109TH CONGRESS 2D SESSION

H. R. 5759

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

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2006

Ms. HARRIS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Energy and Commerce, International Relations, Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY MANAGEMENT

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

TITLE II—FRAUD, WASTE, AND ABUSE PREVENTION

Sec. 201. Fraud, waste, and abuse controls; fraud prevention training program.
Sec. 203. Enhanced accountability for Federal assistance.
Sec. 204. Enhanced information sharing among Federal agencies to prevent fraud, waste, and abuse.
Sec. 205. Deputy Inspector General for Response and Recovery.

TITLE III—AMENDMENTS TO DISASTER RELIEF AND EMERGENCY ASSISTANCE PROGRAM

Sec. 301. Definitions.
Sec. 302. State disaster preparedness programs.
Sec. 303. Standards and reviews.
Sec. 304. Penalty for misuse of funds.
Sec. 305. Advance of non-Federal share.
Sec. 306. Mitigation planning.
Sec. 307. Procedure for declaration of major disasters.
Sec. 308. Essential assistance.
Sec. 309. Temporary housing assistance.
Sec. 310. Procedure for declaration of emergencies.

TITLE IV—GOOD SAMARITAN LIABILITY IMPROVEMENT AND VOLUNTEER ENCOURAGEMENT

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

Subtitle A—Disaster Relief Volunteer Protection

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

Subtitle B—Volunteer Protection Improvements

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

TITLE V—DISASTER RECOVERY PERSONAL PROTECTION

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

TITLE VI—HURRICANE ELECTION RELIEF

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

SEC. 101. DIRECTORATE OF EMERGENCY MANAGEMENT.

(a) Establishment.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended to read as follows:

“TITLE V—EMERGENCY MANAGEMENT

“Subtitle A—Directorate of Emergency Management

“SEC. 501. DIRECTORATE OF EMERGENCY MANAGEMENT.

“(a) UNDER SECRETARY FOR EMERGENCY MANAGEMENT.—

“(1) IN GENERAL.—There is in the Department a Directorate of Emergency Management. The head of the Directorate is the Under Secretary for Emergency Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—The individual appointed as Under Secretary shall possess a demonstrated ability in and knowledge of emergency management and homeland security.
“(3) Responsibilities.—The Under Secretary shall assist the Secretary in discharging the responsibilities under section 502.

“(b) Deputy Under Secretary for Emergency Preparedness and Mitigation.—

“(1) In general.—There is in the Department a Deputy Under Secretary for Emergency Preparedness and Mitigation, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) Qualifications.—The individual appointed as Deputy Under Secretary shall possess a demonstrated ability in and knowledge of emergency preparedness and mitigation.

“(3) Responsibilities.—The Deputy Under Secretary for Emergency Preparedness and Mitigation shall assist the Under Secretary for Emergency Management in discharging the responsibilities of the Under Secretary.

“(c) Deputy Under Secretary for Emergency Response and Recovery.—

“(1) In general.—There is in the Department a Deputy Under Secretary for Emergency Response and Recovery, who shall be appointed by the Presi-
dent, by and with the advice and consent of the Senate.

“(2) Qualifications.—The individual appointed as Deputy Under Secretary shall possess a demonstrated ability in and knowledge of emergency response and recovery.

“(3) Responsibilities.—The Deputy Under Secretary for Emergency Response and Recovery shall assist the Under Secretary for Emergency Management in discharging the responsibilities of the Under Secretary.

“(d) Assistant Secretaries for Emergency Management.—There are in the Department the following Assistant Secretaries, who shall be appointed by the President, by and with the advice and consent of the Senate:

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

“(2) An Assistant Secretary for Training and Exercises, who shall report directly to the Deputy Under Secretary for Emergency Preparedness and Mitigation.
“(3) An Assistant Secretary for Emergency Communications, who shall report directly to the Under Secretary for Emergency Management.

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

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

SEC. 502. RESPONSIBILITIES OF THE UNDER SECRETARY.

“(a) Responsibilities.—Subject to the direction and control of the Secretary, the Under Secretary for Emergency Management shall have the primary responsibility within the executive branch of Government for preparing for, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies. Such responsibilities shall include the following:

“(1) Serving as the Secretary’s principal advisor on emergency preparedness, mitigation, response, and recovery issues.

“(2) Carrying out all functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).
“(3) Coordinating the Federal response to acts of terrorism, natural disasters, or other emergencies, including coordination of—

“(A) the National Emergency Response Team;

“(B) the deployment of the Strategic National Stockpile;

“(C) the National Disaster Medical System;

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

“(E) the Metropolitan Medical Response System;

“(F) the Urban Search and Rescue System;

“(G) Federal Incident Response Support Teams;

“(H) Management Support Teams; and

“(I) the Mobile Emergency Response System.

“(4) Overseeing and directing all of the activities of the Directorate.
“(5) Developing for each fiscal year, and submitting directly to the President, a prepared budget for the Directorate.

“(6) Coordinating emergency preparedness, mitigation, response, and recovery activities throughout the Department.

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

“(8) Coordinating preparedness, mitigation, response, and recovery efforts at the Federal level.

“(9) Working with all State, local, tribal, and private sector emergency managers, emergency response providers, and emergency support providers on all matters pertaining to acts of terrorism, natural disasters, and other emergencies, including training, exercises, and lessons learned.

“(10) Implementing national strategies and policies in all matters pertaining to emergency management and the protection of critical infrastructure.

“(11) Establishing priorities for directing, funding, and conducting national preparedness programs, activities, and services for preventing, protecting against, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies.
“(12) Coordinating communications and systems of communications relating to homeland security by and between all levels of government.

“(13) Directing and supervising homeland security financial assistance awarded by the Department to State, local, and tribal governments.

“(14) Serving as an advocate for emergency preparedness across all government sectors, the private sector, and the public.

“(15) Helping to ensure the acquisition of operable and interoperable communications capabilities by Federal, State, and local governments and emergency response providers.

“(16) Aiding the recovery from acts of terrorism, natural disasters, and other emergencies.

“(17) Minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector.

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

“(b) FUNCTIONS TRANSFERRED.—

“(1) TRANSFER.—There are transferred to the Under Secretary for Emergency Management—
“(A) the functions, personnel, assets, and liabilities of the Federal Emergency Management Agency; and

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

“(2) RESPONSIBILITIES.—The Under Secretary shall carry out the responsibilities of the Director of the Federal Emergency Management Agency and the responsibilities of the Under Secretary for Preparedness.

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

“(1) The Integrated Hazard Information System (which the Secretary shall rename ‘FIRESAT’) of the National Oceanic and Atmospheric Administration.


“(3) The Domestic Emergency Response Teams of the Department of Justice, including the functions of the Attorney General relating thereto.
“(4) The Office of Emergency Preparedness, the National Disaster Medical System, and the Metropolitan Medical Response System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public Health Emergency Preparedness relating thereto.

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

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

“(e) SUFFICIENCY OF RESOURCES.—The Secretary shall provide to the Under Secretary for Emergency Management the resources and staff necessary to carry out the responsibilities of the Directorate of Emergency Management under this section.

“SEC. 503. PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.

“(a) IN GENERAL.—The Under Secretary for Emergency Management shall serve as the principal advisor to the President for all matters pertaining to emergency management in the United States.
“(b) Cabinet Status.—During the effective period of an Incident of National Significance declared by the Secretary under the National Response Plan, the Under Secretary for Emergency Management shall serve as a Cabinet Officer for the duration of such Incident of National Significance.

“(c) Appointment of Principal Federal Official.—Notwithstanding any provision of the National Response Plan or Homeland Security Presidential Directive 5, the Secretary, in coordination with the Under Secretary for Emergency Management, shall designate the Principal Federal Official for purposes of the National Response Plan.

“(d) Retention of Authority.—Nothing in this section shall be construed as affecting the authority of the Secretary under this Act.

“SEC. 504. REGIONAL OFFICES.

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

“(b) Management of Regional Offices.—

“(1) Regional Director.—Each Regional Office shall be headed by a Regional Director for Emergency Management, who shall be appointed by the Secretary, in consultation with State, local, and
tribal governments in the region. Except as provided in subsection (c)(3), each Regional Director for Emergency Management shall report directly to the Under Secretary for Emergency Management.

“(2) Deputy Regional Director.—There shall be in each Regional Office a Deputy Regional Director for Emergency Management, who shall be appointed by the Secretary, in consultation with State, local, and tribal governments in the region. The Deputy Regional Director for Emergency Management for a Regional Office shall report directly to the Regional Director for Emergency Management for that Regional Office.

“(3) Qualifications.—Each individual appointed as Regional Director or Deputy Regional Director for Emergency Management must possess a demonstrated ability in and knowledge of emergency management and possess familiarity with the geographical area and demographic characteristics of the population served by the Regional Office.

“(c) Responsibilities.—

“(1) In General.—Subject to the direction and control of the Secretary and in consultation with the Regional Advisory Council on Emergency Management under subsection (e), each Regional Direc-
tor for Emergency Management shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, emergency support providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities under this section.

“(2) Core responsibilities.—The core responsibilities of each Regional Director are as follows:

“(A) Ensuring coordination and integration of regional preparedness, mitigation, response, and recovery activities and programs, including planning, training, exercises, and professional development.

“(B) Participating in regional emergency management activities.

“(C) Identifying critical gaps in preparedness and reporting such gaps to the Assistant Secretary for Grants and Planning.

“(D) Identifying critical gaps in critical infrastructure and reporting such gaps to the Assistant Secretary for Infrastructure Protection.
“(E) Organizing, in consultation with the Assistant Secretary for Training and Exercises, regional training and exercise programs.

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

“(G) Improving general information sharing and other forms of coordination.

“(H) Encouraging, in coordination with the Director of the Office of Public and Community Preparedness, public and community preparedness efforts.

“(I) Assisting in the development of regional capabilities needed for a national catastrophic response system.

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

“(K) Pre-identifying Joint Field Office locations in areas with large populations or in areas at high risk to acts of terrorism, natural disasters, or other emergencies.
“(L) Fostering the development of mutual aid and other cooperative agreements pertaining to emergency management.

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

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

“(3) INCIDENTS OF NATIONAL SIGNIFICANCE.—

“(A) APPOINTMENT OF REGIONAL DIRECTOR AS PRINCIPAL FEDERAL OFFICIAL OR FEDERAL COORDINATING OFFICER.—During the effective period of an Incident of National Significance declared by the Secretary under the National Response Plan, if the Regional Director is appointed Principal Federal Official or Federal Coordinating Officer, the Deputy Regional Director shall assume the responsibilities of the Regional Director during such incident.

“(B) RESPONSIBILITIES OF PRINCIPAL FEDERAL OFFICIAL.—In addition to the responsibilities of the Principal Federal Official under the National Response Plan, such Official shall,
with respect to the Incident of National Significance—

“(i) establish and direct a Joint Field Office and any other coordination structure that is needed for such incident;

“(ii) possess the authority to make any necessary operational decisions, in accordance with existing Federal law, without obtaining approval from the Secretary;

“(iii) coordinate and direct, as appropriate, Federal response assets deployed within the operational area;

“(iv) serve as the primary point of contact between the Department, the Department of Defense, and States for contingency planning; and

“(v) act as the primary point of contact and situational awareness locally for the Secretary of Homeland Security.

“(d) TRAINING AND EXERCISE REQUIREMENTS.—

“(1) TRAINING.—The Secretary shall require each Regional Director and Deputy Regional Director for Emergency Management to complete Principal Federal Officer training not later than 60 days after the date on which the Regional Director or
Deputy Regional Director is appointed. In addition, the Secretary shall require each Regional Director and Deputy Regional Director to periodically, but not less than annually, undergo specific training to complement the qualifications of the Regional Director or Deputy Regional Director. Such training shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Secretary.

“(2) EXERCISES.—The Secretary shall require each Regional Director and Deputy Regional Director for Emergency Management to regularly participate in regional or national exercises.

“(e) REGIONAL ADVISORY COUNCILS ON EMERGENCY MANAGEMENT.—

“(1) ESTABLISHMENT.—There is in each Regional Office a Regional Advisory Council on Emergency Management. Each Advisory Council shall report to the Regional Director of the Regional Office.

“(2) MEMBERSHIP.—

“(A) The Regional Director shall appoint the following members to the Advisory Council of that Regional Director’s Regional Office—
“(i) subject matter experts from across the Federal Government, including representatives from the Departments of Defense, Energy, Health and Human Services, and Transportation;


“(iii) subject matter experts from other components of the Department, including the Coast Guard, United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, and the United States Secret Service;

“(iv) subject matter experts representing emergency managers, emergency response providers, and emergency support providers; and

“(v) subject matter experts from the private sector, including nongovernmental organizations, educational institutions, so-
cial action agencies, and faith-based organi-
zations.

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

“(3) TERMS OF OFFICE.—

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

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

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

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

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

“(5) MEETINGS.—The Advisory Council shall
meet at least biannually at the call of the chair.
Each member shall be given appropriate notice of
the call of each meeting, whenever possible not less than 15 days before the meeting.

“(6) REGIONAL FACTORS.—The size and composition of each Advisory Council shall be determined by—

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

“(B) the propensity of that region to experience natural disasters and other emergencies;

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

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

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

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

“(B) Identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, mitigation, response, or recovery more complicated or difficult.
“(C) Advise the Regional Director on developing a process of peer review for catastrophic emergency plans submitted under section 524.

“(D) Advise the Regional Director of any weaknesses or deficiencies in preparedness, mitigation, response, and recovery for any State, local, or tribal government within the region of which the Advisory Council is aware.

“(E) Assist the Regional Director in establishing a process to secure goods and services through coordinated, pre-negotiated contracts by Federal, State, local, and tribal governments.

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

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

“(f) COORDINATION.—Each Regional Director for Emergency Management shall coordinate all activities conducted under this section with other Federal departments and agencies, and shall not have authority over other agencies of the Department, including the Coast Guard, the United States Customs and Border Protection, Immig...
igration and Customs Enforcement, the Transportation Se-
curity Administration, or the United States Secret Service.

“(g) Retention of Authorities.—

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

“(2) State, Local, and Tribal Governments.—Nothing in this section shall be construed
as limiting the power of State, local, and tribal gov-
ernments.

“(h) Deadline and Use of Existing Offices.—

“(1) Deadline.—The Secretary shall establish
the Regional Offices required under this section not
later than one year after the date of the enactment

“(2) Use of Existing Field Offices.—In es-
establishing the Regional Offices required under this
section, the Secretary shall, to the extent prac-
ticable, co-locate and consolidate field offices of the
Department that are in existence as of the date of
the enactment of such Act.

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


“SEC. 505. CHIEF MEDICAL OFFICER.

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

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

“(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to acts of terrorism, natural disasters, and other emergencies, including the following:

“(1) Serving as the Secretary’s principal advisor on medical and public health issues.
“(2) Coordinating the biosurveillance and detection activities of the Department.

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

“(4) Ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support.

“(5) Serving as the Department’s primary point of contact with the Departments of Agriculture, Defense, Health and Human Services, Transportation, and Veterans Affairs, and other Federal departments or agencies, on medical and public health issues.

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

“(7) Discharging, in coordination with the Under Secretary for Science and Technology, responsibilities of the Department related to Project Bioshield.

“(8) Establishing doctrine and priorities for the National Disaster Medical System and supervising
its medical components, consistent with the National
Response Plan and the National Incident Manage-
ment System.

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

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

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

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

“(13) Developing, in consultation with the Sec-
retary of Health and Human Services, appropriate
patient tracking capabilities to execute domestic pa-
tient movement and evacuations, including a system
that has the capacity of electronically maintaining
and transmitting the health information of hospital
patients.

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

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

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

“(f) LONG-TERM HEALTH ASSESSMENT PRO-
gram.—

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

“(2) COOPERATIVE AGREEMENTS.—In carrying
out the program under this subsection, the Chief
Medical Officer shall enter into cooperative agree-
ments, as necessary, with medical institutions in the areas affected by such Incidents of National Significance.

“(g) Federal Public Health and Medical Assets.—

“(1) Comprehensive Plan.—The Chief Medical Officer shall develop a comprehensive plan to identify, deploy, and track public health and medical assets of the Federal Government for use during a catastrophic event.

“(2) Report to Congress.—Not later than 180 days after the date of enactment of this Act, the Chief Medical Officer shall submit to Congress a report containing the plan developed under this subsection.

“Sec. 506. National Biosurveillance Integration System.

“(a) Establishment.—The Secretary, acting through the Chief Medical Officer, shall establish a National Biosurveillance Integration System (referred to in this section as the ‘NBIS’) to enhance the capability of the Federal Government to rapidly identify, characterize, and localize a biological event by integrating and analyzing data from human health, animal, plant, food, and environ-
mental monitoring systems (both national and international) into 1 comprehensive system.

“(b) REQUIREMENTS.—The NBIS shall be designed to detect, as early as possible, a biological event that presents a risk to the United States or the infrastructure or key assets of the United States. The NBIS shall—

“(1) consolidate data from all relevant surveillance systems maintained by the Department and other governmental and private sources, both foreign and domestic;

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

“(3) process and protect sensitive data consistent with requirements of applicable privacy laws including the Health Insurance Portability and Accountability Act of 1996.

“(c) RESPONSIBILITIES OF THE CHIEF MEDICAL OFFICER.—

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

“(A) establish an entity to perform all operations and assessments related to the NBIS;
“(B) continuously monitor the availability and appropriateness of data feeds and solicit new surveillance systems with data that would enhance biological situational awareness or overall NBIS performance;

“(C) continuously review and seek to improve the statistical and other analytical methods utilized by NBIS;

“(D) establish a procedure to enable States and local government entities to report suspicious events that could warrant further assessments using NBIS;

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

“(F) provide technical assistance, as appropriate, to all Federal, regional, State, and local government entities and private sector entities that contribute data relevant to the operation of NBIS.

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

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

“(B) integrate homeland security information with NBIS data to provide overall situa-
tional awareness and determine whether a bio-
logical event has occurred.

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

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

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

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

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

“(e) ADMINISTRATIVE AUTHORITIES.—
“(1) Hiring of Experts.—The Chief Medical Officer shall hire individuals with the necessary expertise to develop and operate the NBIS system.

“(2) Detail of Personnel.—Upon the request of the Chief Medical Officer, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Directorate of Emergency Management to assist the Chief Medical Officer in carrying out this section.

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

“(f) Joint Biosurveillance Leadership Council.—The Chief Medical Officer shall—

“(1) establish an interagency coordination council to facilitate interagency cooperation to advise the Chief Medical Officer on recommendations to enhance the biosurveillance capabilities of the Department; and

“(2) invite officials of Federal agencies that conduct biosurveillance programs, including the Department of Health and Human Services, the Department of Agriculture, the Environment Protec-
tion Agency, and the Department of Defense, to serve on such council.

“(g) Annual Report Required.—Not later than December 31 of each year, the Chief Medical Officer shall submit to Congress a report that contains each of the following:

“(1) A list of departments, agencies, and private or nonprofit entities participating in the NBIS and the data each entity contributes to the NBIS.

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

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

“(4) The schedule for obtaining access to any relevant biosurveillance information not compiled in NBIS as of the date on which the report is submitted.

