementing this new grant program would require additional appropriations of about \$100 million a year, resulting in outlays of about \$340 million over the 2007–2011 period, assuming appropriation of the estimated amounts.

*Emergency equipment assistance grants*

The bill would authorize the appropriation of \$200 million a year over the 2007–2009 period for grants for training and equipment for emergency communications. Based on spending patterns of similar programs, CBO estimates that implementing these grants would cost about \$500 million over the 2007–2011 period, assuming appropriation of the specified amounts. (Additional outlays from the authorized amounts would occur after 2011.)

*Emergency management assistance compact grants*

The bill would authorize the appropriation of \$4 million a year over the 2007–2009 period for grants to help certain states to administer and coordinate activities under the Emergency Management Assistance Compact authorized by Public Law 104–321. Based on spending patterns of similar programs, CBO estimates that providing these grants would cost about \$10 million over the 2007–2011 period, assuming appropriation of the specified amounts.

*Catastrophe planning program*

H.R. 5316 would authorize the appropriation of \$96 million over the 2007–2009 period to implement a catastrophe planning program which would include developing plans to address catastrophes, training state and local government officials, and conducting exercises to test the efficacy of those plans. Based on historical spending patterns of similar programs, CBO estimates that implementing this provision would cost \$93 million over the 2007–2011 period.

*National incident management system*

H.R. 5316 would authorize the appropriation of \$96 million over the 2007–2009 period to implement, maintain, and revise the NIMS and the National Response Plan (NRP). NIMS establishes a framework for governmental, nongovernmental, and private-sector entities to work cooperatively to prepare for, respond to, and recover from disasters of any kind. The NRP is based on the NIMS and provides the operational direction for these entities to deal with disasters. Based on historical spending patterns of these programs, CBO estimates that implementing this provision would cost \$93 million over the 2007–2011 period.

Intergovernmental and private-sector impact: H.R. 5316 contains no intergovernmental or private-sector mandates as defined in UMRA. Assuming the appropriation of authorized amounts, state



and local governments would benefit from more than \$1 billion in grants to improve emergency preparedness, plan for catastrophic incidents, and purchase emergency equipment. Any costs incurred by those governments would be conditions of receiving federal assistance.

Previous CBO estimates: On May 24, 2006, CBO prepared a cost estimate for H.R. 5316, the Restoring Emergency Services Act of 2006, as ordered reported by the House Committee on Transportation and Infrastructure on May 17, 2006. This cost estimate revises and supersedes the earlier estimate.

In our previous estimate for H.R. 5316, CBO interpreted title III of the bill as authorizing the appropriation of such sums as are necessary for many disaster preparedness grants to state and local governments. We estimated that continuing the current level of funding for those grant programs over the next five years and adjusted for anticipated inflation would cost \$9.8 billion over the 2007–2011 period, assuming appropriation of the necessary and authorized amounts.

CBO has concluded that our initial interpretation of title III was an error. The authorization of appropriations in title III of H.R. 5316 applies only to the new state grants authorized by that title, not all existing state grant programs for emergency preparedness. Based on information from state and local entities, CBO estimates that implementing this new grant program would cost about \$340 million over the 2007–2011 period, assuming appropriation of the necessary funds.

On May 24, 2006, CBO prepared a cost estimate for H.R. 5351, the National Emergency Management Reform Act of 2006, as ordered reported by the House Committee on Homeland Security on May 17, 2006. H.R. 5351 would authorize the President to establish the Directorate of Emergency Management within the Department of Homeland Security and would authorize appropriations for some FEMA programs. On June 2, 2006, CBO issued a revised estimate for H.R. 5351 to correct the statement made in that estimate concerning the cost of implementing H.R. 5316. (The estimate of costs for H.R. 5351 is unchanged.)

Both H.R. 5351 and H.R. 5316 would reorganize FEMA, but would do so in different ways. Each bill would authorize the appropriation of different amounts for different FEMA and preparedness activities and grant programs, and CBO's cost estimates reflect those differences.

Estimate prepared by: Federal Costs: Julie Middleton; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Fatimot Ladipo.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursu-

ant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 5316 does not preempt any state, local or tribal law.