“(5) A description of the incident reporting or decisionmaking protocols in effect as of the date on which the report is submitted and any changes made to such protocols during the period beginning on the date on which the report for the preceding year was submitted and ending on the date on which the report is submitted.
“(6) A list of any Federal, State, or local government entities that have direct or indirect access to the information that is integrated into the NBIS.

“(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Chief Medical Officer under this section shall not affect an authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

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

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

“(2) a naturally occurring outbreak of an infectious disease that may affect national security.

“SEC. 507. OFFICE OF STATE, LOCAL, AND TRIBAL GOVERNMENT COORDINATION.

“(a) ESTABLISHMENT.—There is in the Directorate of Emergency Management an Office of State, Local, and Tribal Government Coordination to oversee and coordinate programs of the Directorate for and relationships with national organizations representing State, local, and tribal governments.
“(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary.

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

“(1) Coordinating the activities of the Directorate relating to State, local, and tribal government.

“(2) Assessing and advocating for the resources needed by State, local, and tribal governments to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

“(3) Providing State, local, and tribal governments with regular information, research, and technical support to assist local efforts in securing the homeland.

“(4) Developing a process for receiving meaningful and timely consultation from State, local, and tribal governments to assist in the development of an integrated national emergency management system.
“(5) Scheduling regular meetings with representatives selected by State, local, and tribal governments.

“(6) Ensuring the coordination of the planning, reporting, and certification requirements imposed on State, local, and tribal governments by the Directorate, identifying duplicative reporting and certification requirements that can be eliminated, and determining whether some reports can be used or adapted to be used to satisfy multiple reporting obligations.

“SEC. 508. NATIONAL OPERATIONS CENTER.

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

“(b) RESPONSIBILITIES.—The NOC shall—

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

“(2) collect and fuse information from a variety of sources on a daily basis to monitor threats and help deter, detect, and prevent terrorist acts;
“(3) provide real-time situational awareness
and coordinate incident and response activities;
“(4) in conjunction with the Office of Intelli-
gence and Analysis, issue advisories and bulletins
concerning threats to homeland security, as well as
specific protective measures; and
“(5) perform other functions the Secretary
deems necessary.
“(e) DIRECTOR.—The NOC shall be headed by a Di-
rector, who shall be appointed by the Secretary. The Di-
rector shall report directly to the Secretary.
“(d) STAFF.—The NOC shall be staffed with full-
time employees from relevant Federal departments and
agencies. The NOC shall also be staffed with employees
from other relevant Federal, State, and local departments
and agencies if the Secretary deems it appropriate.
“(e) TRANSFER OF FUNCTIONS.—The Secretary
shall provide for the transfer to the NOC of the functions
of the following entities:
“(1) The Homeland Security Operations Cen-
ter.
“(2) The National Response Coordination Cen-
ter.
“(3) The Interagency Incident Management
Group.
“(f) Revision of National Response Plan.—The Secretary shall revise the National Response Plan to carry out this section.

“SEC. 509. OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

“(a) Establishment.—

“(1) In general.—There is in the Directorate of Emergency Management the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

“(2) Director.—The Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Under Secretary for Emergency Management.

“(3) Cooperation.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government to prevent, prepare for, respond to,
mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

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

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

“(2) Assessing and advocating for the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

“(3) Providing State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in preventing, preparing for, responding to, mitigating against, and recovering from acts of terrorism, natural disasters, and other emergencies.

“(4) Developing a process for receiving meaningful input from State, local, and regional authori-
ties and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government.

“(5) Coordinating with Federal agencies in the National Capital Region on emergency preparedness to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities.

“(6) Coordinating with Federal, State, local, and regional agencies and private sector entities in the National Capital Region on emergency preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among such agencies and entities.

“(7) Serving as a liaison between the Federal Government and State, local, and regional authorities and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

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

“(1) The identification of any resources required to fully implement homeland security efforts in the National Capital Region.
“(2) An assessment of the progress made by
the National Capital Region in implementing home-
land security efforts.

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

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

“SEC. 510. NATIONAL ADVISORY COUNCIL ON EMERGENCY
MANAGEMENT.

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

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

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

“(1) the National Response Plan;
“(2) the National Incident Management System;

“(3) the National Preparedness Guidance;

“(4) the National Preparedness Goal;

“(5) the Targeted Capabilities List;

“(6) the Universal Task List;

“(7) the National Infrastructure Protection Plan;

“(8) the National Planning Scenarios;

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

“(10) any other national initiatives on acts of terrorism, natural disasters, and other emergencies that affects emergency managers, emergency response providers, and emergency support providers as necessary.

“(d) Report.—

“(1) In General.—Not later than one year after the date on which the Advisory Council is established under subsection (a), and not later than every two years thereafter, the Advisory Council shall submit to the Secretary a report on the recommendations of the Advisory Council for reviewing, revising, or replacing such national initiatives.

“(2) Contents.—Each report shall—
“(A) include a priority ranking of essential capabilities for emergency preparedness in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, the needs of emergency response providers;

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

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to training and equipment for emergency response providers;

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

“(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment prepared by and available from the
Chief Intelligence Officer and the Assistant Secretary for Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) **CONSISTENCY WITH FEDERAL WORKING GROUP.**—The Advisory Council shall ensure that its recommendations for essential capabilities for emergency preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

“(e) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The Advisory Council shall consist of 30 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of emergency managers, emergency response providers, and emergency support providers from State, local, and tribal governments, including as appropriate—

“(A) members selected from the emergency management and response fields, including fire service, law enforcement, hazardous materials
response, emergency medical services, and emergency management personnel;

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

“(i) experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism;

“(ii) experts in providing mental health care during emergency response opera-

“tions; and

“(iii) experts in stockpiling medical equipment and supplies and medical logis-

“tics;

“(C) experts from Federal, State, and local governments, and the private sector, repre-

senting standards-setting organizations, in-

cluding representation from the voluntary con-

sensus codes and standards development com-

munity, particularly those with expertise in the emergency preparedness and response field;

“(D) State and local officials with expert-

“ise in terrorism preparedness and emergency management, including Adjutants General, sub-

ject to the condition that if any such official is
an elected official representing 1 of the two
major political parties, an equal number of
elected officials shall be selected from each such
party; and

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

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

“(3) EX OFFICIO MEMBERS.—The Secretary
and the Secretary of Health and Human Services
shall each designate 1 or more officers of their re-
spective Department to serve as ex officio members
of the Advisory Council. One of the ex officio mem-
ers from the Department of Homeland Security
shall be the designated officer of the Federal Gov-
ernment for purposes of subsection (e) of section 10
of the Federal Advisory Committee Act (5 App.
“(4) Terms of office.—

“(A) In general.—Except as provided in subparagraph (B), the term of office of each member of the Advisory Council shall be 3 years.

“(B) Initial appointments.—Of the members initially appointed to the Advisory Council—

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

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

“(f) Applicability of Federal Advisory Committee Act.—

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

“SEC. 511. REORGANIZATION OF DIRECTORATE.

“The Secretary may not allocate or reallocate functions among the officers of the Directorate of Emergency Management or establish, consolidate, alter, or discontinue organizational units within the Directorate of Emergency Management under the authority of section 872 until the date that is 120 days after the date on which the Secretary submits to Congress a report describing the proposed allocation, reallocation, establishment, consolidation, alteration or discontinuance.

“Subtitle B—Emergency Preparedness

“SEC. 521. OFFICE OF GRANTS AND PLANNING.

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

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

“(c) RESPONSIBILITIES.—The Assistant Secretary for Grants and Planning shall carry out the following responsibilities:

“(1) Administering Department grant programs that enhance the capacity of State, regional, local, and tribal governments to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies.
“(2) Ensuring coordination of the homeland security assistance programs of the Federal Government.

“(3) Establishing incentives for the efficient administration of Federal homeland security assistance.

“(4) Evaluating the effectiveness of funded Department programs and disseminating lessons learned, as appropriate.

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

“(A) the National Preparedness Goal;

“(B) the Targeted Capabilities List;

“(C) the Universal Task List;

“(D) the National Planning Scenarios; and

“(E) any other document or tool in support of Homeland Security Presidential Directive 8 or any other Homeland Security Presi-
dential Directive related to the national emergency management system.

“(6) Establishing, in coordination with State, local, and tribal governments, a clear and accountable process for achieving, maintaining, and enhancing national preparedness for catastrophic acts of terrorism, natural disasters, and other emergencies.

“(7) Providing technical assistance to State, local, and tribal governments on catastrophic planning and preparedness.

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

“(9) Assessing, on a periodic basis, but not less than annually, the effectiveness of preparedness capabilities at the Federal, State, local, and tribal levels.

“(10) Developing priorities for Federal homeland security assistance to State, local, and tribal governments on the basis of such periodic assessments.

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

“(12) Reviewing, in coordination with appropriate Federal departments and agencies, all Federal preparedness activities.
“(13) Performing such other duties relating to such responsibilities as the Secretary may require.

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

“SEC. 522. OFFICE OF TRAINING AND EXERCISES.

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

“(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Training and Exercises.

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

“(1) establish specific requirements for training programs and exercises for Federal, State, regional, local, and tribal government officials, emergency re-
• response providers, emergency support providers, and
other entities as appropriate;

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

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

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

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

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

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

“(8) establish a comprehensive program for the
professional development and education of homeland
security personnel at all levels of government, non-
governmental organizations, and emergency management personnel in the private sector; and

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

“(d) TRANSFER.—

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

“(A) The Center for Domestic Preparedness.

“(B) The National Emergency Training Center.

“(C) The National Exercise and Evaluation Program.

“(2) NOBLE TRAINING CENTER.—The Noble Training Center is transferred to the Center for Domestic Preparedness. The Center for Domestic Preparedness shall integrate the Noble Training Center into the program structure of the Center for Domestic Preparedness.

“(e) NATIONAL EXERCISE PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall carry out a National Exercise Program for the purpose of testing, evaluating, and en-
hancing the capabilities of Federal, State, regional, local, and tribal government entities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

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

“(A) shall enhance coordination for preparedness between all levels of government, emergency response providers, emergency support providers, nongovernmental organizations, international governments and organizations, and the private sector;

“(B) shall be—

“(i) multidisciplinary in nature, including, as appropriate, information analysis and cybersecurity components;

“(ii) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

“(iii) carried out with the minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;
“(iv) evaluated against performance measures and followed by corrective action to solve identified deficiencies; and

“(v) assessed to learn best practices, which the Secretary shall share with appropriate Federal, State, regional, local, and tribal personnel, authorities, and training institutions for emergency managers, emergency response providers, and emergency support providers; and

“(C) shall provide assistance to State, regional, local, and tribal governments with the design, implementation, and evaluation of exercises that—

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

“(ii) are consistent with any applicable State or urban area homeland security strategy or plan;

“(iii) support implementation of—

“(I) the National Incident Management System;

“(II) the National Response Plan;
“(III) the National Preparedness Goal;

“(IV) the National Preparedness Guidance;

“(V) the National Infrastructure Protection Plan; and

“(VI) any other similar national initiatives; and

“(iv) provide for systematic evaluation of readiness.

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

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

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

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

“(iii) the private sector; and

“(iv) others as the Secretary considers appropriate.
“(B) To test and evaluate, in coordination with the Attorney General and the Secretary of Defense, the capability of Federal, State, local, and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

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

“(D) To test and evaluate the readiness of Federal, State, local, and tribal governments to recover from catastrophic acts of terrorism, natural disasters, and other emergencies.

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

“(A) coordinate with—

“(i) components of the Department that have expertise in exercises, including the Coast Guard, the United States Secret Service, United States Customs and Bor-
der Protection, and United States Immigration and Customs Enforcement; and

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

“(B) consult regularly with—

“(i) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers (including such providers located in both urban and rural areas);

“(ii) Federal, State, and local training institutions for emergency managers, emergency response providers, and emergency support providers; and

“(iii) State and local officials, including Adjutants General, with expertise in terrorism preparedness and emergency management.

“(5) Top official prevention exercises.—

Not later than one year after the date of enactment of the Foundations for Emergency Management Act, the Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a
program through which the Secretary carries out pe-
periodically but not less than biennially a national ter-
rorism prevention exercise for the purposes of—

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

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

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

“(f) NATIONAL TRAINING PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting 
through the Assistant Secretary for Training and 
Exercises, shall carry out a National Training Pro-
gram for the purpose of enhancing the capabilities 
of the Nation’s emergency managers, emergency re-
response providers, and emergency support providers to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

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

“(A) reaches multiple disciplines, including Federal, State, and local government officials, emergency managers, emergency response providers, emergency support providers, the private sector, international governments and organizations, and other entities as the Secretary considers appropriate;

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

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

“(i) direct delivery;

“(ii) train-the-trainer;

“(iii) computer-based training;

“(iv) web-based training; and

“(v) video teleconferencing;
“(D) is consistent with any applicable State or urban area homeland security strategy or plan;

“(E) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Preparedness Goal, the National Preparedness Guidance, the National Infrastructure Protection Plan, and other such national initiatives;

“(F) is evaluated against clear and consistent performance measures; and

“(G) to the greatest extent practicable, utilizes State, regional, and tribal training institutions.

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

“(A) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for training; and

“(B) ensure that the training provided under the National Training Program is consistent with such standards.
“(4) TRAINING PARTNERS.—In developing and delivering training under the National Training Program, the Secretary shall—

“(A) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for emergency managers, emergency response providers, or emergency support providers; and

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

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

“(A) coordinate with—

“(i) components of the Department that have expertise in training, including the Coast Guard, the United States Secret Service, the United States Fire Administration, and the Federal Law Enforcement Training Center; and
“(ii) such other Federal departments and agencies as the Secretary determines are appropriate; and

“(B) consult regularly with—

“(i) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers (including such providers located in both urban and rural areas); and

“(ii) State and local officials, including Adjutants General, with expertise in terrorism preparedness and emergency management.

“(g) REMEDIAL ACTION MANAGEMENT PROGRAM.—

The Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a Remedial Action Management Program to—

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

“(2) generate after action reports for Incidents of National Significance as declared by the Secretary under the National Response Plan;
'“(3) disseminate lessons learned and best practices;

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

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

“(6) certify that—

“(A) recipients of Federal homeland security assistance have implemented lessons learned and best practices, as appropriate; and

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

“(h) NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.—There is in the Department a National Domestic Preparedness Consortium that—

“(1) includes as members—

“(A) the Center for Domestic Preparedness;

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

“(C) Louisiana State University;

“(D) the Texas A&M University System; and
“(E) the Nevada Test Site of the Department of Energy.

“(2) identifies, develops, tests, and delivers training to State, local, and tribal emergency response providers;

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

and

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

“(i) National Exercise Simulation Center.— There is in the Department a National Exercise Simulation Center that uses a mix of live, virtual, and constructive simulations to—

“(1) prepare elected officials, emergency managers, emergency response providers, and emergency support providers at all levels of Government to operate cohesively;

“(2) provide a learning environment for the homeland security personnel of all Federal departments and agencies;

“(3) assist in the development of operational procedures and exercises, particularly those based on catastrophic incidents; and
“(4) allow incident commanders to exercise decisionmaking in a simulated environment.

“SEC. 523. ESSENTIAL CAPABILITIES.

“(a) Establishment of Essential Capabilities.—

“(1) In general.—Building upon the National Preparedness Goal, the Secretary, acting through the Assistant Secretary for Grants and Planning, shall regularly update, revise, or replace essential capabilities for State, local, and tribal government emergency preparedness, in consultation with the following:


“(B) Components of the Department, including the Under Secretary for Science and Technology, the Chief Intelligence Officer, the Director for Operations Coordination, the Assistant Secretary for Policy, the Assistant Secretary for Transportation Security, the Assistant Secretary for Infrastructure Protection, the Assistant Secretary for Cybersecurity and Telecommunications, the Commissioner of United States Customs and Border Protection, and the Commandant of the Coast Guard.
“(C) The Secretary of Health and Human Services.

“(D) Other appropriate Federal departments and agencies.

“(E) State, local, and tribal emergency response providers.

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

“(G) State, local, and tribal prevention and emergency management officials, including Adjutants General.

“(H) Consensus-based standardmaking organizations responsible for setting standards relevant to emergency managers, emergency response providers, and emergency support providers.

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

“(3) REPORT ON PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a report containing a detailed description of the essential capabilities is provided promptly to State and tribal
governments and to Congress. The States shall make the description of the essential capabilities available as appropriate to local governments within their jurisdictions.

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

“(1) Essential capabilities shall describe specifically the planning, personnel, equipment, training, and exercises that State, local, or tribal governments should possess or have access to for purposes of the Department’s goals for emergency preparedness based on—

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

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

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

“(D) the principles of regional coordination and mutual aid among State, local, and tribal governments.
“(2) Essential capabilities shall be sufficiently flexible so as to allow State, local, and tribal government officials to establish priorities based on local or regional needs while reaching nationally determined emergency preparedness levels within a specified time period.

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

“(c) FACTORS TO BE CONSIDERED.—

“(1) IN GENERAL.—In updating, revising, or replacing essential capabilities for State, local, or tribal governments under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to population (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders.

“(2) BASIS FOR CONSIDERATION.—Such consideration shall be based upon the most current risk assessment available from the Chief Intelligence Officer and the Assistant Secretary for Infrastructure Protection of the threats of terrorism against the United States and the needs described in the Na-
tional Preparedness Goal and the directives, policies, and guidelines supporting the National Preparedness Goal.

"SEC. 524. CATASTROPHIC PLANNING.

"(a) PURPOSE.—The purpose of this section is to ensure that, in return for Federal funds, State and local governments take responsibility for preparing and planning for catastrophic incidents.

"(b) CATASTROPHIC INCIDENT DEFINED.—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.

"(c) CATASTROPHIC EMERGENCY PLANS REQUIRED.—The Secretary, acting through the Assistant Secretary for Grants and Planning and in consultation with the Assistant Secretary for Training and Exercises, shall require any State or urban area that submits an application to the Secretary for Federal homeland security financial assistance administered by the Department to maintain a catastrophic emergency plan to be implemented in the event of a catastrophic incident. The Secretary shall require the State or urban area to update,
implement, and exercise the catastrophic emergency plan as necessary.

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

“(1) evacuation and sheltering in place procedures for the general population of the State or urban area;

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

“(3) the evacuation and sheltering in place procedures for populations with special needs, including persons with disabilities, health problems, language barriers, and income barriers, the elderly, children, and individuals with pets, service animals, or farm animals;

“(4) sheltering options for displaced populations;

“(5) the augmentation of response resources;

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

“(7) the adequacy of delivery networks for critical services and supplies;
“(8) the degree to which the plan is mutually supportive among contiguous jurisdictions and States;

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

“(10) the changes in authorities or regulations which may be necessary for the plan to meet the demands of a catastrophic event;

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

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

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

“(14) search and rescue procedures for populations with special needs, including persons with disabilities, health problems, language barriers, and income barriers, the elderly, children, and individuals with pets, service animals, or farm animals; and

“(15) a clearly defined command structure.
“(e) CONSISTENCY.—A catastrophic emergency plan required under this section shall be consistent with, and support the implementation of—

“(1) any applicable State or urban area homeland security strategy or plan; and

“(2) the National Incident Management System, the National Response Plan, the National Preparedness Goal, the National Preparedness Guidance, the National Infrastructure Protection Plan, and other such national initiatives as may be determined by the Secretary.