ADVISORY COMMITTEE STATEMENT

An advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act is created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**TITLE 5, UNITED STATES CODE**

\* \* \* \* \*

**PART III—EMPLOYEES**

Chapter Sec.

SUBPART A—GENERAL PROVISIONS

21. Definitions ..... 2101  
 \* \* \* \* \*

SUBPART I—MISCELLANEOUS

\* \* \* \* \*  
 101. *Federal Emergency Management Agency Personnel* ..... 10101  
 \* \* \* \* \*

SUBPART D—PAY AND ALLOWANCES

\* \* \* \* \*

**CHAPTER 53—PAY RATES AND SYSTEMS**

\* \* \* \* \*

**SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES**

\* \* \* \* \*

**§ 5312. Positions at level I**

Level I of the Executive Schedule applies to the following positions for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Secretary of State.
- Secretary of the Treasury.
- Secretary of Defense.
- Attorney General.
- Secretary of the Interior.
- Secretary of Agriculture.
- Secretary of Commerce.
- Secretary of Labor.
- Secretary of Health and Human Services.
- Secretary of Housing and Urban Development.
- Secretary of Transportation.
- United States Trade Representative.
- Secretary of Energy.
- Secretary of Education.
- Secretary of Veterans Affairs.
- Secretary of Homeland Security.
- Director of the Office of Management and Budget.
- Commissioner of Social Security, Social Security Administration.
- Director of National Drug Control Policy.
- Chairman, Board of Governors of the Federal Reserve System.
- Director of National Intelligence.
- Director of the Federal Emergency Management Agency.*

\* \* \* \* \*

**SUBPART I—MISCELLANEOUS**

\* \* \* \* \*

**CHAPTER 101—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL**

Sec.

- 10101. *Definitions.*
- 10102. *Human capital strategy.*
- 10103. *Recruitment bonuses for the Federal Emergency Management Agency.*
- 10104. *Retention bonuses for the Federal Emergency Management Agency.*
- 10105. *Disaster workforce reserve cadre.*

**§ 10101. Definitions**

*For purposes of this chapter—*

- (1) *the term “Federal Emergency Management Agency” or “Agency” shall be considered to refer to the Federal Emergency Management Agency established under section 101 of the RE-SPOND Act of 2006; and*

(2) the term “Director of the Federal Emergency Management Agency” or “Director” shall be considered to refer to the Director of the Federal Emergency Management Agency appointed under section 103 of the RESPOND Act of 2006.

**§ 10102. Human capital strategy**

(a) *IN GENERAL.*—The Director of the Federal Emergency Management Agency shall develop a human capital strategy to ensure that the Agency has a workforce of the appropriate size and with the appropriate skills and training to effectively carry out the mission and responsibilities of the Agency, consistent with the policies and plans developed pursuant to this section.

(b) *CONTENT.*—The strategy shall include, at a minimum—

(1) a workforce development strategy for the Agency;

(2) an assessment of the workforce characteristics and future needs of the Agency;

(3) an analysis of how the Agency’s human resources policies and programs align with the Agency’s mission, strategic goals, and performance outcomes; and

(4) any other elements that the Director determines necessary to develop and maintain a human capital strategy, including elements described in section 1402.

(c) *SCHEDULE.*—The Director shall transmit to Congress—

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

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

**§ 10103. Recruitment bonuses for the Federal Emergency Management Agency**

(a) *IN GENERAL.*—The Director of the Federal Emergency Management Agency may pay a bonus to an individual in order to recruit the individual for a position within the Agency that would otherwise be difficult to fill in the absence of such a bonus.

(b) *BONUS AMOUNT.*—

(1) *IN GENERAL.*—The amount of a bonus under this section shall be determined by the Director, but may not exceed 25 percent of the annual rate of basic pay of the position involved.

(2) *FORM OF PAYMENT.*—A bonus under this section shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

(c) *SERVICE AGREEMENTS.*—Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement with the Federal Emergency Management Agency. The agreement shall include—

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

(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

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

(1) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

(2) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or

(3) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

(e) **TERMINATION.**—The authority to pay bonuses under this section shall terminate 5 years after the date of enactment of this chapter.