“(f) PEER REVIEW CERTIFICATION.—

“(1) DEVELOPMENT OF REGIONAL PLANS.— Each Regional Director for Emergency Management under section 504, in coordination with the Assistant Secretary for Grants and Planning, shall develop a process of peer review for any catastrophic emergency plan submitted under subsection (a) by a State or urban area in the geographical area in which the Regional Office directed by that Regional Director for Emergency Management is located.

“(2) DEADLINE FOR SUBMISSION OF PLANS.— Not later than one year after the date of the enactment of the Foundations for Emergency Management Act, each Regional Director for Emergency
Management shall submit a plan to the National Advisory Council on Emergency Management describing the peer review process developed by the Regional Director for Emergency Management. The National Advisory Council on Emergency Management shall review and approve or disapprove each such plan.

“(g) Remedial Action.—Not later than 90 days after completion of exercises under subsection (a), the Secretary, in consultation with the Assistant Secretary for Training and Exercises, shall develop a lessons learned and remedial action strategy for catastrophic planning.

“(h) Consultation.—In developing the catastrophic emergency plan required under this section, a State or urban area shall consult with and seek appropriate comments from—

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

“(2) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers within the urban area or State (including, in the case of a State, such providers from both urban and rural areas within the State);
“(3) locally governed multijurisdictional councils of governments and regional planning commissions; and

“(4) appropriate private sector sources.

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

“(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Under Secretary for Science and Technology, shall establish a System Assessment and Validation for Emergency Responders Program to provide high quality, impartial, and operationally relevant evaluations and validations of critical emergency response provider-related equipment and systems and provide such evaluations and validations to emergency response providers in an operationally useful form.

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

“(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not previously third-party certified to a national voluntary census standard adopted by the Department, including—
“(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

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

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

“(3) assess and validate the performance of products within a system and systems within systems; and

“(4) provide information and feedback to emergency response providers through a well-maintained, Internet-accessible database.

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

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

“(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

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

“SEC. 526. NATIONAL HOMELAND SECURITY ACADEMY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary—

“(A) shall establish the National Homeland Security Academy (referred to in this section as the ‘Academy’) within the Office of Training and Exercises of the Department; and

“(B) may enter into cooperative agreements with other agencies or entities to utilize space and provide for the lease of real property for the Academy or any component of the Academy.

“(2) COMPOSITION.—The Academy shall consist of—

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“(A) the National Homeland Security Education and Strategy Center (referred to in this section as the ‘Strategy Center’) to provide fundamental instruction and develop a homeland security curriculum focusing primarily on the Federal Government’s overall strategy, goals, methods, and techniques;

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

“(C) the programs of the Office of State and Local Government Coordination and Preparedness’ Center for Homeland Defense and Security located at the Naval Postgraduate School, and such programs shall be incorporated into the Academy in a manner to be determined by the Secretary; and

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

“(i) shall be composed of representatives from all of the academies and training centers within the jurisdiction of the Department;

“(ii) shall work with the Academy to develop a standardized homeland security
curriculum to be incorporated, as appropriate, at each academy and training center to ensure that the focus of the individual centers is coordinated with the centralized educational strategies and goals of the Academy; and

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

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

“(A) establish an educational system to—

“(i) cultivate leaders in homeland security; and

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

“(B) provide strategic education and training to carry out the missions of the Department of Homeland Security;

“(C) provide cross-disciplinary and joint education and training to Federal, State, and local government officials responsible for the di-
rect application and execution of vital homeland
security missions; and

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

“(4) ENROLLMENT TARGET.—

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

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

“(5) RESPONSIBILITIES.—

“(A) IN GENERAL.—In addition to pro-
viding traditional course work and hands-on
training exercises, the Academy shall encourage
the development and use of modern technology
to ensure that the training offered at the Acad-
emy, and to organizations and individuals re-
ceiving instruction over electronic learning sys-
tems—
“(i) is tailored to the unique needs of the individuals and groups that need train-
ing;

“(ii) efficiently uses such technology; and

“(iii) translates directly into practical skills.

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

“(C) CERTIFICATION.—

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

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

“(D) INFORMATION REPOSITORY.—The Academy shall provide a repository of approved instructional materials, instructional software,
and other materials that are easily accessible by participants.

“(E) COMMUNICATION NETWORKS.—The Academy shall certify, and operate, if necessary, a secure, reliable communication system capable of delivering instructional materials to participants at any time and place.

“(F) INSTRUCTION AND EXPERTISE.—The Academy shall certify instructors, experts, counselors, and other individuals who can provide answers and advice to students over communication systems.

“(6) STRATEGY CENTER.—

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

“(i) provide curriculum development and classroom instruction for resident students that focus on the strategic goals, methods, and techniques for homeland security;

“(ii) provide instruction—

“(I) primarily to Federal employees described under subsection (b)(3)(A) with homeland security responsibilities; and
“(II) to small numbers of State and local government officials and private individuals; and

“(iii) direct the operation of the Academy’s electronic learning systems.

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

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

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

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

“(b) ADMINISTRATION.—

“(1) EXECUTIVE DIRECTOR.—The Secretary shall appoint an Executive Director for the Academy, who shall—

“(A) administer the operations of the Academy;
“(B) establish an Academic Board, to be headed by the Dean of the Academic Board, appointed under paragraph (2);

“(C) hire initial staff and faculty, as appropriate and necessary;

“(D) contract with practitioners and experts, as appropriate, to supplement academic instruction;

“(E) make recommendations to the Secretary regarding long-term staffing and funding levels for the Academy; and

“(F) report to the Executive Director of the Office of State and Local Government Coordination and Preparedness.

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

“(3) DIRECTOR OF ADMISSIONS.—The Executive Director shall appoint, with the approval of the Secretary, a Director of Admissions, who shall—

“(A) grant admission to the Strategy Center to—
“(i) new employees of the Department, who have clear homeland security responsibilities;

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

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

“(iv) State and local employees who—

“(I) demonstrate a clear responsibility for providing homeland security; and

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

“(v) private sector applicants who demonstrate a clear responsibility for providing homeland security;

“(B) ensure that students from each level of government and the private sector are in-
cluded in all programs and classes, whenever appropriate; and

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

“(c) BOARD OF VISITORS.—

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

“(A) assist in the development of curriculum and programs at the Academy; and

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

“(2) MEMBERSHIP.—

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

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

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

“(iii) the Chairman of the Committee on Homeland Security and Governmental Affairs of the Senate, or designee;
“(iv) the Ranking Member of the Committee on Homeland Security and Governmental Affairs of the Senate, or designee;

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

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

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

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

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

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

“(xi) the Director of the Federal Bureau of Investigation, or designee;

“(xii) 4 persons, who shall be appointed by the Secretary for 2-year terms to represent State and local governments; and
“(xiii) 4 persons, who shall be appointed by the Secretary for 2-year terms to represent first responders.

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

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

“(3) DUTIES.—

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

“(B) INQUIRIES.—The Board shall inquire into the curriculum, instruction, physical equipment, fiscal affairs, academic methods, student body composition, and other matters relating to the Academy that the Board decides to consider.

“(C) REPORTS.—
“(i) Annual report.—Not later than 60 days after each annual visit, the Board shall submit a written report to the Secretary, which describes its action, and of its views and recommendations pertaining to the Academy.

“(ii) Additional reports.—Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the Secretary not later than 60 days after the approval.

“(4) Travel expenses.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

“(d) Reports to Congress.—

“(1) Curriculum and attendance.—The Secretary shall submit an annual report that describes the curriculum of, and enrollment at, the Academy to—
“(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

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

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

“(A) recommends an appropriate combination of students from Federal, State, and local government and the private sector, and the percentage of costs related to the education of each of these student groups that should be reimbursable;

“(B) describes the feasibility of expanding the Academy in regional offices established by the Department or other government or university programs to provide ongoing education and training for Federal employees with homeland security responsibilities; and

“(C) describes the feasibility of providing education for the general public through electronic learning systems.
“(e) NATIONAL HOMELAND SECURITY EDUCATION

NETWORK.—

“(1) ESTABLISHMENT.—The Executive Director of the Academy shall establish a National Homeland Security Education Network (referred to in this section as the ‘Network’), as described under subsection (a)(2)(B).

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

“(A) the National Homeland Security Academy;

“(B) the Office of Domestic Preparedness;

“(C) the National Domestic Preparedness Consortium;

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

“(E) the Federal Law Enforcement Training Center, including all schools or training and education programs managed or co-located with the Center;

“(F) the Customs and Border Protection Academy;

“(G) the Border Patrol Academy;
“(H) the Bureau of Immigration and Customs Enforcement Academy;

“(I) the Secret Service Academy;

“(J) the United States Coast Guard Academy, including all schools within the jurisdiction of the Coast Guard Academy;

“(K) the Emergency Management Institute;

“(L) the Animal and Plant Health Inspection Service Training Program;

“(M) the Federal Air Marshal Training Center;

“(N) the National Fire Academy; and

“(O) other relevant training facilities within the Department.

“(3) CURRICULUM REQUIREMENTS.—The curriculum and course work developed as part of the Network shall be incorporated into the curriculum of the institutions listed under paragraph (2), as appropriate, to ensure that students at these institutions understand how their homeland security responsibilities relate to other homeland security responsibilities in the Department and other Federal, State, and local agencies. The training centers and
academies listed under paragraph (2) shall retain their respective missions and goals.

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

“(A) discuss curriculum requirements; and
“(B) coordinate training activities within the Network.

“(5) REPORTS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Network shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, which describes the Network’s—

“(A) strategy for using advanced instructional technologies;
“(B) plans for future improvement; and
“(C) success in working with other organizations in achieving the goals described under subparagraphs (A) and (B).
“SEC. 527. OFFICE OF PUBLIC AND COMMUNITY PREPAREDNESS.

“(a) IN GENERAL.—There is in the Directorate of Emergency Management an Office of Public and Community Preparedness.

“(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Assistant Secretary for Grants and Planning.

“(c) COMPONENTS.—The Office of Public and Community Preparedness shall consist of the following:

“(1) The various component programs of the Citizen Corps, including Community Emergency Response Teams, Fire Corps, Volunteers in Police Service, USA on Watch, and the Medical Reserve Corps.

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

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

“(d) RESPONSIBILITIES.—The Director of the Office of Public and Community Preparedness, in coordination with and support of the Regional Directors of Emergency Management under section 504, shall have the primary...
responsibility within the Department for assisting the efforts of State, local, and tribal governments in preparing citizens and communities in the United States for acts of terrorism, natural disasters, and other emergencies, including primary responsibility for each of the following:

“(1) Coordinating and supporting public and community preparedness efforts at all levels of Government.

“(2) Serving as the principal advisor to the Secretary on public and community preparedness issues.

“(3) Developing guidance on citizen preparedness for grants to State, local, and tribal governments.

“(4) Providing, through the Regional Offices under section 504, State, local, and tribal Citizen Corps Councils with tools, information, and technical assistance to connect local and national citizen preparedness efforts.

“(5) Directing, managing, and implementing all programs associated with the entities under subsection (c).

“(6) Establishing specialized preparedness programs for at-risk communities under subsection (e).

“(7) Ensuring coordination with private sector entities, faith-based groups, other nongovernmental
organizations, special needs groups, emergency managers, emergency response providers, emergency support providers, and international organizations, in order to promote citizen preparedness and participation.

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

“(9) Assisting in the implementation of national strategies for public and community preparedness, including the development of individual preparedness skills and capabilities, including assembling preparedness kits, developing emergency communications plans, training in basic first aid, and learning how to react to a variety of emergencies.

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

“(f) NATIONAL CITIZEN CORPS COUNCIL.—

“(1) IN GENERAL.—There is in the Directorate a National Citizen Corps Council. The Under Sec-
retary for Emergency Management or a designee shall serve as chair of the Council.

“(2) MEMBERSHIP.—The Council shall consist of national leaders of organizations and associations representing at risk communities described under subsection (e), emergency managers, emergency response providers, emergency support providers, community and volunteer service providers, government, and the private sector.

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

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

“(B) To identify opportunities for Federal, State, local, and tribal organizations to collaborate to accomplish the shared goals of the Citizen Corps programs.

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

“(D) To exchange facts and information on programs to promote public awareness,
training, safety, and volunteer service opportunities and on safety and preparedness messages to be conveyed to the public.

“(E) To develop and disseminate messages on safety and emergency preparedness that will be effective in engaging communities and individuals in the Citizen Corps.

“(F) To serve as the catalyst for engaging others within their areas of expertise to promote the Citizen Corps mission.

“(4) MEETINGS.—The Under Secretary for Emergency Management or a designee shall convene meetings of the National Citizen Corps Council at the discretion of the Under Secretary or at the direction of the Secretary.

“(g) COORDINATION.—The Director shall—

“(1) coordinate with other Federal entities, as appropriate, including the Departments of Health and Human Services, Justice, Commerce, and Education, the Environmental Protection Agency, and the Corporation for National and Community Service, to enhance public and community preparedness;

“(2) coordinate with State, local, and tribal governments; and
“(3) subject to the availability of appropriations, make grants and enter into contracts and cooperative agreements with other Federal agencies and nongovernmental organizations, as may be necessary and proper to carry out the responsibilities of the Director under this section.

‘‘SEC. 528. PRESCRIBED MISSION ASSIGNMENTS AND REQUESTS FOR ASSISTANCE.

“The Secretary shall develop prescribed mission assignments and requests for assistance for assets most likely to be used in responding to future emergencies and disasters.

‘‘Subtitle C—Emergency Response

‘‘SEC. 541. NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN INTEGRATION CENTER.

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

“(b) DIRECTOR.—The NIC shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Deputy Under Secretary for Response and Recovery.
“(c) Responsibilities.—The Director, in consultation with the Assistant Secretary for Grants and Planning, the Assistant Secretary for Training and Exercises, the heads of other appropriate Federal departments and agencies, and the National Advisory Council on Emergency Management under section 509, shall establish a mechanism for ensuring ongoing management and maintenance of the National Incident Management System (NIMS), the National Response Plan (NRP), any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive related to incident management and response. The responsibilities of the Director shall include the following:

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

“(A) clarifying the roles and responsibilities of the Principal Federal Official, the Federal Coordinating Officer, the Federal Resource Coordinator, and the Disaster Recovery Manager;

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

“(C) establishing, in consultation with the Director for Public and Community Prepared-
ness and the Director of the Corporation for
National and Community Service, as part of the
NRP an emergency support function with re-
spect to volunteers and donations;

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

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

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

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

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

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

“(J) reviewing other matters pertaining to
the NIMS and the NRP as the Secretary may
require;
“(K) clarifying, in consultation with the Secretary and the Secretary of Defense, the role of the Department of Defense in catastrophic events under the NRP, including the circumstances in which the Department of Defense should be employed and the objectives and limitations that the Department of Defense should have;

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

“(M) designating which agency has the primary responsibility under the NRP for emergency support function 13 (Public Safety and Security) and in which circumstances.

“(2) Developing a national program for NIMS and NRP education and awareness, including specific instruction on the purposes of the NIMS and the NRP and responsibilities of the NIC.

“(3) Promoting the compatibility between national voluntary consensus standards for the NIMS and the NRP and such standards developed by other public, private, or professional groups.
“(4) Facilitating the development and publication of materials and standardized templates to support the implementation and continuous refinement of the NIMS and the NRP.

“(5) Developing performance measures and assessment criteria for the various components of the NIMS and the NRP and compliance requirements and compliance timelines for implementation by Federal, State, local, and tribal entities.

“(6) Establishing a peer review process for NIMS compliance certifications that verifies the satisfaction of training, planning, exercising, and other activities.

“(7) Defining, in consultation with the Assistant Secretary for Training and Exercises, the general training requirements and the national training standards and course curricula associated with the NIMS and the NRP.

“(8) Facilitating the development of national voluntary consensus standards, guidelines, and protocols for incident management training and exercises, including consideration of existing exercise and training programs at all levels of government.

“(9) Facilitating the establishment and maintenance of a publication management system for docu-
ments supporting the NIMS and the NRP and other related publications and materials related to the NIMS and the NRP, including the development or coordination of general publications.

“(10) Reviewing and certifying, in coordination with accrediting organizations and in consultation with Federal, State, local, tribal, private-sector, and nongovernmental entities, the discipline-specific publication management requirements submitted by professional organizations and associations.

“(11) Facilitating the development and publication of national voluntary consensus standards, guidelines, and protocols for the qualification and certification of emergency managers, emergency response providers, and emergency support providers, as appropriate.

“(12) Reviewing and approving, in coordination with appropriate national professional organizations and with input from Federal, State, local, tribal, private-sector, and other nongovernmental entities, the discipline-specific qualification and certification requirements submitted by organizations and associations representing emergency managers, emergency response providers, and emergency support providers.
“(13) Facilitating the establishment and maintenance of a documentation and database system related to qualification, certification, and credentialing of emergency managers, emergency response providers, and emergency support providers and non-governmental organizations, including reviewing and approving, in coordination with appropriate national professional organizations and with input from the Federal, State, local, tribal, private-sector and non-governmental entities, of the discipline-specific requirements.

“(14) Establishing a data maintenance system to provide emergency managers with the detailed qualification, experience, and training information needed to credential personnel for prescribed national emergency management positions.

“(15) Coordinating minimum professional certification standards and facilitation of the design and implementation of a credentialing system that can be used nationwide.

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

“(17) Facilitating the definition and maintenance of the information framework required to guide the development of NIMS information sys-
tems, including the development of data standards for—

“(A) incident notification and situation reports;

“(B) status reporting;

“(C) analytical data;

“(D) geospatial information;

“(E) wireless communications;

“(F) identification and authentication; and

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

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

“(d) OPERATIONAL PLANS.—

“(1) DEVELOPMENT.—The head of each primary department and agency for each emergency support function under the NRP shall develop detailed operational plans describing—

“(A) how the department or agency will become operational during an incident of national significance; and

“(B) how the department or agency will coordinate with other annexes and emergency support functions.
“(2) Standards.—Operational plans developed under paragraph (1) should conform to the NIMS and be consistent with the emergency support function structure.

“(3) Reports to Congress.—Not later than one year after the date of the Director’s realignment of emergency support functions pursuant to subsection (c)(1)(D), the head of each primary department and agency shall submit to Congress a report containing an operational plan developed under this subsection, together with a certification that the response structures of the department or agency are aligned with the NIMS and the NRP.

“(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2007 through 2010.

“Sec. 542. Use of National Private Sector Networks in Emergency Response.

“To the maximum extent practicable, the Secretary, acting through the Under Secretary for Emergency Management, shall use national private sector networks and infrastructure for emergency response to acts of terrorism, natural disasters, and other emergencies.
“SEC. 543. NUCLEAR INCIDENT RESPONSE.

“(a) NUCLEAR INCIDENT RESPONSE TEAM.—In connection with actual or threatened acts of terrorism, natural disasters, or other emergencies in the United States—

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

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

“(b) RESPONSIBILITIES.—In addition to the authority under subsection (a), the Secretary, acting through the Under Secretary for Emergency Management, shall at all times carry out the following responsibilities:

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

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

“(3) Providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment.
“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the responsibility of the Secretary of Energy and the Administrator of the Environmental Protection Agency for organizing, training, equipping, and utilizing their respective entities that participate in the Nuclear Incident Response Team, or (subject this section) from exercising direction, authority, and control over such entities when they are not operating as a unit of the Department.

“(d) DEFINITION.—In this section, the term ‘Nuclear Incident Response Team’ means a resource that includes—

“(1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TTS), radiological assistance functions, and related functions; and

“(2) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.
“SEC. 544. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

“(a) NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.—There is in the Directorate of Emergency Management an emergency response system known as the National Urban Search and Rescue Response System that provides a national network of standardized search and rescue resources to assist State, local, and tribal governments in responding to acts of terrorism, natural disasters, and other emergencies.

“(b) ADMINISTRATION OF THE SYSTEM.—

“(1) TASK FORCE PARTICIPATION.—The Under Secretary for Emergency Management shall select eligible urban search and rescue teams that are sponsored by State and local government entities to participate as task forces in the System. The Under Secretary shall determine the criteria for such participation.

“(2) AGREEMENTS WITH SPONSORING AGENCIES.—The Under Secretary shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect the team’s participation as a task force in the System.

“(3) URBAN SEARCH AND RESCUE TEAM PERSONNEL.—Personnel of an urban search and rescue
team that participates as a task force under this section may be—

“(A) personnel of the State or local government sponsor; or

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

“(4) MANAGEMENT AND TECHNICAL TEAMS.—

The Under Secretary shall maintain such management and other technical teams as are necessary to administer the System.

“(c) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Under Secretary shall establish and maintain an advisory committee to provide expert recommendations to the Under Secretary with respect to administering the System.

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

“(A) the chief officer or senior executive from each of at least three State or local governments that sponsor urban search and rescue teams selected to participate in the System as task forces;
“(B) the senior emergency manager from each of at least two States in which such local governments are located; and

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

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

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

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

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

“SEC. 545. METROPOLITAN MEDICAL RESPONSE SYSTEM.

“(a) IN GENERAL.—There is in the Department a Metropolitan Medical Response System. Under the System, the Assistant Secretary for Grants and Planning shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively during the initial hours of a public health crisis or mass-casualty event caused by an act of terrorism, natural disaster, or other emergency.
“(b) USE OF FUNDS.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

“(1) Medical surge capacity.

“(2) Mass prophylaxis.

“(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

“(4) Emergency communications capabilities.

“(5) Information sharing and collaboration capabilities.

“(6) Regional collaboration.

“(7) Triage and pre-hospital treatment.

“(8) Medical supply management and distribution.

“(9) Fatality management.

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

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2007 through 2010.
SEC. 546. EMERGENCY MANAGEMENT ASSISTANCE COMPACT AUTHORIZATION.

(a) In General.—The Secretary, acting through the Under Secretary for Emergency Management, may make grants for the purposes of administering the Emergency Management Assistance Compact consented to by Public Law 104–321.

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

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

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

(3) to coordinate with State and local government entities and their respective national associations; or

(4) to administer the operations of the Emergency Management Assistance Compact.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each fiscal year. Amounts appropriated under this section shall remain available for 3 fiscal years.
'SEC. 561. OFFICE OF EMERGENCY COMMUNICATIONS.'

"(a) In General.—There is in the Department an Office of Emergency Communications, which shall be under the authority of the Under Secretary for Emergency Management.

"(b) Assistant Secretary.—The head of the office shall be the Assistant Secretary for Emergency Communications.

"(c) Responsibilities.—The Assistant Secretary for Emergency Communications shall—

"(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 5 of the Foundations for Emergency Management Act;

"(2) administer the Department’s responsibilities and authorities relating to the SAFECOM Program;

"(3) administer the Department’s responsibilities and authorities relating to the Integrated Wireless Network program;
“(4) coordinate, as appropriate, with the Assistant Secretary for Cybersecurity and Telecommunications, regarding the administration of the National Communications System;

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

“(6) provide technical assistance to State, regional, local, and tribal officials with respect to use of interoperable emergency communications capabilities;

“(7) facilitate the creation of Regional Emergency Communications Coordination Working Groups under section 565;

“(8) promote the development of standard operating procedures with respect to use of interoperable emergency communications capabilities for incident response and facilitate the sharing of information on best practices (including from governments abroad) for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;

“(9) coordinate the establishment of a national response capability with initial and ongoing plan-
ning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

“(10) assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, and the Director of the Office of Management and Budget in ensuring the operability of the telecommunications functions and responsibilities of the Federal Government;

“(11) establish requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment;

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

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

“(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—There is transferred to the Secretary the
authority to administer, through the Assistant Secretary for Emergency Communications, the following:

“(1) The SAFECOM Program.

“(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.

“(3) The Interoperable Communications Technical Assistance Program.

“(e) COORDINATION.—The Assistant Secretary shall coordinate, as appropriate, with the Director of the Office for Interoperability and Compatibility the responsibilities described in section 104 of the Foundations for Emergency Management Act.

“(f) SUFFICIENCY OF RESOURCES PLAN.—

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

“(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 30 days after the date on which such report is submitted, the Comptroller General
shall submit to Congress a report containing the
findings of such review.

“SEC. 562. NATIONAL EMERGENCY COMMUNICATIONS
STRATEGY.

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

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

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

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

“(i) the channels and frequencies
used;

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

“(iii) the types of communications
system and equipment used;
“(B) identifies the interoperable emergency communication systems in use for public safety systems in the United States; and

“(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable communications system;

“(2) include, in consultation with the National Institute of Standards and Technology, a process for expediting national voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

“(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments to operate at all threat levels;

“(4) address both short-term and long-term solutions to achieving Federal, State, local, and tribal interoperable emergency communications systems, including provision of existing and emerging technologies that facilitate operability, interoperability, coordination, and integration among existing emergency communications systems;
“(5) identify how Federal Government departments and agencies that respond to acts of terrorism, natural disasters, and other emergencies can work effectively with State, local, and tribal governments, in all States, and such other entities as are necessary to implement the strategy;

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

“(7) set goals and establish timeframes for the achievement of an emergency, command-level communication system based on existing equipment across the United States and develop a timetable for a nationwide interoperable emergency communications system.

“SEC. 563. ASSESSMENTS AND REPORTS.

“(a) Baseline Operability and Interoperability Assessment.—Not later than one year after the date of the enactment of this section and not less than every 5 years thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments, to—
“(1) define the range of operable and interoperable emergency communications capabilities needed for specific events;

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

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

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

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

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

“(3) an assessment of the ability of communities to provide and maintain interoperable emergency communications among emergency managers, emergency response providers, emergency support
providers, and government officials in the event of acts of terrorism, natural disasters, or other emergencies, including Incidents of National Significance declared by the Secretary under the National Response Plan, and where there is substantial damage to ordinary communications infrastructure or sustained loss of electricity;

“(4) a list of best practices among communities for providing and maintaining interoperable emergency communications in the event of acts of terrorism, natural disasters, or other emergencies; and

“(5) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of acts of terrorism, natural disasters, or other emergencies.

“SEC. 564. COORDINATION OF FEDERAL EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

“(a) ASSESSMENT OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through Assistant Secretary for Emergency Communications, shall assess Federal grants and standards programs managed by other Federal departments and agencies to—
“(1) integrate and coordinate Federal grant guidelines for the use of Federal homeland security assistance relating to interoperable emergency communications;

“(2) assess and make recommendations to ensure that such guidelines are consistent with the mission of the Office of Emergency Communications; and

“(3) assess and make recommendations to ensure conformity with the goals and objectives identified in the National Emergency Communications Strategy.

“(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Planning, and in consultation with the Assistant Secretary for Emergency Communications, shall prohibit any State, local, or tribal government from using Federal homeland security assistance administered by the Department to achieve, maintain, or enhance interoperable emergency communications capabilities if such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan as required by section 7303(f) of the Intelligence Reform and Terrorism Prevention
Act of 2004 (6 U.S.C. 194(f)) within 2 years after
the date of enactment of this section.

“(2) STANDARDS.—The Secretary, in coordina-
tion with other Federal departments and agencies
with responsibility for standards shall develop, pro-
mulgate, and revise national voluntary consensus
standards on interoperable emergency communica-
tions within 4 years after the date of the enactment
of this section, if the requirements of paragraph
(1)(B) have not been satisfied.

“(c) TRANSFER OF FUNCTIONS.—Not later than 60
days after the date of the enactment of this subsection,
the President shall transfer to the Assistant Secretary for
Emergency Communications the functions authorized by
section 3006 of the Deficit Reduction Act of 2006 (Public
Law 109–71; 120 Stat. 24), including the authority to
borrow under 3006(b) of that Act.

“SEC. 565. REGIONAL EMERGENCY COMMUNICATIONS CO-
ORDINATION.

“(a) IN GENERAL.—There is in each Regional Office
under section 504 a Regional Emergency Communications
Coordination Working Group (in this section referred to
as an ‘RECC Working Group’).

“(b) SUBJECT MATTER EXPERTS.—The RECC
Working Group shall consist of the following:
“(1) NON-FEDERAL.—Organizations representing the interests of the following:

“(A) State officials.
“(B) Local officials.
“(C) State police departments.
“(D) Local police departments.
“(E) Local fire departments.
“(F) Public safety answering points (9–1–1 services).
“(G) Communications equipment vendors (including broadband data service providers).
“(H) Hospitals.
“(I) Public utility services.
“(J) Local exchange carriers.
“(K) Local broadcast media.
“(L) Wireless carriers.
“(M) Satellite communications services.
“(N) Emergency evacuation transit services.
“(O) Ambulance services.
“(P) HAM and amateur radio operators.
“(Q) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.
“(R) Local emergency managers or homeland security directors.

“(S) Other emergency response providers or emergency support providers as deemed appropriate.

“(2) Federal.—Representatives from the Department and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

“(c) Duties.—The duties of each RECC Working Group shall include—

“(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Strategy;

“(2) reporting annually to the Assistant Secretary for Emergency Communications on the status of its region in building a robust and sustainable interoperable voice and data emergency communications network and on the progress of the region in meeting the goals of the National Emergency Communications Strategy under section 562 when such Strategy in complete;
“(3) coordinating the establishment of an effective multijurisdictional, multi-agency emergency communications network for use during acts of terrorism, natural disasters, and other emergencies through the expanded use of emergency management and public safety communications mutual aid agreements; and

“(4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to acts of terrorism, natural disasters, and other emergencies.

“SEC. 566. EMERGENCY COMMUNICATIONS PREPAREDNESS CENTER.

“(a) ESTABLISHMENT.—There is established the Emergency Communications Preparedness Center (in this section referred to as the ‘Center’).

“(b) OPERATION.—

“(1) IN GENERAL.—The Secretary, the Chairman of the Federal Communication Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, ‘Emer-
gency Communications Preparedness Center
(ECPC) Charter'.

“(2) CHAIR.—The Secretary shall be the Chair of the Center.

“(c) FUNCTIONS.—The Center shall—

“(1) serve as the focal point for interagency efforts to address operable and interoperable communications;

“(2) serve as a clearinghouse with respect to all relevant information regarding intergovernmental efforts to achieve nationwide interoperable emergency communications capabilities;

“(3) ensure cooperation among the relevant Federal Government departments and agencies to improve effectiveness in the communication and implementation of the goals of the National Emergency Communications Strategy, including specifically by working to avoid duplication, hindrances, and counteractive efforts among the participating Federal departments and agencies;

“(4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the efforts of Federal departments and agencies to implement the National Emergency Communications Strategy; and
“(5) perform such other functions as the President may assign.

“(d) REPORT.—Not later than 180 days after the date of the enactment of this section, the President shall transmit to the Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

“SEC. 567. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

“(a) IN GENERAL.—The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from terrorist attack.

“(b) MINIMUM CAPABILITIES.—The interoperable emergency communications capabilities established under subsection (a) shall ensure the ability of all levels of government, emergency response providers, emergency support providers, the private sector, and other organizations with emergency response capabilities—
“(1) to communicate with each other in the

event of an emergency;

“(2) to have appropriate and timely access to
the Information Sharing Environment described in
section 1016 of the National Security Intelligence
Reform Act of 2004 (6 U.S.C. 321); and

“(3) to be consistent with any applicable State
or Urban Area homeland strategy or plan.

“SEC. 568. INTEGRATED NATIONAL ALERT AND WARNING
SYSTEM.

“(a) IN GENERAL.—The Secretary, acting through
the Assistant Secretary for Emergency Communications,
and in coordination with the head of any Federal depart-
ment or agency that possesses or acquires alert and warn-
ing capabilities, including the Departments of Commerce
and Defense and the Federal Communications Commis-
sion, shall develop, manage, operate, and coordinate an in-
tegrated national public alert and warning system that in-
corporates legacy systems.

“(b) REQUIREMENTS.—Such system shall—

“(1) be operational within 3 years of the date
of enactment of this section;

“(2) ensure effective collaboration with State,
local, and tribal governments;
“(3) complement and provide interoperability with State, local, and tribal public alert and warning systems;

“(4) ensure the interoperability of commercially available equipment for radio and data communications systems;

“(5) carry alert and warning messages for acts of terrorism, natural disasters, and other emergencies;

“(6) conduct regular internal training and exercises on generating and disseminating public alert and warning messages;

“(7) support public education and outreach to increase community awareness of the integrated national alert and warning system;

“(8) incorporate, to the maximum extent possible, technologies and systems that warn and support the unique needs faced by persons with disabilities or language barriers;

“(9) develop public–private partnerships to—

“(A) leverage government and industry needs, capabilities, and resources necessary to delivery effective disaster warnings;

“(B) facilitate the development, promulgation, and regular updating of national voluntary
consensus standards for public alert and warning technologies;

“(C) identify, in consultation with the Assistant Secretary for Infrastructure Protection and the Assistant Secretary for Cybersecurity and Telecommunications, critical infrastructure and key resources necessary to provide accurate, survivable, and sustainable public alerts and warnings;

“(D) incorporate private sector threat information sharing into Federal, State, and local alert and warning systems; and

“(E) ensure continuity of operations plans are in place to minimize the disruption to communications infrastructure used for the dissemination of public alerts and warnings;

“(10) promulgate standard operating procedures and protocols for the integrated national public alert and warning system; and

“(11) identify and incorporate existing, new, and emerging technologies, including the utilization of both satellite and ground based alert and warning distribution networks to provide redundant, timely, and accurate public alerts and warnings.
“(c) IMPLEMENTATION PLAN.—The Secretary, acting through the Assistant Secretary for Emergency Communications, shall develop an implementation plan for this section within 180 days after the enactment of this section.

“Subtitle E—Logistics

“SEC. 580. CHIEF LOGISTICS OFFICER.

“(a) APPOINTMENT.—There is in the Department a Chief Logistics Officer, who shall be appointed by the Secretary. The Chief Logistics Officer shall oversee all logistics operations of the Department across multiple support functions.

“(b) SUPPLY CHAIN MANAGEMENT SYSTEM.—The Chief Logistics Officer shall be responsible for developing and maintaining an integrated supply chain management system. The supply chain management system shall be structured to be compatible with the National Incident Management System.

“(c) RESPONSIBILITIES.—The Chief Logistics Officer shall —

“(1) guide and assist Federal, State, and local entities that manage emergency response assets and commodities to enable the entities to procure and deliver supplies for emergency operations; and
“(2) provide for the development of logistics technology and software solutions to allow emergency managers to view all assets in the supply chain and to be able to access those assets.

“(d) REGIONAL LOGISTICS OFFICERS.—Each regional office of the Department shall have a logistics officer, who shall be appointed by the Secretary.

“SEC. 581. PREPOSITIONED EQUIPMENT PROGRAM.

“(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Regional Directors, shall establish a Prepositioned Equipment Program to preposition standardized emergency equipment in selected geographic areas to sustain and replenish critical assets used by State, local, or tribal governments in response to, or rendered inoperable by the effects of, acts of terrorism, natural disasters, or other emergencies.

“(b) FORCE PACKAGES.—As part of the Program, the Secretary shall establish a number of force packages. Each force package shall—

“(1) contain preposition-standardized equipment and frequently used off-the-shelf items;

“(2) be strategically located and maintained at logistics centers in no less than 11 regions and, to
the extent practicable, co-located with the push packages of the Strategic National Stockpile;

“(3) be rapidly deployable to any major population area within at least 12 hours; and

“(4) be easily transportable by air, land, or water.

“(c) TYPES OF EQUIPMENT INCLUDED.—Each force package shall include—

“(1) personal protective equipment;

“(2) detection equipment;

“(3) decontamination equipment;

“(4) search and rescue equipment;

“(5) medical equipment and supplies;

“(6) communications equipment;

“(7) mobile shelters;

“(8) mobile medical facilities; and

“(9) any additional devices, tools, supplies, and material most likely needed by initial on-scene emergency response providers.

“(d) SUPPORT TEAMS.—Each force package shall be staffed by qualified and trained personnel who reside in the region. Such personnel shall—

“(1) be available to respond to emergencies when necessary;
“(2) provide life-cycle management and maintenance of equipment; and

“(3) perform associated logistics, including equipment maintenance and calibration.

“(e) PROCEDURES FOR DEPLOYMENT OF FORCE PACKAGES.—The Secretary, acting through the Under Secretary, shall deploy force packages to State, local, and tribal officials when—

“(1) a State or local government entity, through the Governor of the State, or a tribal government entity, makes a request for the transfer deployment of a force package; and

“(2) the Under Secretary approves such request.

“(f) COORDINATION.—In carrying out the Prepositioned Equipment Program under this section, the Secretary shall coordinate with the Secretaries of Defense and Health and Human Services and with the heads of such other Federal departments and agencies as the Secretary determines are appropriate.

“SEC. 582. 21ST CENTURY LOGISTICS SYSTEM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Emergency Management, shall, in consultation with the private sector and the heads of other appropriate Federal departments and agencies,
develop a 21st century logistics system that includes real-
time tracking of assets. The system shall be efficient,
transparent, and flexible for procurement and delivery of
goods and services necessary for an effective and timely
response to major disasters and other emergencies.

“(b) SYSTEM DEVELOPMENT.—The Secretary 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) INVENTORY.—In accordance with the require-
ments of section 611(h)(1)(C) of the Robert T. Stafford
Disaster Relief and Emergency Assistance Act (42 U.S.C.
5196(h)(1)(C)), the 21st century logistics system shall in-
clude an inventory of Federal response capabilities and
corresponding assets and resources. Such inventory shall
include—

“(1) the performance parameters of each capa-
bility;

“(2) the timeframe within which each capability
can be available for deployment to an incident;

“(3) the readiness of each capability to respond
to domestic incidents; and

“(4) the availability of such capability.

“(d) MILITARY CAPABILITIES.—The Secretary of De-
fense shall provide to the Secretary a description of the
functions and capabilities of any entity of the Department of Defense that may be used to provide support to civil authorities in responding to acts of terrorism, natural disasters, or other emergencies.