**§ 10104. Retention bonuses for the Federal Emergency Management Agency**

(a) **AUTHORITY.**—The Director of the Federal Emergency Management Agency may pay, on a case-by-case basis, a bonus under this section to an employee of the Agency if—

(1) the unusually high or unique qualifications of the employee or a special need of the Agency for the employee's services makes it essential to retain the employee; and

(2) the Director determines that, in the absence of such a bonus, the employee would be likely to leave—

(A) the Federal service; or

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

(b) **SERVICE AGREEMENT.**—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Agency to complete a period of service with the Agency. Such agreement shall include—

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

(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

(c) **BONUS AMOUNT.**—

(1) **IN GENERAL.**—The amount of a bonus under this section shall be determined by the Director, but may not exceed 25 percent of the annual rate of basic pay of the position involved.

(2) **FORM OF PAYMENT.**—A bonus under this section shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

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

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

**§ 10105. Disaster workforce reserve cadre**

(a) **ESTABLISHMENT.**—There is established within the Federal Emergency Management Agency a disaster workforce reserve cadre to meet the Agency's surge requirements during periods of emergency, as determined by the Director of the Federal Emergency Management Agency.

(b) **REVIEW.**—Not later than 90 days after the date of enactment of this chapter, the Director shall conduct a comprehensive review of the current disaster workforce reserves for the purpose of identifying areas for redevelopment. As part of the review, the Director

shall review and redevelop the disaster workforce to create a capable cadre by—

- (1) providing for the effective utilization of the disaster workforce;
- (2) establishing consistent and shorter disaster workforce mobilization times;
- (3) establishing standards to meet mission requirements;
- (4) establishing a robust credentialing system for the disaster workforce to integrate capabilities and skill sets into job descriptions for a more effective and faster response capability;
- (5) establishing employment protections for disaster workforce reservists; and
- (6) establishing a streamlined deployment system.

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

(d) EXPENSES.—The Director may provide members of the disaster workforce reserve cadre transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the disaster workforce reserve cadre.

\* \* \* \* \*

**SECTION 901 OF TITLE 31, UNITED STATES CODE**

**§ 901. Establishment of agency Chief Financial Officers**

(a) \* \* \*

(b)(1) \* \* \*

(2) The agencies referred to in subsection (a)(2) are the following:

(A) \* \* \*

\* \* \* \* \*

(H) *The Federal Emergency Management Agency.*

\* \* \* \* \*

**HOMELAND SECURITY ACT OF 2002**

\* \* \* \* \*

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

(a) \* \* \*

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

Sec. 1. Short title; table of contents.

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**TITLE V—EMERGENCY PREPAREDNESS AND RESPONSE**

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**【Sec. 507. Role of Federal Emergency Management Agency.】**

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## TITLE V—EMERGENCY PREPAREDNESS AND RESPONSE

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### SEC. 503. FUNCTIONS TRANSFERRED.

In accordance with title XV, there shall be transferred to the Secretary the functions, personnel, assets, and liabilities of the following entities:

[(1) The Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto.]

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### [SEC. 507. ROLE OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

[(a) IN GENERAL.—The functions of the Federal Emergency Management Agency include the following:

[(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

[(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program—

[(A) of mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

[(B) of planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

[(C) of response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

[(D) of recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

[(E) of increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

[(b) FEDERAL RESPONSE PLAN.—

[(1) ROLE OF FEMA.—Notwithstanding any other provision of this Act, the Federal Emergency Management Agency shall remain the lead agency for the Federal Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

[(2) REVISION OF RESPONSE PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the Federal

Response Plan to reflect the establishment of and incorporate the Department.]

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**ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT**

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**TITLE III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION**

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**[EMERGENCY SUPPORT TEAMS**

**[SEC. 303. The President shall]**

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

(a) *EMERGENCY SUPPORT TEAMS.*—The President shall form emergency support teams of Federal personnel to be deployed in an area affected by a major disaster or emergency. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to this Act. Upon request of the President, the head of any Federal agency is directed to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the President, such personnel within the administrative jurisdiction of the head of the Federal agency as the President may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

(b) *EMERGENCY RESPONSE TEAMS.*—

(1) *ESTABLISHMENT.*—In carrying out subsection (a), the President, acting through the Director of the Federal Emergency Management Agency, shall establish at a minimum 3 national response teams and sufficient regional and other response teams as may be necessary to meet the incident management responsibilities of the Federal Government.

(2) *TARGET CAPABILITY LEVEL.*—The Director shall ensure that specific target capability levels, as defined pursuant to the guidelines established under section 703(b)(2)(A), are established for Federal emergency response teams.

(3) *PERSONNEL.*—The President, acting through the Director, shall ensure that the Federal emergency response teams consist of adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the established target capability levels. Each emergency response team shall work in coordination with State and local officials and onsite emergency personnel associated with a particular incident.



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

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NONDISCRIMINATION IN DISASTER ASSISTANCE

SEC. 308. (a) The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, *English proficiency*, or economic status.

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**TITLE VI—EMERGENCY PREPAREDNESS**

**SEC. 601. DECLARATION OF POLICY.**

The purpose of this title *and title VII* is to provide a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government and the States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the States and their political subdivisions for emergency preparedness purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance, and shall provide necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards.

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**Subtitle A—Powers and Duties**

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**SEC. 616. CATASTROPHIC PLANNING PROGRAM.**

(a) *ESTABLISHMENT.*—*The Director shall establish a program to assist States and local governments representing areas at substantial risk for a catastrophic incident, and other Federal agencies as appropriate, in developing a comprehensive program to prepare for a catastrophic incident.*

(b) *ACTIVITIES.*—*The program may include planning, training, exercises, and such other activities as the Director considers necessary.*

(c) *SITE SELECTION.*—*In conducting the program, the Director, in coordination with a State or local government, shall select sites within the jurisdiction of such State or local government that are at substantial risk for a catastrophic incident and require additional preparedness activities to ensure an effective response and recovery.*

(d) *CATASTROPHIC INCIDENT.*—*In this section, the term “catastrophic incident” means any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions.*

(e) *REPORT.*—*The Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the preparedness levels of participating jurisdictions.*

(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2007, \$32,000,000 for fiscal year 2008, and \$34,000,000 for fiscal year 2009. Such sums shall remain available until expended.*

## Subtitle B—General Provisions

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### **SEC. 630. EMERGENCY EQUIPMENT ASSISTANCE.**

(a) *GRANTS.*—*The Director shall carry out a program to make grants to States and local governments to improve the response capabilities of the States and local governments in the event of a major disaster or other emergency.*

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

(1) *to purchase or improve commercially available interoperable communications equipment that—*

(A) *complies with, where applicable, national voluntary consensus standards;*

(B) *facilitates operability, interoperability, coordination, and integration between and among emergency communications systems (including satellite phone and satellite communications equipment); and*

(C) *ensures that first responders, government officials, and emergency personnel are able to adequately and effectively communicate with each other in the event of a major disaster or other emergency;*

(2) *to purchase mobile equipment to generate emergency power; and*

(3) *to train first responders and emergency personnel on how best to use effectively such equipment.*

(c) *APPLICATIONS.*—*A State or local government seeking a grant under this section shall submit to the Director an application at such time, in such manner, and accompanied by such information as the Director may require.*

(d) *TECHNICAL ASSISTANCE.*—*The Director shall provide to States and local governments technical assistance with respect to the procurement, installation, and use of equipment under subsection (b)(1).*

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

(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2007, 2008, and 2009. Such sums shall remain available until expended.*

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## **TITLE VII—COMPREHENSIVE EMERGENCY PREPAREDNESS SYSTEM**

### **SEC. 701. DEFINITIONS.**

*In this title, the definitions contained in section 602 and the following definitions apply:*

(1) *CAPABILITY.*—*The term “capability” means the ability to provide the means to accomplish one or more tasks under specific conditions and to specific performance standards. A capability may be delivered with any combination of properly planned, organized, equipped, trained, and exercised personnel that achieves the intended outcome.*