“(e) DATABASE.—The Secretary, acting through the Under Secretary for Emergency Management, shall establish an inventory database to allow—

“(1) real-time exchange of information regarding capabilities, assets, and resources, readiness, or the compatibility of equipment;

“(2) easy identification and rapid deployment during an incident; and

“(3) the sharing of inventories across jurisdictions.

“(f) FORCE PACKAGES.—The Secretary, acting though the Under Secretary for Emergency Management, shall certify on an annual basis that Federal departments and agencies with primary or supporting agency responsibilities under an emergency support function of the National Response Plan have developed and maintained force packages of rapidly deployable Federal capabilities.

“(g) LOGISTICS SUPPORT CENTERS.—The Secretary, acting through the Under Secretary and in coordination with other Federal departments and agencies and State, local, and tribal governments, shall identify physical loca-
tions in selected geographic areas that could be used as logistics support centers for receiving, staging, and integrating Federal capabilities in the event of acts of terrorism, natural disasters, and other emergencies.

“(h) COORDINATION.—In carrying out the activities of the program under this section, the Under Secretary shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

“SEC. 583. SMALL BUSINESS DATABASE FOR FEDERAL CONTRACTING RELATED TO MAJOR DISASTERS AND EMERGENCY ASSISTANCE ACTIVITIES.

“(a) Establishment of Database.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Regional Directors under section 504, shall establish and maintain a database that contains information about small business entities for purposes of Federal contracting related to assistance activities conducted in response to and recovery from acts of terrorism, natural disasters, and other emergencies.

“(b) Included Information.—The database under subsection (a) shall include the following information about each small business entity included in the database:
“(1) The name of the small business entity.
“(2) The location of the small business entity.
“(3) The area served by the small business entity.
“(4) The type of good or service provided by the small business entity.

“(c) SOURCE OF INFORMATION.—
“(1) SUBMISSION.—The database may only contain such information about a small business entity as is submitted by the small business entity.
“(2) ATTESTATION.—Each small business entity submitting information to the database shall submit—
“(A) an attestation that the information submitted is true; and
“(B) documentation supporting such attestation.
“(3) VERIFICATION.—The Secretary shall verify only that the documentation submitted by each small business entity supports the information submitted by that small business entity.

“(d) AVAILABILITY OF DATABASE.—The Secretary shall make the database generally available on the Internet website of the Department.
“(e) Consultation of Database.—Before awarding a Federal contract for a disaster-related activity, a component of the Department shall consult the database established under this section.

“(f) Database Integration.—The Secretary shall integrate the database established under this section into any other procurement-related database maintained by the Secretary.

“(g) Definitions.—For purposes of this section, the terms ‘small business entity’, ‘small business entity owned and controlled by socially and economically disadvantaged individuals’, ‘small business entity owned and controlled by women’, and ‘small business entity owned and controlled by service-disabled veterans’ shall have the meanings given the terms ‘small business concern’, ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, ‘small business concern owned and controlled by women’, and ‘small business concern owned and controlled by service-disabled veterans’ respectively under the Small Business Act (15 U.S.C. 631 et seq.).
“SEC. 584. PRE-NEGOTIATED CONTRACTS FOR DELIVERY
OF GOODS AND SERVICES AFTER EMERGENCIES.

“(a) In General.—The Undersecretary for Emergency Management, in accordance with the process for coordinated, pre-negotiated contracts established pursuant to section 504(e)(7)(E), shall have, and may delegate to any Regional Director for Emergency Management, the authority to enter into contracts for the delivery of necessary goods or services relating to the response to or recovery from acts of terrorism, natural disasters, or other emergencies affecting the geographical area served by the Regional Office of that Regional Director.

“(b) Necessary Goods and Services.—The necessary goods and services referred to in subsection (a) include the following:

“(1) Debris removal and other disaster clean-up needs.

“(2) The provision of food, water, ice, and first aid supplies.


“(4) The provision of such other goods and services as determined appropriate by the each Regional Director in coordination with the applicable Regional Advisory Council on Emergency Management.
“(c) Preference for Contracts with Small Businesses.—To the greatest extent practicable, in
teracting into a contract under subsection (a), the Under Sec-
retary, or the relevant delegated Regional Director for
Emergency Management, shall give a preference to a small
business entity, as that term is defined in section 583.

“(d) Competitive Procedures.—In entering into
a contract under this section, the Under Secretary, or the
relevant delegated Regional Director for Emergency Man-
agement, shall use competitive procedures, to the max-
imum extent practicable, except as otherwise provided by
law.

“(e) Consultation with Other Federal De-
partments and Agencies.—The Under Secretary, or
the relevant delegated Regional Director for Emergency
Management, shall consult with the head of a Federal de-
partment or agency with respect to any contract entered
into by the head of such department or agency using funds
made available for preparedness, mitigation, response, and
recovery with respect to acts of terrorism, natural disas-
ters, and other emergencies.

“(f) Relationship to Federal Assistance.—In
the case of a contract that has been negotiated by the rel-
evant Regional Director for Emergency Management act-
ing under authority delegated by the Under Secretary, the
existence of a contract entered into under this section shall
not prevent a State, local, or tribal government from re-
ceiving or using Federal assistance for the provision of
necessary goods and services relating to response or recov-
er.

“Subtitle F—Infrastructure
Protection and Cybersecurity

“SEC. 591. OFFICE OF INFRASTRUCTURE PROTECTION.

“(a) In General.—There is in the Department an
Office of Infrastructure Protection under the authority of
the Under Secretary for Emergency Management.

“(b) Assistant Secretary for Infrastructure
Protection.—The head of the Office shall be the Assist-
ant Secretary for Infrastructure Protection. The Assistant
Secretary shall report directly to the Under Secretary for
Emergency Management.

“(c) Responsibilities of the Assistant Sec-
retary.—The Assistant Secretary shall carry out the re-
sponsibilities of the Department regarding infrastructure
protection. Such responsibilities shall include the fol-
lowing:

“(1) To identify and carry out comprehensive
risk assessments of key resources and critical infra-
structure of the United States, to determine the
risks posed by particular types of terrorist attacks

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within the United States (including an assessment of
the probability of success of such attacks and the
feasibility and potential efficacy of various counter-
measures to such attacks).

“(2) To develop and maintain a comprehensive
national plan for securing the key resources and
critical infrastructure of the United States, in ac-
cordance with Homeland Security Presidential Di-
rective 7.

“(3) To recommend measures necessary to pro-
tect the key resources and critical infrastructure of
the United States in coordination with other Federal
Departments and agencies and in consultation with
State, local, and tribal government agencies and au-
thorities, and the private sector.

“(4) To assess the preparedness capabilities of
critical infrastructure to mitigate against, respond
to, and recover from acts of terrorism and other cat-
astrophic emergencies, including natural disasters.

“(5) To coordinate and implement, as appro-
priate, preparedness efforts to ensure that critical
infrastructure and key resources efforts are fully in-
tegrated and coordinated with the response and re-
covery activities of the Department.
“(6) To establish and maintain partnerships and information sharing processes with Federal, State, local, and tribal governments, the private sector, and international governments and organizations to enhance coordination of critical infrastructure and key resource efforts.

“(7) To coordinate with the Under Secretary for Intelligence and Analysis and elements of the intelligence community and with Federal, State, local, and tribal law enforcement agencies, and the private sector, as appropriate.

“(8) To provide the Secretary with an annual summary of national critical infrastructure protection efforts and priorities and to provide, in consultation with the Assistant Secretary for Grants and Planning, recommendations for Federal critical infrastructure protection funding.

“(9) In carrying out responsibilities under paragraphs (1) and (2), to consult with other Federal, State, local, and tribal government agencies and authorities as appropriate.

“(10) To perform other such duties relating to such responsibilities as the Secretary may provide.

“(d) INTEGRATION CENTER.—
“(1) IN GENERAL.—There is an Integration Center in the Office of Infrastructure Protection, which shall be staffed by the Office of Infrastructure Protection, the Office of Cybersecurity and Telecommunications, and the Office of Intelligence and Analysis.

“(2) RESPONSIBILITIES.—The Integration Center shall—

“(A) be responsible for the integration of relevant threat, consequence, and vulnerability information, analysis, and assessments (whether such information, analysis, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other Federal departments and agencies, State, local, and tribal government agencies and authorities, the private sector, and other entities; and

“(B) develop and disseminate analytical products that combine homeland security information with critical infrastructure and key resource vulnerability and consequence information.
“(3) Critical infrastructure information.—The Secretary shall ensure that the Department makes full and efficient use of open-source information to analyze United States critical infrastructure from the perspective of terrorists using publicly available information.

“(e) Staff.—

“(1) In general.—The Secretary shall ensure that the Office has staff that possess appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

“(2) Private sector staff.—Staff under this subsection may include individuals from the private sector.

“(3) Security clearances.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

“(f) Detail of personnel.—

“(1) In general.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal departments and agencies may be detailed to the Department for the performance of analytic functions and related duties.
“(2) Cooperative agreements.—The Secretary and the head of the Federal department or agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

“(3) Basis.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

“(g) Reprogramming and Transfer of Funds.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provision of an annual Homeland Security Appropriations Act relating to the reprogramming or transfer of funds.

“SEC. 592. OFFICE OF CYBERSECURITY AND TELECOMMUNICATIONS.

“(a) In General.—There is in the Department an Office of Cybersecurity and Telecommunications under the authority of the Under Secretary for Emergency Management.

“(b) Assistant Secretary for Cybersecurity and Telecommunications.—The head of the Office shall be the Assistant Secretary for Cybersecurity and Telecommunications. The Assistant Secretary shall report directly to the Under Secretary for Emergency Management.
“(c) Responsibilities of Assistant Secretary.—The Assistant Secretary shall carry out the responsibilities of the Department regarding cybersecurity and telecommunications. Such responsibilities shall include the following:

“(1) To establish and manage—

“(A) a national cybersecurity response system that includes the ability to—

“(i) analyze the effect of cybersecurity threat information on national critical infrastructure identified under Homeland Security Presidential Directive 7; and

“(ii) aid in the detection and warning of potential vulnerability or attack that could cause widespread disruption, and in the restoration of, cybersecurity infrastructure in the aftermath of such attacks;

“(B) a national cybersecurity threat and vulnerability reduction program that facilitates and coordinates with businesses and organizations to conduct risk assessments on information technology and deal with vulnerabilities that would have a national effect on critical infrastructure and that coordinates the mitigation of such vulnerabilities;
“(C) a continuity of operations program to plan and allocate resources for the continuation of critical information operations in the event of a large scale disruption of the information infrastructure and to coordinate a response;

“(D) a reconstitution program to ensure that priorities, procedures, and resources are in place to reconstitute information infrastructures in the government and private sector that are critical to the orderly functioning of the economy, health of the population, and national security;

“(E) a resiliency program that will support basic and fundamental research to improve the reliability of network protocols as well as provide for reasonable security controls and that will work with the private sector to improve the security of key network protocols and develop more secure, reliable successors;

“(F) a national public-private cybersecurity awareness, training, and education program that promotes Internet security awareness among all enduser groups, including the education community, students, businesses,
and government entities, and helps coordinate cybersecurity awareness initiatives;

“(G) a Government cybersecurity program to coordinate and consult with Federal, State, and local governments to enhance their cybersecurity programs; and

“(H) a national security and international cybersecurity cooperation program to help foster Federal efforts to enhance international cybersecurity awareness and cooperation.

“(2) To coordinate and to leverage existing efforts within the private sector on the program under paragraph (1) as appropriate and to promote cybersecurity information sharing, vulnerability assessment, and threat warning regarding critical infrastructure.

“(3) To coordinate with other directorates and offices within the Department and with other Federal agencies, as appropriate, on the cybersecurity aspects of their missions.

“(4) To carry out, in coordination with the Assistant Secretary for Emergency Communications, as appropriate, the duties of the National Communications System.
“(5) To coordinate with the Under Secretary to ensure that the National Response Plan developed includes appropriate measures for the recovery of the cybersecurity elements of critical infrastructure.

“(6) To develop processes for information sharing with the private sector, consistent with section 214, that—

“(A) promote voluntary cybersecurity best practices, standards, and benchmarks that are responsive to rapid technology changes and to the security needs of critical infrastructure; and

“(B) consider roles of Federal, State, local, and foreign governments, appropriate standards bodies, and the private sector, including the insurance industry and auditors.

“(7) To coordinate with the Chief Information Officer of the Department in establishing a secure information sharing architecture and information sharing processes, including with respect to the Department’s operation centers.

“(8) To consult with the Electronic Crimes Task Force of the United States Secret Service on private sector outreach and information activities.

“(9) To consult with the Office for Training and Exercises to ensure that realistic cybersecurity
scenarios are incorporated into training exercises, including tabletop and recovery exercises.

“(10) To consult and coordinate with the Assistant Secretary for Infrastructure Protection, the Under Secretary for Science and Technology, and, where appropriate, with other relevant Federal departments and agencies, on the security of digital control systems, such as Supervisory Control and Data Acquisition systems.

“(11) To consult and coordinate with the Under Secretary for Science and Technology on cybersecurity research and development requirements.

“(d) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on the programs under this section and the specific funding requirements of each priority and objective of the Secretary with respect to such programs. For each priority or objective the Secretary shall describe how the private sector is involved in each such program.

“(e) DEADLINE FOR NOMINATION.—Not later than 90 days after the date of the enactment of this section, the President shall nominate an individual to serve as the Assistant Secretary for Cybersecurity and Telecommunications.
“(f) \textbf{STAFF.}—

“(1) \textbf{IN GENERAL.}—The Secretary shall provide the Office with staff having appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

“(2) \textbf{SECURITY CLEARANCES.}—Staff under this subsection shall possess security clearances appropriate for their work under this section.

“(g) \textbf{DETAIL OF PERSONNEL.}—

“(1) \textbf{IN GENERAL.}—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal departments and agencies may be detailed to the Department for the performance of analytic functions and related duties.

“(2) \textbf{COORDINATE AGREEMENTS.}—The Secretary and the head of the Federal department or agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

“(3) \textbf{BASIS.}—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

“(h) \textbf{REPROGRAMMING AND TRANSFER OF FUNDS.}—In reprogramming or transferring funds, the Secretary shall comply with any applicable provision of an annual
Homeland Security Appropriations Act relating to the re-
programming or transfer of funds.”.

(b) **CLERICAL AMENDMENTS.**—The items relating to
title V in the table of contents in section 1(b) of the Home-
land Security Act of 2002 are amended to read as follows:

“TITLE V—EMERGENCY MANAGEMENT

Subtitle A—Directorate of Emergency Management

Sec. 502. Responsibilities of the Under Secretary.
Sec. 503. Principal advisor on emergency management.
Sec. 504. Regional offices.
Sec. 505. Chief Medical Officer.
Sec. 506. National Biosurveillance Integration System.
Sec. 507. Office of State, Local, and Tribal Government Coordination.
Sec. 509. Office of National Capital Region Coordination.
Sec. 511. Reorganization of Directorate.

Subtitle B—Emergency Preparedness

Sec. 522. Office of Training and Exercises.
Sec. 523. Essential capabilities.
Sec. 524. Catastrophic planning.
Sec. 525. System assessment and validation for emergency responders pro-
gram.
Sec. 527. Office of Public and Community Preparedness.
Sec. 528. Prescripted mission assignments and requests for assistance.

Subtitle C—Emergency Response

Sec. 541. National incident management system and national response plan
integration center.
Sec. 542. Use of national private sector networks in emergency response.
Sec. 543. Nuclear incident response.
Sec. 544. National urban search and rescue response system.
Sec. 545. Metropolitan Medical Response System.
Sec. 546. Emergency Management Assistance Compact authorization.

Subtitle D—Emergency Communications

Sec. 561. Office of Emergency Communications.
Sec. 562. National emergency communications strategy.
Sec. 563. Assessments and reports.
Sec. 564. Coordination of Federal emergency communications grant programs.
Sec. 565. Regional emergency communications coordination.
Sec. 566. Emergency Communications Preparedness Center.
SEC. 102. DISASTER RESPONSE GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Chairman of the Homeland Security Council shall establish within the Council a Disaster Response Group (referred to in this section as the “DRG”).

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—The DRG shall be responsible for resolving interagency conflicts arising during incidents of national significance and any related strategic policy planning and interagency coordination activities.

(2) CONFLICT RESOLUTION.—Decisions of the DRG relating to interagency conflicts shall be implemented through the Director of the National Operations Center of the Department of Homeland Security. In the event a conflict cannot be resolved, the
DRG shall develop recommendations for deputies and principals.

(c) Membership.—The Chairman shall determine and appoint the members of the DRG. The structure of the DRG shall be similar to the structure of Counterterrorism Security Group. The Chairman shall consult with members of the Counterterrorism Security Group in the establishment of the DRG.

(d) Meetings.—The DRG shall conduct meetings on a regular basis, but more frequently during times of crisis.

SEC. 103. STREAMLINED DEPUTATION OF QUALIFIED FEDERAL LAW ENFORCEMENT OFFICERS.

The Attorney General shall develop procedures for the streamlined deputation of qualified Federal law enforcement officers to assist in areas affected by an emergency, major disaster, or catastrophic incident. The Attorney General should consult with the appropriate State officials to develop agreements under which a State requesting Federal law enforcement assistance agrees in advance to grant limited State law enforcement authority to Federal agents for the duration of the emergency, major disaster, or catastrophic incident.
SEC. 104. INTERNATIONAL ASSISTANCE FOR DOMESTIC CATASTROPHIC INCIDENTS.

(a) PROCEDURES FOR REVIEW OF OFFERS OF INTERNATIONAL ASSISTANCE.—The Secretary of Homeland Security, acting jointly with the Secretary of State and in consultation with the heads of other appropriate Federal agencies, shall develop procedures for reviewing, accepting, or rejecting offers of international assistance for domestic catastrophic incidents.

(b) CONTENTS.—Procedures developed under subsection (a) shall include—

(1) an appropriate mechanism, to be administered by the Secretary of Homeland Security and supported by the Secretary of State and the Secretary of Treasury, to receive, disburse, and audit any cash assistance received in support of victim needs;

(2) a coordination process among Federal agencies and non-governmental partners to solicit, accept, receive, integrate, and distribute foreign assistance;

(3) an expedited review process for international aid that addresses both critical needs and legitimate foreign policy objectives;

(4) a process to provide for the inclusion of a representative of the United States Agency for
International Development (referred to in this section as “USAID”) in the Joint Field Office;

(5) a process to provide for the inclusion of—

(A) a representative from USAID, including the Office of U.S. Foreign Disaster Assistance (referred to in this section as “OFDA”) on the State Department Task Force, and a representative of the Department of State on USAID/OFDA’s Response Management Team, to improve interagency coordination; and

(B) a representative of the Department of Homeland Security on the State Department Task Force and USAID/OFDA’s Response Management Team to provide more efficient information sharing about assistance needs on the ground.

SEC. 105. GULF COAST LONG-TERM RECOVERY OFFICE.