(2) *COVERED GRANT.*—*The term “covered grant” means a grant referred to in section 709 and any other emergency preparedness grant administered by the Federal Emergency Management Agency.*

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

(4) *OPERATIONAL READINESS.*—*The term “operational readiness” means the capability of an organization, an asset, a system, or equipment to perform the missions or functions for which it is organized or designed.*

(5) *PERFORMANCE MEASURE.*—*The term “performance measure” means a quantitative or qualitative characteristic used to gauge the results of an outcome compared to its intended purpose.*

(6) *PERFORMANCE METRIC.*—*The term “performance metric” means a particular value or characteristic used to measure the outcome that is generally expressed in terms of a baseline and a target.*

### **SEC. 702. NATIONAL EMERGENCY PREPAREDNESS GOAL.**

(a) *ESTABLISHMENT.*—*The President, acting through the Director, shall establish and revise as necessary a national emergency preparedness goal that defines the target level of emergency preparedness to ensure the Nation’s ability to respond to, recover from, and mitigate against all hazards, including major disasters and other emergencies.*

(b) *NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN.*—*The national emergency preparedness goal, to the greatest extent practicable, shall be consistent with the national incident management system and national response plan.*

**SEC. 703. ESTABLISHMENT OF THE NATIONAL EMERGENCY PREPAREDNESS SYSTEM.**

(a) *ESTABLISHMENT.*—The President, acting through the Director, shall establish a national emergency preparedness system to enable the Nation to meet the national emergency preparedness goal.

(b) *COMPONENTS.*—The national emergency preparedness system includes the following components:

(1) *NATIONAL PLANNING SCENARIOS.*—

(A) *IN GENERAL.*—The Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), may develop planning scenarios to reflect the relative risk requirements presented by all hazards in order to provide the foundation for the flexible and adaptive development of target capabilities and the identification of target capability levels to meet the national emergency preparedness goal.

(B) *DEVELOPMENT.*—In developing national planning scenarios, the Director shall ensure that the scenarios—

(i) reflect the relative risk of all hazards and illustrate the potential scope, magnitude, and complexity of a broad range of representative hazards; and

(ii) provide the minimum number of representative scenarios necessary to identify and define the tasks and target capabilities required to respond to all hazards.

(2) *TARGET CAPABILITIES AND EMERGENCY PREPAREDNESS PRIORITIES.*—

(A) *ESTABLISHMENT OF GUIDELINES ON TARGET CAPABILITIES.*—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director, in coordination with the heads of other appropriate Federal agencies, including the National Council on Disability, and the Task Force established under section 707(a), shall update and revise as necessary guidelines to define the risk-based target capabilities for Federal, State, and local government emergency preparedness that enables the Nation to respond to, recover from, and mitigate against all hazards, including major disasters and other emergencies.

(B) *DISTRIBUTION OF GUIDELINES.*—The Director shall ensure that the guidelines are provided promptly to Congress and the States. The States are encouraged to make the guidelines available to local governments within their jurisdictions.

(C) *OBJECTIVES.*—The Director shall ensure that the guidelines established under subparagraph (A) meet the following objectives:

(i) *SPECIFICITY.*—The guidelines specifically describe the training, planning, personnel, and equipment that Federal, State, and local governments need to possess, or to which they need to have access, in order to meet the national emergency preparedness goal.

(ii) *FLEXIBILITY.*—The guidelines are sufficiently flexible to allow Federal, State, and local government officials to set priorities based on particular needs,

while achieving nationally determined emergency preparedness levels within a specified time period.

(iii) *MEASURABILITY.*—The guidelines are designed to enable measurement of progress toward specific emergency preparedness levels.

(D) *EMERGENCY PREPAREDNESS PRIORITIES.*—In establishing the guidelines under subparagraph (A), the Director shall establish emergency preparedness priorities that appropriately balance the risk of all hazards, including major disasters and other emergencies with the resources required to respond to, recover from, and mitigate against them.

(E) *MUTUAL AID AGREEMENTS.*—The Director may provide support for the development of mutual aid agreements within States.

(3) *EQUIPMENT.*—

(A) *EQUIPMENT STANDARDS.*—

(i) *IN GENERAL.*—The Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), shall develop, promulgate, and update as necessary national voluntary consensus standards for first responder equipment for use in the field. In developing such standards, the Director shall—

(I) ensure that the standards encourage and support nationwide interoperability and operability of equipment and other capabilities consistent with the national emergency preparedness goal, including the safety and health of first responders;

(II) to the maximum extent practicable, ensure that the standards are consistent with any existing voluntary consensus standards;

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

(IV) take into account, as appropriate, threats that may not have been contemplated when such existing standards were developed; and

(V) focus on maximizing interoperability, operability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety of equipment.

(ii) *DEADLINE.*—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director shall promulgate standards under this subparagraph.

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

(4) *TRAINING AND EXERCISES.*—

(A) *PROGRAM.*—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director, in co-

ordination with the heads of other appropriate Federal agencies, including the National Council on Disability, and the Task Force established under section 707(a), shall establish and maintain a comprehensive training program for all levels of government to implement the national emergency preparedness goal, national incident management system, and national response plan.

(B) TRAINING STANDARDS.—The Director shall develop and update as necessary, national voluntary consensus standards for the training program established under subparagraph (A).

(C) EXERCISES.—The Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), shall establish and maintain a program, including risk-based scenarios that stress the emergency management system, to conduct emergency preparedness-related exercises that reinforce identified training standards, provide for evaluation of emergency preparedness, and support the national emergency preparedness goal, national incident management system, and national response plan.

(5) COMPREHENSIVE ASSESSMENT SYSTEM.—

(A) ESTABLISHMENT.—The Director, in coordination with the National Council on Disability and the Task Force established under section 707(a), shall establish a comprehensive system to assess on an ongoing basis, the Nation's overall emergency preparedness, including operational readiness.

(B) PERFORMANCE METRICS AND MEASURES.—The Director shall ensure that each component of the national emergency preparedness system, national incident management system, and national response plan is developed with clear and quantifiable performance metrics, measures, and outcomes.

(C) CONTENTS.—The assessment system established under subparagraph (A) shall assess—

(i) compliance with the national emergency preparedness system, national incident management system, and national response plan to achieve a consistent approach to national emergency preparedness and response;

(ii) capability levels at the time of assessment against target capability levels defined pursuant to the guidelines established under paragraph (2)(A);

(iii) resource needs to meet the desired target capability levels defined pursuant to the guidelines established under paragraph (2)(A); and

(iv) performance of training, exercises, and operations.

(6) BEST PRACTICES, AFTER ACTION REVIEWS, AND REMEDIAL ACTION PROGRAM.—

(A) IN GENERAL.—The Director, in coordination with the National Council on Disability and the Task Force established under section 707(a), shall establish a system for

*identifying best practices and conducting after action reviews of incidents and exercises.*

(B) *REMEDIAL ACTION.*—*The Director, in coordination with the National Council on Disability and the Task Force established under section 707(a), shall ensure through a remedial action program that the best practices and after action reviews identified under subparagraph (A) are used to revise and update the national emergency preparedness system, national incident management system, and national response plan on a continual basis.*

(7) *FEDERAL RESPONSE CAPABILITY INVENTORY.*—

(A) *IN GENERAL.*—*Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director, in coordination with the heads of other appropriate Federal agencies, shall develop and maintain a Federal response capability inventory that includes the performance parameters of the capability, the timeframe within which the capability can be brought to bear on an incident, and the readiness of such capability to respond to all hazards, including major disasters and other emergencies.*

(B) *DEPARTMENT OF DEFENSE.*—*The Director, in coordination with the Secretary of Defense, shall develop a list of organizations and functions within the Department of Defense that may be used, pursuant to the authority provided under sections 402, 403, and 502 of this Act, to provide support to civil authorities during major disasters and other emergencies.*

(8) *REPORTING REQUIREMENTS.*—

(A) *FEDERAL EMERGENCY PREPAREDNESS REPORT.*—

(i) *IN GENERAL.*—*Not later than 12 months after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, and annually thereafter, the Director, in coordination with the heads of other appropriate Federal agencies, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Nation's level of emergency preparedness.*