(a) Establishment.—The Secretary of Homeland Security shall establish in the Department of Homeland Security a Gulf Coast Long-Term Recovery Office to administer amounts available to the Department for providing assistance to the residents of the Gulf Coast region for recovering from Hurricanes Katrina and Rita.
(b) **DIRECTOR.**—The Office shall be headed by a Director, who shall be appointed by the Secretary of Homeland Security.

(c) **RESPONSIBILITIES.**—The Director of the Gulf Coast Long-Term Recovery Office shall work with State, local, and tribal governments, the private sector, and non-governmental organizations, including faith-based and other community humanitarian relief entities, to provide assistance to residents of the Gulf Coast region for recovering from Hurricanes Katrina and Rita, including the following:

(1) To assess the social and economic consequences in the areas affected by Hurricanes Katrina and Rita and coordinate Federal efforts to address long-term community recovery issues.

(2) To advise the Secretary of Homeland Security on the long-term community recovery implications of response activities.

(3) To conduct comprehensive market disruption and loss analysis and develop a forward looking market-based comprehensive long-term recovery plan for the affected areas.

(4) To identify appropriate Federal programs and agencies to support the implementation of the long-term community recovery plan, to ensure co-
ordination across appropriate Federal departments and agencies, and to identify any gaps in the available resources.

(5) To avoid duplication of assistance, to coordinate, to the extent possible, program application processes and planning requirements in order to streamline assistance, and to identify and coordinate the resolution of policy and program issues.

(6) To determine responsibilities for recovery activities, to provide a method of maintaining continuity in the delivery of assistance under programs administered by various Federal departments and agencies, and to oversee coordination with State, local, and tribal governments and other involved parties, to ensure follow-through of recovery and hazard mitigation efforts.

(7) To encourage implementation of mitigation measures during recovery.

(8) To carry out such other activities as determined appropriate by the Secretary of Homeland Security.

(d) TERMINATION.—The Gulf Coast Long-Term Recovery Office established under subsection (a) shall terminate at the discretion of the Secretary.
SEC. 106. NATIONAL DISASTER MEDICAL SYSTEM.

(a) Authorization of Appropriations.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–11), as added by section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 599), is amended in subsection (h) by striking “such sums” and all that follows and inserting “$85,000,000 for each of the fiscal years 2007 through 2010.”.

(b) Report.—Not later than 9 months after the date of the enactment of this Act, the Chief Medical Officer of the Department of Homeland Security, in consultation with the Under Secretary for Emergency Management, shall submit to Congress a report that provides—

(1) an assessment of the need to expand the National Disaster Medical System, including an examination of the feasibility of maintaining a full time, non-volunteer operational unit or units;

(2) an evaluation of the relationship between the National Disaster Medical System and the Metropolitan Medical Response System;

(3) an assessment of the coordination between the Department and the Department of Health and Human Services during deployment; and

(4) an evaluation of whether the National Disaster Medical System should remain in the Depart-
ment and, if not, which Department should have re-
sponsibility.

SEC. 107. OFFICE OF INTEROPERABILITY AND COMPAT-
IBILITY.

(a) IN GENERAL.—Title III of the Homeland Secu-

rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
adding at the end the following:

"SEC. 314. OFFICE OF INTEROPERABILITY AND COMPAT-
IBILITY.

“(a) CLARIFICATION OF RESPONSIBILITIES.—The

Director of the Office of Interoperability and Compat-
ibility shall—

“(1) assist the Secretary in developing and im-
plementing the science and technology aspects of the
program described in subparagraphs (D), (E), (F),
and (G) of section 7303(a)(1) of the Intelligence Re-
form and Terrorism Prevention Act of 2004 (6
U.S.C. 194(a)(1));

“(2) support the creation of national voluntary
consensus standards for interoperable emergency
communications;

“(3) establish a comprehensive research, devel-

dopment, testing, and evaluation program for improv-
ing interoperable emergency communications;
“(4) establish requirements for total and non-
proprietary interoperable emergency communications
capabilities for all public safety radio and data com-
munications systems and equipment;

“(5) evaluate and validate new technology con-
cepts in real-world environments to achieve inter-
operable emergency communications capabilities;

“(6) encourage more efficient use of existing re-
sources, including equipment and spectrum, to
achieve interoperable emergency communications ca-
pabilities;

“(7) test and deploy public safety communications
systems that are less prone to failure, support
new nonvoice services, consume less spectrum, and
cost less than existing systems; and

“(8) work with the private sector to develop so-
lutions to improve emergency communications capa-
bilities and achieve interoperable emergency commun-
ications capabilities.

“(b) COORDINATION.—The Director shall coordinate
with the Assistant Secretary for Emergency Communi-
tions with respect to the SAFECOM program.

“(c) SUFFICIENCY OF RESOURCES.—The Secretary
shall provide the Office for Interoperability and Compat-
ibility the resources and staff necessary to carry out the responsibilities under this section.”.

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to title III the following:

“Sec. 314. Office of Interoperability and Compatibility.”

SEC. 108. INTELLIGENCE ANALYSTS.

(a) In General.—Financial assistance provided to State, local, and tribal governments by the Secretary of Homeland Security for prevention activities may be used by the State, local, or tribal government to hire new staff and contractors to serve as intelligence analysts to facilitate information and intelligence sharing activities.

(b) Qualifications.—An individual shall successfully complete training to ensure baseline proficiency in intelligence analysis and production before the individual may serve as an intelligence analyst or as a staff intelligence employee or contractor.

(c) Effective Date.—The requirements under subsection (b) shall apply with respect to an individual hired after the date of the enactment of this Act.

SEC. 109. REDESIGNATION OF DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.

(a) Redesignation of Directorate for Information Analysis and Infrastructure Protection.
TION.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended—

(1) in subsection (a)(1)—

(A) by striking “a Directorate for Information Analysis and Infrastructure Protection” and inserting “an Office of Intelligence and Analysis”; and

(B) by striking “an Under Secretary for Information Analysis and Infrastructure Protection” and inserting “an Under Secretary for Intelligence and Analysis”;

(2) by striking subsection (b) and redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b), as so redesignated—

(A) by striking “and infrastructure protection” and inserting “and intelligence”; and

(B) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for Intelligence and Analysis”; 

(4) in subsection (c), as so redesignated—

(A) by striking “the Under Secretary for Information Analysis and Infrastructure Pro-
tection” and inserting “the Under Secretary for Intelligence Analysis”;

(B) by striking paragraphs (2), (5), and (6), and redesignating paragraphs (3) through (19) as paragraphs (2) through (16), respectively;

(C) in paragraph (2), as so redesignated, by striking “To integrate” and inserting “To participate in the integration of”; and

(D) in paragraph (14), as so redesignated, by inserting “the Assistant Secretary for Infrastructure Protection and” after “coordinate with”;

(5) in subsections (d) and (e), as redesignated by subsection (a)(2), by striking “Directorate” each place it appears and inserting “Office”; and

(6) in subsection (f), as redesignated by subsection (a)(2), by striking “, for assignment to the Under Secretary for Information Analysis and Infrastructure Protection under this section,”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 is amended—

(A) in section 103(a)(2) (6 U.S.C. 113(a)(2)), by striking “Information Analysis
and Infrastructure Protection” and inserting “Intelligence and Analysis”;

(B) in section 223 (6 U.S.C. 123), by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Assistant Secretary for Infrastructure Protection”;

(C) in section 224 (6 U.S.C. 144), by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Assistant Secretary for Cybersecurity and Telecommunications”; and

(D) in section 302(3) (6 U.S.C. 182(3)), by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection”.

(2) SECTION 201.—

(A) The heading for section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended to read as follows:
“SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.”.

(B) The table of contents in section 1(b) of such Act is amended by striking the item relating to section 201 and inserting the following:

“Sec. 201. Office of Intelligence and Analysis.”.

(C) The heading for subsection (a) of section 201 of such Act (6 U.S.C. 121) is amended to read as follows: “UNDER SECRETARY OF HOMELAND SECURITY FOR INTELLIGENCE AND ANALYSIS.—”.

(D) The heading for subsection (b) of section 201 of such Act (6 U.S.C. 121), as redesignated by subsection (a)(2) of this section, is amended to read as follows: “DISCHARGE OF INTELLIGENCE AND ANALYSIS.—”.

(3) SECTION 507.—Section 507(b) of the Homeland Security Act of 2002 (6 U.S.C. 317(b)) is repealed.

(4) NATIONAL SECURITY ACT OF 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)(I)) is amended to read as follows:

“(I) the Under Secretary of Homeland Security for Intelligence and Analysis.”.

(5) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 7306(a)(1) of
the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3848) is amended by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis".

SEC. 110. NATIONAL ACADEMY OF PUBLIC ADMINISTRATION STUDY ON IMPLEMENTATION OF ORGANIZATIONAL REFORMS.

(a) Study Required.—Subject to the availability of appropriations, the Secretary of Homeland Security shall enter into an arrangement with the National Academy of Public Administration to conduct a study of the implementation of the organizational changes to the Department of Homeland Security made by this Act and the amendments made by this Act. Under the arrangement, the Academy shall provide assistance in the creation and implementation of the Directorate of Emergency Management.

(b) Deadline for Beginning of Study.—The study required under this section shall begin not later than two months after the date of the enactment of this Act.

(e) Termination.—The study required under this section shall end not later than the date that is one year after the date of the enactment of this Act.
SEC. 111. GAO REPORTS ON AN INVENTORY AND STATUS OF HOMELAND SECURITY TRAINING.

(a) Initial Report Required.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress an initial report on the overall inventory and status of training programs for emergency response providers in the Department of Homeland Security and other Federal departments and agencies and the extent to which such programs are coordinated.

(b) Final Report Required.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a final report on homeland security training that includes the following:


(2) Recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and
(B) increase the availability of training to emergency response providers who are not able to attend centralized training programs;

(3) A description of the structure and organizational effectiveness of such programs for emergency response providers in rural communities.

(4) An identification of any duplication or redundancy among such programs.

(5) A description of the use of State and local training institutions, universities, centers, the National Domestic Preparedness Consortium, and other national training programs funded by the Department of Homeland Security, in designing and providing training.

(6) A cost-benefit analysis of the costs and time required for emergency response providers to participate in training courses at Federal institutions.

(7) An assessment of the approval process for certifying training courses that are not administered by the Department of Homeland Security and that are useful for anti-terrorism purposes and eligible for grants awarded by the Department.

(8) A description of the use of Department of Homeland Security grant funds by State, local, and tribal governments to acquire training.
(9) An analysis of the feasibility of Federal, State, local, and tribal government personnel receiving the training that is necessary to adopt the National Response Plan and the National Incident Management System of the Department of Homeland Security.

(10) A description of the role of each training institution within the Department of Homeland Security in the design and implementation of emergency preparedness and related training courses for emergency response providers.

SEC. 112. GRANTS FOR TRAINING AND EXERCISES TO ASSIST PUBLIC ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Financial assistance provided by the Secretary of Homeland Security to a State, local, or tribal government under a program described in subsection (b) may be used by the State, local, or tribal government to provide training or exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students with respect to age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from acts of terrorism, natural disasters, and other emergencies.
(b) PROGRAMS DESCRIBED.—The programs referred to in subsection (a) are the following:

(1) The State Homeland Security Grant program.

(2) The Urban Area Security Initiative.

(3) The Law Enforcement Terrorism Prevention Program.

SEC. 113. SENSE OF CONGRESS ON THE PROJECT 25 CONFORMITY ASSESSMENT PROJECT.

It is the sense of Congress that in carrying out the responsibilities and authorities of the Department of Homeland Security relating to the SAFECOM Program, the Assistant Secretary of Homeland Security for Emergency Communications should work with the National Institute of Standards and Technology for the purpose of implementing, as soon as possible, the Project 25 Compliance Assessment Program.

SEC. 114. NATIONAL PANDEMIC INFLUENZA EXERCISE.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Assistant Secretary of Homeland Security for Training and Exercises, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in cooperation with the Secretary of Health and Human Services, the Secretary of
Defense, the Secretary of Agriculture, and the heads of all other Federal, State, and local government agencies re-
sponsible for pandemic influenza preparedness and re-
sponse shall conduct a full-scale, national exercise to test the effectiveness and implementation of the National Strategy for Pandemic Influenza.

(b) Scenarios.—In carrying out the national exer-
cise under subsection (a), the Secretary of Homeland Se-
curity shall use the following scenarios:

(1) The introduction of highly pathogenic H5N1 influenza into the domestic poultry supply by transmission from migratory wild birds. The same transmission and mortality/morbidity characteristics as the strain existing as of May 2006 shall be as-
sumed. No human-to-human transmission may be assumed, but bird-to-human transmission shall be assumed possible with the same level of probability as the existing strain.

(2) The introduction of a strain of virus mu-
tated from H5N1 that is transmissible from human to human with the same efficiency as seasonal influ-
енza and the morbidity/mortality characteristics of the 1918 outbreak of influenza commonly referred to as the Spanish flu.
(c) Nature of Exercise.—The national exercise under subsection (a) shall be as realistic as possible, as provided in subsection (e), and may not be conducted as a table-top exercise.

(d) Participation.—The national exercise under subsection (a) shall involve all 50 States, and all counties and cities within the States.

(e) Planning Assumptions.—In carrying out the national exercise under subsection (a), the Secretary shall make the following assumptions:

1. Only medical supplies that are available or could be manufactured at the time of the exercise may be used. The Secretary may not assume that the Federal Government possesses more vaccine, medicine, or medical supplies than is held in the stockpile under section 319F–2 of the Public Health Service Act at such time, and may not assume that the Federal Government can make more vaccine, medicine, or medical supplies than the production capacity that exists as of such time.

2. Medical facilities may only provide the amount of space, personnel, and medical supplies identified at the time the exercise is conducted, but the Secretary may use facilities other than medical facilities for medical purposes.
SEC. 115. PUBLIC-PRIVATE SECTOR PLANNING AND RESPONSE PILOT PROGRAM.

(a) IN GENERAL.—Under Secretary of Homeland Security for Emergency Management shall direct the Regional Director for Emergency Management for a region having significant risk of both terrorism and catastrophic national disaster to establish a public-private sector planning and response pilot program, under which the Regional Director shall designate emergency managers and private sector individuals to identify for the region a network of critical resources and key individuals in accordance with subsection (b).

(b) NETWORK FEATURES.—The network shall consist of—

(1) critical resources that can be activated immediately for emergency response in the region, including preparation of a specific list of items, their locations, and logistics managers to provide them; and

(2) key individuals who know how to reach each other in a crisis, and have backup communications plans if primary communications systems fail.

(c) INCLUDED CRITICAL RESOURCES.—The critical resources identified under subsection (b) shall include the following:
(1) Communications experts and equipment, including a corps of technology experts who can surge when and where needed to provide both equipment and expertise to fix and build communications systems.

(2) Food and water, including both at stationery locations and mobile capabilities.

(3) Construction equipment and personnel.

(4) Medical care facilities and medical corps to treat non-life threatening injuries.

(5) Transportation resources, including buses, trains, trucks, helicopters, and amphibious vehicles.

(d) PROGRAM FEATURES.—Under Secretary for Emergency Management shall ensure that the pilot program—

(1) has built-in flexibility to ensure the utilization of additional private sector offers of assistance and identification of new vital resources that were not anticipated in advance; and

(2) is implemented in accordance with a concise, user-friendly plan under which the Regional Director can expeditiously and efficiently activate the network identified under subsection (b) at the time the Under Secretary for Emergency Management declares an incident of national significance.
(c) Protocols.—Under Secretary for Emergency Management shall establish protocols for the pilot program by not later than 180 days after the establishment of the program under subsection (a).

(f) Intent of Congress.—The Congress—

(1) does not intend in this section that the Directorate of Emergency Management of the Department of Homeland Security rely on the private sector to the extent of minimizing the procurement of emergency supplies and personnel and other activities under this Act or any other law; and

(2) intends in this section that a public-private partnership network be identified and treated as a possible resource in the event of a catastrophic act of terrorism, natural disaster, or other emergency.

SEC. 116. EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

For the Emergency Management Performance Grants Program formerly conducted by the Directorate for Preparedness, there is authorized to be appropriated $360,000,000 for fiscal year 2007.

SEC. 117. HURRICANE EXERCISE.

(a) In General.—Not later than December 31, 2008, the Secretary of Homeland Security, in cooperation with the heads of Federal, State, and local departments
and agencies, representatives of volunteer organizations, and other appropriate experts, shall conduct an exercise to simulate a hurricane hitting New York City for purposes of the preparation for, response to, and recovery from such an event.

(b) REPORT.—Not later than 90 days after the last day of the exercise, the Secretary shall submit to Congress a report on the results of the exercise, including information concerning how the exercise was developed and conducted, who participated in the exercise, the findings of participants, and recommendations for future actions.

SEC. 118. DEFINITIONS.

(a) EXPANSION OF DEFINITION OF EMERGENCY RESPONSE PROVIDER.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking “includes” and all that follows and inserting “includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.”.

(b) NEW DEFINITIONS.—Such section is further amended by adding at the end the following new paragraphs:
“(17) The term ‘emergency management’ refers to the governmental function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, respond to, mitigate against, or recover from a threatened or actual act of terrorism, emergency, natural disaster, or catastrophic incident.

“(18) The term ‘prevention’ means any activity undertaken to avoid, prevent, or stop a threatened or actual act of terrorism.

“(19) The term ‘emergency support providers’ includes Federal, State, and local governmental and nongovernmental utilities, public works, transportation, and public health and related personnel, organizations, agencies, and authorities.”.

SEC. 119. CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of the Homeland Security Act of 2002 are repealed:

(1) Section 430.

(2) Subtitle A of title VIII.

(3) Section 882.

(b) OTHER CONFORMING AMENDMENTS.—

(1) UNDER SECRETARY.—Section 103(a) is amended—
(A) in paragraph (5), by striking “Preparedness and Response” and inserting “Management”; and

(B) by striking paragraph (7) and redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively.

(2) INCREASE IN NUMBER OF ASSISTANT SECRETARIES.—Section 103(a)(9) of such Act, as redesignated by paragraph (1)(B), is amended by striking “12” and inserting “17”.

TITLE II—FRAUD, WASTE, AND ABUSE PREVENTION

SEC. 201. FRAUD, WASTE, AND ABUSE CONTROLS; FRAUD PREVENTION TRAINING PROGRAM.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 707. FRAUD, WASTE, AND ABUSE CONTROLS.

“(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management, shall ensure that—

“(1) all programs within the Directorate administering Federal assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;
“(2) application databases used by the Directorate to collect information on eligible recipients must record disbursements;

“(3) such tracking is designed to highlight and identify ineligible applications; and

“(4) the databases used to collect information from applications for such assistance must be integrated with the disbursements and payment records.

“(b) AUDITS AND REVIEWS REQUIRED.—The Secretary shall ensure that any existing database or similar application processing system in effect on the date of the enactment of this section for Federal assistance programs administered by the Department undergo a review by the Inspector General of the Department to determine the existence and implementation of such internal controls required under this section, before such database application may be used to determine eligibility and disbursement of Federal assistance.