(ii) *CONTENTS.*—*Each report shall include—*

(I) *an assessment of how Federal emergency preparedness assistance supports the national emergency preparedness system;*

(II) *an assessment of compliance with the national emergency preparedness system, national incident management system, and national response plan;*

(III) *an assessment of current Federal and State capability levels and a description of target capability levels defined pursuant to the guidelines established under paragraph (2)(A);*

(IV) *an assessment of performance of training, exercises, and operations;*

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

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

(VII) an assessment of resource needs to meet target capability levels defined pursuant to the guidelines established under paragraph (2)(A), including—

(aa) an estimate of the amount of Federal, State, and local expenditures required to attain the target capability levels; and

(bb) the extent to which target capability levels were created or enhanced as the result of using covered grant funds during the preceding fiscal year.

**(B) STATE EMERGENCY PREPAREDNESS REPORT.—**

(i) **IN GENERAL.**—Not later than 15 months after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, and annually thereafter, a State receiving a covered grant shall submit a report to the Director on the State's level of emergency preparedness.

(ii) **CONTENTS.**—Each report shall include—

(I) an assessment of State compliance with the national emergency preparedness system, national incident management system, and national response plan;

(II) an assessment of current capability levels and a description of target capability levels;

(III) an assessment of State performance of training, exercises, and operations;

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

(V) information on the distribution by the State of the guidelines established by paragraph (2)(A) to local governments within its jurisdiction; and

(VI) an assessment of resource needs to meet target capability levels defined pursuant to the guidelines established under paragraph (2)(A), including—

(aa) an estimate of the amount of expenditures required to attain the target capability levels; and

(bb) the extent to which target capability levels were created or enhanced as the result of using covered grant funds during the preceding fiscal year.

**(C) USE OF QUANTIFIABLE PERFORMANCE MEASUREMENTS.**—To the extent practicable, each report shall be based on quantifiable performance measurements.

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

(a) **NATIONAL INCIDENT MANAGEMENT SYSTEM.**—There is hereby established a national incident management system that encompasses a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation



*have the capability to work efficiently and effectively together by using a consistent approach to domestic incident management for all hazards, including major disasters and other emergencies.*

*(b) RESPONSIBILITIES OF DIRECTOR.—*

*(1) RESPONSIBILITY FOR SYSTEM.—The Director shall be responsible for all aspects of the national incident management system, including completing, implementing, maintaining, and revising the system.*

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

**SEC. 705. NATIONAL RESPONSE PLAN.**

*(a) RESPONSIBILITIES OF DIRECTOR.—*

*(1) RESPONSIBILITY FOR PLAN.—The Director shall be responsible for all aspects of the national response plan, including completing, implementing, maintaining, and revising the plan.*

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

*(b) INITIAL REVIEW AND REVISION OF RESPONSE PLAN.—*

*(1) IN GENERAL.—Not later than March 1, 2007, the Director shall, in coordination with the heads of other appropriate Federal agencies, including the National Council on Disability, and the Task Force established under section 707(a), complete a comprehensive review of the national response plan for the purpose of identifying areas for revision.*

*(2) REVIEW AND REVISE.—As part of the review, the Director shall review and revise the national response plan—*

*(A) to ensure integration and consistency with the national incident management system;*

*(B) to establish a protocol for a proactive Federal response in support of a State to a catastrophic disaster with or without warning; and*

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

*(c) MISSION ASSIGNMENTS.—To expedite the provision of assistance under the national response plan, the Director, in coordination with the heads of other appropriate Federal agencies and the Task Force established under section 707(a), shall develop prescribed mission assignments for logistics, communications, mass care, health services, and public safety.*

**SEC. 706. FEDERAL EMERGENCY PREPAREDNESS.**

*(a) AGENCY RESPONSIBILITY.—In support of the national emergency preparedness system established under this title, the President shall ensure that each Federal agency with responsibility for responding to major disasters and other emergencies shall—*

*(1) have the operational capability, including the personnel to make and communicate decisions, organizational structures that are assigned, trained, and exercised for their missions, sufficient physical resources, and the command, control, and communication channels to make, monitor, and communicate decisions to meet the national emergency preparedness goal;*

*(2) have the operational command and control structures that comply with the national incident management system;*

(3) develop, in support of crisis operational capability, a deliberate planning capability, including plans, personnel, and training; and

(4) develop, train, and exercise rosters of disaster response personnel to be deployed when the organization is called upon to support a Federal response.