“(c) CERTIFICATION REQUIRED.—The Secretary, acting through the Under Secretary for Emergency Management, shall certify to the Congress on an annual basis that proper internal controls required under this section are in place and operational before a database or similar application processing system may be utilized for the purpose of the dispensing of Federal assistance.
“(d) REPORT TO CONGRESS.—Recommendations or findings that remain unresolved between program admin-
istrators and the Department Inspector General for 30 days must be immediately reported to Congress by the De-
partment Inspector General.

“SEC. 708. FRAUD PREVENTION TRAINING PROGRAM.

“(a) TRAINING PROGRAM REQUIRED.—The Sec-
retary, acting through the Under Secretary for Emergency Management, shall develop and implement a program to provide training on the prevention of waste, fraud, and abuse of Federal assistance funds and services during the response to or recovery from acts of terrorism, natural dis-
esters, or other emergencies and ways to identify such po-
tential waste, fraud, and abuse.

“(b) INDIVIDUALS ELIGIBLE FOR TRAINING.—Under the training program required under subsection (a), the Secretary may provide training to—

“(1) employees, contractors, and volunteers of the Federal Government;

“(2) employees and volunteers of any State, local, or tribal government entity; and

“(3) employees and volunteers of nonprofit or-
ganizations that assist in the administration of Fed-
eral assistance funds and services provided in re-
sponse to acts of terrorism, natural disasters, or other national emergencies.

“(c) INFORMATION SHARING.—Any State, local, or tribal government entity or nonprofit entity that provides Federal assistance funds or services to individuals affected by acts of terrorism, natural disasters, or other emergencies may share information with the Federal Government, in a manner consistent with Federal Privacy Act protections, about any recipient of such assistance, at the request of the head of a Federal department or agency, for the purpose of preventing fraud and abuse of Federal assistance.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item related to section 706 the following:

“Sec. 707. Fraud, waste, and abuse controls.
“Sec. 708. Fraud prevention training program.”.

SEC. 202. ASSESSMENT AND REPORT REGARDING UTILIZATION OF INDEPENDENT PRIVATE SECTOR INSPECTORS GENERAL.

(a) IN GENERAL.—The Under Secretary for Emergency Management of the Department of Homeland Security, in consultation with the Under Secretary for Management, shall—

(1) assess the role that Independent Private Sector Inspectors General (popularly known as
“IPSIGs”) played in preventing waste, fraud, and abuse, in contracts for goods or services purchased or commissioned after the terrorist attacks on the World Trade Center in New York City on September 11, 2001; and

(2) report the findings of such assessment to Congress by not later than one year after the date of enactment of this Act and post the report on the primary agency public access website.

(b) Utilization of IPSIGs to Monitor and Provide Greater Accountability.—Such assessment shall include examination of how IPSIGs may be utilized to monitor and provide greater accountability for contracts using Federal funding provided in response to a terrorist attack, natural disaster, or other national emergency, including contracts for debris removal and the repair or reconstruction of damaged infrastructure.

SEC. 203. ENHANCED ACCOUNTABILITY FOR FEDERAL ASSISTANCE.

(a) In General.—The Homeland Security Act of 2002 is amended by inserting after section 856 (6 U.S.C. 426) the following:

“SEC. 856a. ENHANCED ACCOUNTABILITY FOR FEDERAL ASSISTANCE.

“(a) Recipients of Federal Assistance.—
“(1) IN GENERAL.—Each State, local, tribal, and nonprofit entity that receives Federal assistance funds in response to acts of terrorism, natural disasters, or other emergencies shall report to the pertinent Federal agency six months after the initial disbursement of resources regarding the expenditure of such funds.

“(2) CONTENTS.—The report shall include a description of—

“(A) the projects or programs that received Federal assistance;

“(B) the entity administering the program or project; and

“(C) the dates and amounts disbursed, allocated, and expended.

“(3) MINIMIZING REPORTING BURDEN.—The Under Secretary for Emergency Management shall determine whether the requirement to report under this section is duplicative of or can be combined with other reporting requirements and, if so, the Under Secretary shall combine such requirements and eliminate such duplication.

“(b) FEDERAL ASSISTANCE DISBURSING AGENCIES.—
“(1) IN GENERAL.—Each Federal agency that disburses Federal assistance funds in response to an act of terrorism, a natural disaster, or another emergency shall submit to the Inspector General of the Department, acting in the Inspector General’s role as chairman of the President’s Council on Integrity and Efficiency Homeland Security Roundtable, a report on the expenditure of such funds.

“(2) CONTENTS.—Each report required under paragraph (1) shall include—

“(A) names and addresses of recipient agencies;

“(B) the purpose for which resources were provided;

“(C) the amounts disbursed, allocated, and expended; and

“(D) the status of reporting by agencies that received disbursements (as set forth under subparagraph (A)).

“(3) DEADLINE.—Each report submitted under paragraph (1) shall be submitted not later than one year after the date of the enactment of the appropriations Act that makes available the Federal assistance funds covered by the report, and on a recurrent basis every six months thereafter until such
time as all such funds are expended or the Inspector
General and such Council determine that such re-
ports are no longer required.’’.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of such Act is amended by inserting after
the item related to section 856 the following:

“Sec. 856a. Enhanced accountability for Federal assistance.”.

SEC. 204. ENHANCED INFORMATION SHARING AMONG FED-
ERAL AGENCIES TO PREVENT FRAUD, WASTE,
AND ABUSE.

(a) IN GENERAL.—The Homeland Security Act of
2002 is further amended by inserting after section 856a
the following:

“SEC. 856b. ENHANCED INFORMATION SHARING AMONG
FEDERAL AGENCIES TO PREVENT FRAUD,
WASTE, AND ABUSE.

“(a) CONFIRMATION OF IDENTITY AND ELIGIBILITY
OF APPLICANTS.—Any Federal, State, local, or tribal
agency that disburses Federal grants, loans, services, and
other assistance in response to or for the recovery from
acts of terrorism, natural disasters, or other emergencies,
shall make reasonable efforts to confirm the identity and
eligibility of the applicant for such assistance without plac-
ing undue burden on the applicant.

“(b) CONSENT TO ACCESS.—
“(1) INCLUSION ON APPLICATION MATERIALS.—The Federal, State, local, or tribal agency may include provisions on application materials for grants, loans, services, and other assistance that would allow access to Internal Revenue Service information (IRS Form 8821 Tax Information Authorization) and other relevant Federal databases, to allow government agencies to share information and enhance the accuracy and expedite the delivery of assistance to applicants.

“(2) CONSENT NOT REQUIRED.—Any applicant who declines to consent to the sharing of such information shall not be denied assistance or otherwise penalized for that reason.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item related to section 856a the following:

“Sec. 856b. Enhanced information sharing among Federal agencies to prevent fraud, waste, and abuse.”.

SEC. 205. DEPUTY INSPECTOR GENERAL FOR RESPONSE AND RECOVERY.

(a) IN GENERAL.—Subtitle B of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 371) is amended by adding at the end the following:
SEC. 813. DEPUTY INSPECTOR GENERAL FOR RESPONSE AND RECOVERY.

"(a) Establishment.—There is established the position of Deputy Inspector General for Response and Recovery within the Office of the Inspector General of the Department.

"(b) Appointment.—The Deputy Inspector General shall be appointed—

"(1) by the Inspector General of the Department; and

"(2) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

"(c) Reporting and Status as SES Position.—The Deputy Inspector General shall—

"(1) report to, and be under the direct authority and supervision of, the Inspector General; and

"(2) serve as a career member of the Senior Executive Service.

"(d) Duties.—

"(1) Audits and Investigations.—The Deputy Inspector General shall, in coordination with Inspectors General of other departments, as appropriate, conduct, supervise, and coordinate audits and investigations of the treatment, handling, and ex-
penditure of amounts appropriated or otherwise made available for response to and recovery from an act of terrorism, natural disaster, or other emergency by the Federal Government, and of the programs, operations, and contracts carried out utilizing such funds, including—

“(A) the oversight and accounting of the obligation and expenditure of such funds;

“(B) the monitoring and review of reconstruction activities funded by such funds;

“(C) the monitoring and review of contracts by such funds;

“(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, and private nongovernmental entities; and

“(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of such funds.

“(2) FRAUD TIP LINE.—The Deputy Inspector General shall ensure that not more than 48 hours after a terrorist attack, natural disaster, or other national emergency, the Office of the Inspector General institutes and publicizes a Fraud Tip Line to
facilitate the collection of allegations of waste, fraud, and abuse of Federal assistance funds.

“(3) AVOIDANCE OF DUPLICATION.—The Deputy Inspector General shall ensure, to the greatest extent possible, that the activities of the Deputy Inspector General do not duplicate audits and investigations of Inspectors General and other auditors of Federal departments and agencies, and State and local government entities.

“(4) COORDINATION WITH FBI.—The Deputy Inspector General shall ensure that investigative activities under this section are coordinated with the Federal Bureau of Investigation.

“(e) FINANCIAL MANAGEMENT MATTERS.—In order to assist the Deputy Inspector General for the purposes of carrying out this section, all agencies receiving or distributing Federal funds to respond to acts of terrorism, natural disasters, or other emergencies shall establish and maintain budgetary procedures to distinguish funds related to response and relief efforts from other agency funds.

“(f) FUNDING.—There is authorized to be appropriated for operations of the Office of the Deputy Inspector General $11,000,000 for each fiscal year.”.
(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by inserting after the item related to section 812 the following: “Sec. 813. Deputy Inspector General for Response and Recovery.”.

(e) Deadline for Appointment.—The Inspector General of the Department of Homeland Security shall appoint the Deputy Inspector General under this section not later than 60 days after the date of enactment of this Act.

SEC. 206. PROTECTION OF DEPARTMENT OF HOMELAND SECURITY OFFICIAL SEAL AND INSIGNIA.

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following new subsection:

“(d) Protection of Name, Initials, Insignia, and Seal.—

“(1) In general.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including film or television production), impersonation, Internet domain name, Internet e-mail address, or Internet web site, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that the Department or any organizational element of the Department has approved,
endorsed, or authorized such use, any of the fol-
lowing (or any colorable imitation thereof):

“(A) The words ‘Department of Homeland
Security’, the initials ‘DHS’, the insignia or
seal of the Department, or the title ‘Secretary
of Homeland Security’.

“(B) The name, initials, insignia, or seal of
any organizational element (including any
former such element) of the Department, or the
title of any other officer or employee of the De-
partment, notice of which has been published by
the Secretary of Homeland Security in accord-
ance with paragraph (3).

“(2) CIVIL ACTION.—Whenever it appears to
the Attorney General that any person is engaged or
is about to engage in an act or practice that con-
stitutes or will constitute conduct prohibited by sub-
section (d)(1), the Attorney General may initiate a
civil proceeding in a district court of the United
States to enjoin such act or practice. Such court
shall proceed as soon as practicable to the hearing
and determination of such action and may, at any
time before final determination, enter such restrain-
ing orders or prohibitions, or take such other actions
as is warranted, to prevent injury to the United
States or to any person or class of persons for whose protection the action is brought.

“(3) NOTICE AND PUBLICATION.—The notice and publication to which paragraph (1)(B) refers is a notice published in the Federal Register including the name, initials, seal, or class of titles protected under paragraph (1)(B) and a statement that they are protected under that provision. The Secretary may amend such notices from time to time as the Secretary determines appropriate in the public interest and shall publish such amendments in the Federal Register.

“(4) AUDIOVISUAL PRODUCTION.—For the purpose of this subsection, the term ‘audiovisual production’ means the production of a work that consists of a series of related images that are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the work is embodied.”.
TITLE III—AMENDMENTS TO DISASTER RELIEF AND EMERGENCY ASSISTANCE PROGRAM

SEC. 301. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended to read as follows:

“(2) MAJOR DISASTER.—The term ‘major disaster’ means any natural or manmade disaster (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, terrorist attack, fire, flood, explosion, or other similar incident), in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”.

(b) CATASTROPHIC INCIDENT.—Section 102 of such Act (42 U.S.C. 5122) is amended by adding at the end the following:
‘catastrophic incident’ means any major disaster that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions. A catastrophic incident could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to State, local, tribal, and private-sector authorities in the impacted area; and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened.”.

SEC. 302. STATE DISASTER PREPAREDNESS PROGRAMS.

Section 201(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131) is amended by striking “emergencies and major disasters” and inserting “emergencies, major disasters, and catastrophic incidents”.

SEC. 303. STANDARDS AND REVIEWS.

Section 313 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5156) is amended by striking the second sentence and inserting the following: “The President shall conduct annual reviews of
Federal agencies, States, and local governments in preparing for emergencies, major disasters, and catastrophic incidents and in providing major disaster and emergency assistance in order to ensure maximum coordination and effectiveness of such programs and consistency in policies for reimbursement of States under this Act.”

SEC. 304. PENALTY FOR MISUSE OF FUNDS.

Section 314(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5157(a)) is amended to read as follows:

“(a) MISUSE OF FUNDS.—Any person who knowingly and willfully misapplies the proceeds of a loan or other cash benefit obtained under this Act shall be fined an amount equal to 3 times the misapplied amount of the proceeds or cash benefit.”.

SEC. 305. ADVANCE OF NON-FEDERAL SHARE.

Section 319(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162(a)) is amended to read as follows:

“(a) IN GENERAL.—The President may lend or advance to an eligible applicant or a State the portion of assistance for which the State is responsible under the cost-sharing provisions of this Act in any case in which a catastrophic incident occurs.”.
SEC. 306. MITIGATION PLANNING.

Section 322(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165(a)) is amended by inserting “, including any critical infrastructure,” after “vulnerabilities”.

SEC. 307. PROCEDURE FOR DECLARATION OF MAJOR DISASTERS.

Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(1) by inserting “(a) REQUEST AND DECLARATION.—” before “All requests”; and

(2) by adding at the end the following:

“(b) MAJOR DISASTERS INVOLVING FEDERAL PRIMARY RESPONSIBILITY.—The President may declare that a major disaster exists without a request from an affected State in the event of a catastrophic incident or if the President determines that the primary responsibility for the response rests with the Federal Government because the major disaster involves a subject area for which, under the Constitution or laws of the United States, the Federal Government exercises exclusive or preeminent responsibility and authority. In determining whether or not such a major disaster exists, the President should consult with the Governor of any affected State, if practicable.”.
SEC. 308. ESSENTIAL ASSISTANCE.

Section 403(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(b)) is amended to read as follows:

“(b) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.

“(2) CATASTROPHIC INCIDENTS.—In the case of a catastrophic incident, the Federal share of assistance under this section shall be—

“(A) 100 percent of the eligible cost of such assistance for 72 hours after the incident; and

“(B) not be less than 75 percent of the eligible cost of such assistance thereafter.”.

SEC. 309. TEMPORARY HOUSING ASSISTANCE.

Section 408(c)(1)(B)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)(ii)) is amended by striking “18-month” and inserting “10-month”.

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SEC. 310. PROCEDURE FOR DECLARATION OF EMERGENCIES.

Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) is amended to read as follows:

“(b) EMERGENCIES INVOLVING FEDERAL PRIMARY RESPONSIBILITY.—The President may declare that an emergency exists without a request from an affected State in the event of a catastrophic incident or if the President determines the primary responsibility for the response rests with the Federal Government because the emergency involves a subject area for which, under the Constitution or laws of the United States, the Federal Government exercises exclusive or preeminent responsibility and authority. In determining whether or not such an emergency exists, the President should consult the Governor of any affected State, if practicable.”.

TITLE IV—GOOD SAMARITAN LIABILITY IMPROVEMENT AND VOLUNTEER ENCOURAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “Good Samaritan Liability Improvement and Volunteer Encouragement Act of 2006” or the “GIVE Act of 2006”. 
SEC. 402. FINDINGS.

Congress finds the following:

(1) It is in the national interest to encourage individuals to volunteer, and particularly to assist victims of national disasters.

(2) The willingness of volunteers to offer their services is deterred by the potential for liability actions against them.

(3) The contribution of programs that use volunteers to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating.

(4) The exposure of potential volunteers, their employers, and those who would use the services of volunteers under existing law to compensatory and punitive damages for negligent acts discourages the provision of these services.

(5) The availability of damages for actions that constitute gross negligence creates uncertainty concerning the actual conduct that might cause liability to be imposed on volunteers.

(6) Potential liability for acts of volunteers discourages the employers or business partners of potential volunteers from permitting those potential volunteers to provide disaster relief services.
(7) Potential liability for acts of volunteers discourages entities that might use the services provided by volunteers from doing so.

(8) Well-founded fear of liability under existing law for providing goods, equipment, access to facilities, and other in-kind contributions discourages those who would donate them from doing so.

(9) Well-founded fear of liability under existing law for providing goods discourages governmental and intergovernmental entities from providing needed disaster relief goods.

(10) Well-founded fear of liability for punitive damages under existing law discourages governmental and intergovernmental entities from providing needed disaster relief goods and discourages potential volunteers from providing volunteer services to disaster victims.

(11) Fear of compensatory and punitive damages for providing volunteer services deters potential volunteers from States located outside the national disaster area from providing volunteer services.

(12) Fear of compensatory and punitive damages for providing volunteer services deters potential foreign volunteers from providing disaster relief services.
(13) Any lessening of liability for volunteers providing disaster relief services, their employers and business partners, and entities utilizing their services should maintain adequate incentives for each of these classes of persons or entities to avoid causing harm.

(14) Unwillingness to provide volunteer services in the face of uncertain liability substantially affects, burdens, and deters interstate commerce and travel.

(15) Unwillingness of employers and business partners to allow their employees and business partners to provide volunteer and disaster relief services in the face of uncertain liability substantially affects, burdens, and deters interstate commerce and travel.

(16) Unwillingness of persons, entities, or organizations to accept volunteer and disaster relief services from volunteers in the face of uncertain liability substantially affects, burdens, and deters interstate commerce and travel.

(17) Unwillingness by foreigners to provide volunteer and disaster relief services in the face of uncertain liability substantially affects, burdens, and deter foreign commerce and travel.

(18) Because Federal funds are expended on useful and cost-effective social service programs,
many of which are national in scope, depend heavily
on volunteer participation, and represent some of the
most successful public-private partnerships, protec-
tion of volunteerism through clarification and limita-
tion of the personal liability risks assumed by the
volunteer in connection with such participation is an
appropriate subject for Federal legislation.

(19) Services and goods provided by volunteers
and nonprofit organizations would often otherwise be
provided by private entities that operate in interstate
commerce.

(20) Due to high liability costs and unwar-
ranted litigation costs, volunteers and nonprofit or-
ganizations face higher costs in purchasing insur-
ance, through interstate insurance markets, to cover
their activities.

(21) Clarifying and limiting the liability risk as-
sumed by volunteers is an appropriate subject for
Federal legislation because—

(A) of the national scope of the problems
created by the legitimate fears of volunteers
about frivolous, arbitrary, or capricious law-
suits;

(B) the citizens of the United States de-
pend on, and the Federal Government expends
funds on and provides tax exemptions and other
consideration to, numerous social programs that
depend on the services of volunteers;

(C) it is in the interest of the Federal Gov-
ernment to encourage the continued operation
of volunteer service organizations and contribu-
tions of volunteers, as the Federal Government
lacks the capacity to carry out all of the serv-
ices provided by such organizations and volun-
teers; and

(D)(i) liability reform for volunteers, will
promote the free flow of goods and services,
lessen burdens on interstate commerce and up-
hold constitutionally protected due process
rights; and

(ii) therefore, liability reform is an appro-
priate use of the powers contained in article 1,
section 8, clause 3 of the Constitution of the
United States, and the fourteenth amendment
to the Constitution of the United States.