(b) *CONSTRUCTION.*—Nothing in this section shall limit the authority of the Secretary of Defense with regard to the command and control, training, planning, equipment, exercises, or employment of Department of Defense forces, or the allocation of Department of Defense resources.

**SEC. 707. NATIONAL EMERGENCY PREPAREDNESS TASK FORCE.**

(a) *ESTABLISHMENT.*—The Director shall establish a National Emergency Preparedness Task Force (referred to in this section as the “Task Force”) to ensure effective and ongoing coordination of Federal emergency preparedness, response, recovery, and mitigation efforts for all hazards that incorporates State and local government and private sector input in the development and revision of the national emergency preparedness goal, the national emergency preparedness system, national incident management system, and national response plan.

(b) *MEMBERSHIP.*—

(1) *IN GENERAL.*—The Task Force shall consist of members appointed by the Director from among representatives of—

(A) national organizations representing State and local governments;

(B) national, State, and local emergency management organizations; and

(C) national, State, and local emergency response organizations, including governmental and nongovernmental organizations.

(2) *REPRESENTATION.*—To the extent practicable, Task Force members shall represent—

(A) geographically diverse areas (including urban and rural);

(B) State and local elected officials;

(C) national, State, and local emergency management professional organizations; and

(D) individuals involved in a cross section of emergency response disciplines and professions, including as appropriate fire service and law enforcement, hazardous materials response, emergency medical services, public works personnel routinely engaged in emergency response, health professionals, and organizations with expertise in accrediting and establishing standards for emergency management services.

(3) *CONSULTATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.*—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Director shall consult with the Secretary of Health and Human Services.

(4) *EX OFFICIO MEMBERS.*—The Director shall designate one or more officers from the Federal Emergency Management Agency to serve as an ex officio member of the Task Force.

**SEC. 708. NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN INTEGRATION CENTER.**

(a) *IN GENERAL.*—In order to carry out the duties of the Director related to the National Incident Management System and National Response Plan, there is established a National Incident Management System and National Response Plan Integration Center.

(b) *RESPONSIBILITIES.*—The head of the Center shall establish a system to ensure completion, implementation, maintenance, and revision of the National Incident Management System and the National Response Plan and perform such other duties as the Director may require.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2007, \$32,000,000 for fiscal year 2008, and \$34,000,000 for fiscal year 2009. Such sums shall remain available until expended.

**SEC. 709. AUTHORIZATION.**

(a) *IN GENERAL.*—The Director is authorized to make grants to any State or local government for the purpose of carrying out this title.

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

**TITLE [VII] VIII—MISCELLANEOUS**

**AUTHORITY TO PRESCRIBE RULES AND ACCEPT GIFTS**

**SEC. [701] 801. (a) \* \* \***

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**TECHNICAL AMENDMENTS**

**SEC. [702] 802. (a) \* \* \***

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**REPEAL OF EXISTING LAW**

**SEC. [703] 803.** The Disaster Relief Act of 1970, as amended (84 Stat. 1744), is hereby repealed, except sections 231, 233, 234, 235, 236, 237, 301, 302, 303, and 304. Notwithstanding such repeal the provisions of the Disaster Relief Act of 1970 shall continue in effect with respect to any major disaster declared prior to the enactment of this Act.

**PRIOR ALLOCATION OF FUNDS**

**SEC. [704] 804.** Funds heretofore appropriated and available under Public Laws 91–606, as amended, and 92–385 shall continue to be available for the purpose of providing assistance under those Acts as well as for the purposes of this Act.

**SEC. [705] 805. DISASTER GRANT CLOSEOUT PROCEDURES.**

(a) \* \* \*

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