(22) Unless Congress provides uniform stand-
ard s to address disasters that could occur in any
State or combination of States, potential volunteers
and others will not be certain which laws would gov-
ern their providing disaster relief services, which
would substantially affect, burden, and deter inter-
state and foreign commerce and travel in the event
of a national disaster.

Subtitle A—Disaster Relief
Volunteer Protection

SEC. 411. DEFINITIONS.

In this subtitle—

(1) the term “compensation”—

(A) means monetary or other compensation
of any kind provided in exchange for an individ-
ual’s services; and

(B) does not include—

(i) reasonable reimbursement or allow-
ance for expenses actually incurred by such
individual;

(ii) provision of reasonable supplies,
lodging, or transportation to such an indi-
vidual; or

(iii) the ordinary salary or compensa-
tion paid to such an individual by the em-
ployer of the individual while the individual
is on leave from performing ordinary du-
ties for the employer of the individual in
order to provide disaster relief services;

(2) the term “declared disaster” means—
(A) a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Services Act (42 U.S.C. 247d);

(B) a public health emergency, or a risk of such emergency, as determined by the Secretary of Homeland Security in accordance with clause (i) or (ii) of section 2811(b)(3)(A) of the Public Health Services Act (42 U.S.C. 300hh-11(b)(3)(A)), as transferred by section 503(5) of the Homeland Security Act of 2002 (6 U.S.C. 313(5)); or

(C) an emergency or major disaster declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191);

(3) the term “disaster relief goods” means either—

(A) those goods provided in preparation for, response to, or recovery from a declared disaster and reasonably necessary to such preparation, response, or recovery; or

(B) those goods defined by a supplemental declaration under this subtitle;
(4) the term “disaster relief services” means services or assistance provided in preparation for, response to, or recovery from a declared disaster, including health, medical, firefighting, rescue, reconstruction, and any other services or assistance specified by a supplemental declaration under this subtitle as necessary or desirable to prepare for, respond to, or recover from such declared disaster;

(5) the term “disaster relief volunteer” means an individual—

(A) who provides disaster relief services or assistance in connection with a declared disaster without expectation or receipt of compensation in exchange for providing such services or assistance; and

(B) who, to the extent required by the appropriate authorities of a State (even if such State is not the State in which the volunteer provides services or assistance) or, if, and to the extent, specified in a supplemental declaration under this subtitle, a foreign country, is licensed, certified, or authorized to provide the relevant services or assistance;

(6) the term “non-economic loss” means losses for physical and emotional pain, suffering, inconven-
ience, physical impairment, mental anguish, dis-
figurement, loss of enjoyment of life, loss of society
and companionship, loss of consortium (other than
loss of domestic service), hedonic damages, injury to
reputation, and all other non-pecuniary losses of any
kind or nature;

(7) the term “supplemental declaration” means
a declaration under section 418 regarding the scope
of a declared disaster; and

(8) the term “State” means each of the several
States of the United States, the District of Colum-
bia, the Commonwealth of Puerto Rico, the Virgin
Islands, Guam, American Samoa, the Common-
wealth of the Northern Mariana Islands, any other
territory or possession of the United States, and any
political subdivision of any such State, territory, or
possession.

SEC. 412. LIABILITY OF DISASTER RELIEF VOLUNTEERS.

Except as provided in section 419, a disaster relief
volunteer shall not be liable for harm caused by an act
or omission of the volunteer that is within the scope of
the activities of the volunteer to provide or facilitate the
provision of disaster relief services in connection with a
declared disaster if—
(1) the harm was not caused by willful, knowing, or reckless misconduct by the volunteer; and

(2) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator’s license; or

(B) maintain insurance.

SEC. 413. LIABILITY OF EMPLOYER OR PARTNER OF DISASTER RELIEF VOLUNTEER.

Except as provided in section 419, an employer or business partner of a disaster relief volunteer shall not be liable for any act or omission of such volunteer within the scope of the activities of the volunteer to provide or facilitate the provision of disaster relief services in connection with a declared disaster.

SEC. 414. LIABILITY OF HOST OR ENABLING PERSON, ENTITY, OR ORGANIZATION.

Except as provided in section 419, a person, entity, or organization, including a governmental or intergovernmental entity, that works with, accepts services from, or opens its facilities to a disaster relief volunteer to enable the volunteer to render disaster relief services in connection with a declared disaster shall not be liable for any act or omission of a disaster relief volunteer.
SEC. 415. LIABILITY OF GOVERNMENTAL AND INTERGOVERNMENTAL ENTITIES FOR DONATIONS OF DISASTER RELIEF GOODS.

Except as provided in section 419, a governmental or intergovernmental entity that donates disaster relief goods to an agency or instrumentality of the United States in connection with a declared disaster shall not be liable for harm caused by such donated goods if the harm was not caused by willful, knowing, or reckless misconduct by the governmental or intergovernmental entity.

SEC. 416. LIMITATION ON PUNITIVE AND NON-ECONOMIC DAMAGES BASED ON ACTIONS OF DISASTER RELIEF VOLUNTEERS AND GOVERNMENTAL OR INTERGOVERNMENTAL DONORS.

(a) PUNITIVE DAMAGES.—Except as provided in section 419, punitive damages may not be awarded in any civil action against a disaster relief volunteer or governmental or intergovernmental entity unless a claimant establishes by clear and convincing evidence that the damages to the claimant were proximately caused by willful, knowing, or reckless misconduct by either—

(1) a disaster relief volunteer in an action brought for harm caused by the activities of the volunteer to provide or facilitate the provision of disaster relief services in connection with a declared disaster; or
(2) a governmental or intergovernmental entity
for harm caused by disaster relief goods donated by
such governmental or intergovernmental entity in
connection with a declared disaster.

(b) NON-ECONOMIC DAMAGES.—

(1) IN GENERAL.—Except as provided in sec-
tion 419, liability for non-economic loss in any civil
action brought against either a disaster relief volun-
teer for harm caused the activities of the volunteer
to provide or facilitate the provision of disaster relief
services in connection with a declared disaster, or a
governmental or intergovernmental entity for harm
carried by disaster relief goods donated by such gov-
ernmental or intergovernmental entity in connection
with a declared disaster, if permitted under section
412 or section 415, shall be determined in accord-
ance with paragraph (2).

(2) AMOUNT OF LIABILITY.—

(A) IN GENERAL.—The amount of dam-
ages for non-economic loss allocated to a dis-
aster relief volunteer or governmental or inter-
governmental entity defendant shall be in direct
proportion to the percentage of responsibility of
that defendant, determined in accordance with

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subparagraph (B), for the harm to the claimant with respect to which that defendant is liable.

(B) PERCENTAGE.—In a civil action described in paragraph (1), for purposes of determining the amount of non-economic loss, the trier of fact shall determine the percentage of responsibility of each defendant found liable for harm to the claimant.

(C) SEPARATE JUDGMENTS.—The court shall render a separate judgment against each defendant for any non-economic loss.

SEC. 417. JUDICIAL REVIEW OF ALLEGATIONS.

(a) IN GENERAL.—A claimant in a civil action for an act or omission subject to the limitations of liability under this subtitle shall attach 1 or more sworn affidavits or documents containing admissible evidence of an act or omission outside the limitations of section 412, 413, 414, or 415.

(b) INITIAL REVIEW.—Before allowing a civil action described in subsection (a) to proceed into discovery, the trial judge shall determine whether, as a matter of law, the evidence submitted is sufficient to raise a genuine issue of material fact.
SEC. 418. SUPPLEMENTAL DECLARATION.

(a) In General.—In the event of a declared disaster, the President, the Secretary of Health and Human Services, or the Secretary of Homeland Security may issue a supplemental declaration.

(b) Temporal Effect.—A supplemental declaration may provide that, for purposes of this subtitle, such declared disaster shall have such temporal effect as the President or the Secretary may deem necessary or appropriate to further the public interest, including providing that such declared disaster shall have an effective date earlier than the date of the declaration or determination of such declared disaster.

(c) Geographic and Other Conditions.—A supplemental declaration may provide that, for purposes of this subtitle, such declared disaster shall have such geographic or other conditions as the President or the relevant Secretary may deem necessary or appropriate to further the public interest.

SEC. 419. ELECTION OF STATE REGARDING NONAPPLICABILITY.

A provision of this subtitle shall not apply to any civil action in a State court against a person in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subtitle;
(2) declaring the election of such State that such provision shall not apply to such civil action in the State; and

(3) containing no other provisions.

SEC. 420. CONSTRUCTION.

Nothing in this subtitle shall be construed to abrogate or limit any protection that a volunteer, as defined in section 6(6) of the Volunteer Protection Act (42 U.S.C. 14505(6)), may be entitled to under that Act. Neither shall anything in this subtitle be construed to confer any private right of action or to abrogate or limit any protection with respect to either liability or damages that any person may be entitled to under any other provision of law.

Subtitle B—Volunteer Protection Improvements

SEC. 441. DEFINITIONS.

In this subtitle—

(1) the term “aircraft” has the meaning given that term in section 40102 of title 49, United States Code;

(2) the term “equipment” includes mechanical equipment, electronic equipment, and office equipment;
(3) the term “facility” means any real property, including any building, improvement, or appurtenance;

(4) the term “motor vehicle” has the meaning given that term in section 30102 of title 49, United States Code;

(5) the term “nonprofit organization” means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes;

(6) the term “person” includes any governmental or other entity; and

(7) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.
SEC. 442. LIABILITY PROTECTION FOR ACTIONS OF VOLUNTEERS GENERALLY.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(3) by striking “willful or criminal misconduct, gross negligence, reckless misconduct” and inserting the following: “willful, knowing, or reckless misconduct”;

(2) by striking subsection (c) and inserting the following:

“(c) Effect on Liability of Nonprofit Organizations.—No nonprofit organization shall be liable for the acts or omissions of a volunteer with respect to harm caused to any person unless—

“(1) the acts or omissions of the volunteer are not subject to the limitations on liability under subsection (a); and

“(2) the nonprofit organization has willfully disregarded or been recklessly indifferent to the reasonable expectations or safety of the individual harmed by the volunteer.”; and

(3) by adding at the end the following:

“(g) Judicial Review of Allegations.—

“(1) In General.—A claimant in a civil action for an act or omission subject to the limitations of liability under this Act shall attach 1 or more sworn
affidavits or documents containing admissible evidence of an act or omission outside the limitations of subsection (a), (c), (e)(1), or (f)(1).

“(2) INITIAL REVIEW.—Before allowing a civil action described in paragraph (1) to proceed into discovery, the trial judge shall determine whether, as a matter of law, the evidence submitted is sufficient to raise a genuine issue of material fact.”.

SEC. 443. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CONTRIBUTIONS.

(a) IN GENERAL.—

(1) LIABILITY FOR DONATIONS OF EQUIPMENT TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Except as provided in subsection (b), a person shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by such person to a nonprofit organization.

(B) APPLICATION.—This paragraph shall apply with respect to civil liability under Federal and State law.

(2) LIABILITY FOR PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Except as provided in subsection (b), a person shall not be subject to
civil liability relating to any injury or death occurring at a facility owned or operated by the person in connection with a use of such facility by a nonprofit organization, if—

(i) the use occurs outside of the normal use of the facility by the person;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the person authorized the use of such facility by the nonprofit organization.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of a facility.

(3) LIABILITY FOR PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.—

(A) IN GENERAL.—Except as provided in subsection (b), a person shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of an aircraft or a motor vehicle the person loaned to a nonprofit organization, if—
(i) the use occurs outside of the normal use of the aircraft or motor vehicle by the person;

(ii) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(iii) the person authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an injury or death that results from an act or omission of a person that constitutes willful, knowing, or reckless misconduct.

(c) JUDICIAL REVIEW OF ALLEGATIONS.—

(1) IN GENERAL.—A claimant in a civil action for an act or omission subject to the limitations of liability under this section shall attach 1 or more
sworn affidavits or documents containing admissible
evidence of an act or omission outside the limitations
of subsection (a).

(2) Initial Review.—Before allowing a civil
action described in paragraph (1) to proceed into
discovery, the trial judge shall determine whether, as
a matter of law, the evidence submitted is sufficient
to raise a genuine issue of material fact.

(d) Superseding Provision.—

(1) In General.—Except as provided in para-
graph (2) and subsection (e), this section preempts
the laws of any State to the extent that such laws
are inconsistent with this section, except that this
section shall not preempt any State law that pro-
vides additional protection for a person for an injury
or death described in paragraph (1), (2), or (3) of
subsection (a) with respect to which the conditions
specified in such paragraph apply.

(2) Limitation.—Nothing in this section shall
be construed to supersede any Federal or State
health or safety law.

(e) Election of State Regarding Nonapplica-
bility.—A provision of this section shall not apply to any
civil action in a State court against a person in which all
parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this section;

(2) declaring the election of such State that such provision shall not apply to such civil action in the State; and

(3) containing no other provisions.

(f) EFFECTIVE DATE.—This section shall apply to liability for injury or death caused by equipment donated, facilities used, or aircraft or motor vehicles loaned on or after the date of the enactment of this Act.

TITLE V—DISASTER RECOVERY PERSONAL PROTECTION

SEC. 501. SHORT TITLE.
This title may be cited as the “Disaster Recovery Personal Protection Act of 2006”.

SEC. 502. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the Constitution states, “A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed,” and Congress has repeatedly recognized this language as protecting an individual right.
(2) In the wake of Hurricane Katrina, State and local law enforcement and public safety service organizations were overwhelmed and could not fulfill the safety needs of the citizens of the State of Louisiana.

(3) In the wake of Hurricane Katrina, the safety of these citizens, and of their homes and property, was threatened by instances of criminal activity.

(4) Many of these citizens lawfully kept firearms for the safety of themselves, their loved ones, their businesses, and their property, as guaranteed by the Second Amendment, and used their firearms, individually or in concert with their neighbors, for protection against crime.

(5) In the wake of Hurricane Katrina, certain agencies confiscated the firearms of these citizens, in contravention of the Second Amendment, depriving these citizens of the right to keep and bear arms and rendering them helpless against criminal activity.

(6) These confiscations were carried out at gunpoint, by nonconsensual entries into private homes, by traffic checkpoints, by stoppage of boats, and otherwise by force.

(7) The citizens from whom firearms were confiscated were either in their own homes or attempt-
ing to flee the flooding and devastation by means of
motor vehicle or boat, and were accosted, stopped,
and arbitrarily deprived of their private property and
means of protection.

(8) The means by which the confiscations were
carried out, which included intrusion into the home,
temporary detention of persons, and seizures of
property, constituted unreasonable searches and sei-
zures and deprived these citizens of liberty and prop-
erty without due process of law in violation of funda-
mental rights under the Constitution.

(9) Many citizens who took temporary refuge in
emergency housing were prohibited from storing fire-
arms on the premises, and were thus treated as sec-
ond-class citizens who had forfeited their constitu-
tional right to keep and bear arms.

(10) At least one highly-qualified search and
rescue team was prevented from joining in relief ef-
forts because the team included individuals with fire-
arms, although these individuals had been deputized
as Federal law enforcement officers.

(11) These confiscations and prohibitions, and
the means by which they were carried out, deprived
the citizens of Louisiana not only of their right to
keep and bear arms, but also of their rights to per-
sonal security, personal liberty, and private property,
all in violation of the Constitution and laws of the
United States.

SEC. 503. PROHIBITION ON CONFISCATION OF FIREARMS
DURING CERTAIN NATIONAL EMERGENCIES.

Title VII of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5201) is
amended by adding at the end the following:

“SEC. 706. FIREARMS POLICIES.

“(a) Prohibition on Confiscation of Fire-
arms.—No officer or employee of the United States (in-
cluding any member of the uniformed services), or person
operating pursuant to or under color of Federal law, or
receiving Federal funds, or under control of any Federal
official, or providing services to such an officer, employee,
or other person, while acting in support of relief from a
major disaster or emergency, may—

“(1) temporarily or permanently seize, or au-
thorize seizure of, any firearm the possession of
which is not prohibited under Federal or State law,
other than for forfeiture in compliance with Federal
law or as evidence in a criminal investigation;

“(2) require registration of any firearm for
which registration is not required by Federal or
State law;
“(3) prohibit possession of any firearm, or pro-
mulgate any rule, regulation, or order prohibiting
possession of any firearm, in any place or by any
person where such possession is not otherwise pro-
hibited by Federal or State law; or

“(4) prohibit the carrying of firearms by any
person otherwise authorized to carry firearms under
Federal or State law, solely because such person is
operating under the direction, control, or supervision
of a Federal agency in support of relief from a
major disaster or emergency.

“(b) PRIVATE RIGHTS OF ACTION.—

“(1) IN GENERAL.—Any individual aggrieved
by a violation of this section may seek relief in an
action at law, suit in equity, or other proper pro-
ceeding for redress against any person who subjects
such individual, or causes such individual to be sub-
jected, to the deprivation of any of the rights, privi-
eges, or immunities secured by this section.

“(2) REMEDIES.—In addition to any existing
remedy in law or equity, under any law, an indi-
vidual aggrieved by the seizure or confiscation of a
firearm in violation of this section may bring an ac-
tion for return of such firearm in the United States
district court in the district in which that individual resides or in which such firearm may be found.

“(3) ATTORNEY FEES.—In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs.”.

**TITLE VI—HURRICANE ELECTION RELIEF**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Hurricane Election Relief Act of 2006”.

**SEC. 602. GRANTS TO STATES FOR RESTORING AND REPLACING ELECTION ADMINISTRATION SUPPLIES, MATERIALS, RECORDS, EQUIPMENT, AND TECHNOLOGY WHICH WERE DAMAGED, DESTROYED, OR DISLOCATED BY HURRICANES KATRINA OR RITA.**

(a) AUTHORITY TO MAKE GRANTS.—The Election Assistance Commission shall make a grant to each eligible State, in such amount as the Commission considers appropriate, for purposes of restoring and replacing supplies, materials, records, equipment, and technology used in the administration of Federal elections in the State which were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita and ensuring the full
participation in such elections by individuals who were displaced as a result of Hurricane Katrina or Hurricane Rita.

(b) Use of Grant Funds.—Funds received under a grant under subsection (a) shall be used in a manner that is consistent with the requirements of title III of the Help America Vote Act of 2002.

c) Eligibility.—A State is eligible to receive a grant under this section if the State submits to the Commission (at such time and in such form as the Commission may require) a certification that—

(1) supplies, materials, records, equipment, and technology used in the administration of Federal elections in the State were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita; or

(2) the system of such State for conducting Federal elections has been significantly impacted by the displacement of individuals as a result of Hurricane Katrina or Hurricane Rita.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for grants under this title $50,000,000 for fiscal year 2007. Such sums shall remain available until expended.